
Who Controls the Fate of the D Block?

Congress controls what happens with the D Block. The Federal Communications Commission (FCC) has interpreted its congressional directive as a mandate to auction the D Block spectrum to commercial services only. It is believed that the auction will be held sometime in 2011. Instead of auctioning off the spectrum, the Public Safety Alliance is encouraging Congress to pass legislation that would allocate the D Block and a funding component to public safety to aid in the construction of a nationwide broadband network.

Is There Legislation That Would Allocate the D Block and Funding to Public Safety?

Yes. The Public Safety Alliance urges all Senators to cosponsor and support **S. 911, The Public Safety Spectrum and Wireless Innovation Act of 2011**, as introduced by Senators John (Jay) Rockefeller, IV (D-WV), and Kay Bailey Hutchison (R-TX), the Chairman and Ranking Member of the Senate Commerce, Science, and Transportation Committee, respectively. The bill recently passed out of Committee on an overwhelmingly bipartisan vote of 21-4, and is awaiting action on the Senate floor. Senate Majority Leader Harry Reid (D-NV) has also included language that allocates D Block to public safety along with \$7 billion for funding the network build-out in his recent debt proposal.

In addition to the Rockefeller legislation, House Homeland Security Committee Chairman Peter King (R-NY), and Ranking Member Bennie Thompson (D-MS) introduced H.R. 607, a bipartisan bill, currently with 45 co-sponsors, entitled the Broadband for First Responders Act of 2011. Recently, Congressmen John D. Dingell (D-MI) and Gene Green (D-TX) introduced H.R. 2482, which allocates D Block and provides funding for the build-out and sustainment of a nationwide interoperable public safety broadband network. Senate Homeland Security Chairman Joe Lieberman (I-CT) and former Senate Commerce Committee Chairman John McCain (R-AZ) recently introduced S. 1040, Broadband for First Responders Act of 2011. Since its reintroduction early in the 112th Congress, H.R.607 has garnered 40 or more bipartisan cosponsors. Both bills include language that funds the build-out and sustainment of the nationwide interoperable public safety broadband network.

The PSA is seeking introduction of companion legislation to S.911 in House in the committee of jurisdiction, the House Energy and Commerce Committee, and is aware that various drafts are currently circulating. PSA supports and urges bipartisan cosponsors to such a House companion if and when it is introduced. To that end, a Waxman - Eshoo Democratic Staff Discussion Draft recently circulated through the House Energy and Commerce Committee would also allocate the D Block to the public safety and would provide funding to build out the nationwide interoperable public safety broadband network.

In June 2011, public safety officials from all across the country were invited to the White House to attend a high-level Broadband Summit, where Vice President Joe Biden again echoed his position on the matter saying “[w]e owe it to you [public safety]...to make [you] the best equipped [first responders] in the world.” The White House and the entire Obama Administration remains committed to its National Wireless Initiative that includes language that would allocate the D Block to public safety and provide federal funding in excess of \$10 billion – derived from incentive based and other spectrum auctions – for the build-out and sustainment of a nationwide 20 MHz LTE/4G public safety broadband network. The Vice President’s office has continued to make it clear the Administration wants legislation to be passed quickly and that the public safety broadband network is a priority for the President in 2011.

Does Public Safety Really Require Broadband?

Yes. Demand for public safety broadband services is increasing at a faster pace than predicted in the FCC’s National Broadband Plan. The public safety community has only recently begun building out this network. As the network is developed and new devices and applications become available, public safety’s demand for video and data services will increase exponentially.

The demand for data services within the public safety community parallels the commercial world; therefore, it is unrealistic that the 10 MHz of spectrum currently allocated to public safety is sufficient for the volume of data its agencies will need, both for day-to-day use and in emergency situations. These same sentiments were echoed by Admiral James Barnett, Chief of the FCC Public Safety and Homeland Security Bureau, who agreed that “public safety will...need more spectrum than the 10 MHz designated to it by Congress.” A substantial slow down of service in the commercial sector will serve as an inconvenience to paying customers; however, a similar slow down on the public safety network could result in lives being lost. It is critical that public safety has the spectrum it needs to efficiently and effectively perform its job.

Can Public Safety Use Commercial Broadband Services?

No. Commercial systems cannot be relied upon for mission-critical operations. Commercial networks, which become congested with consumer applications such as Facebook, YouTube, Hulu and Twitter, are not going to be able to provide sufficient priority access to ensure public safety is given the necessary capacity and bandwidth to transmit their data. Commercial service providers are not willing to allow priority communications from first responders to displace paying customers engaging in day-to-day communication (known as ruthless preemption), even during a crisis.

How Will Public Safety Support the Build-Out of the Network?

There are a number of funding models to support the build-out of the network. While no single solution will pay for the entire network, a flexible program will make it possible to offset many of the costs associated with its construction. Some of the funding mechanisms include:

1. Leasing excess network capacity to critical infrastructure, utility or other secondary and situational responders on an ancillary basis. This will ensure efficient use of the spectrum, while still giving local public safety agencies control over who is able to use the spectrum and when the secondary responders are able to use it. The lease revenue of the network would offset a portion of the build-out and maintenance of the network.
2. Using the proceeds from other spectrum auctions to finance the establishment of a grant program that will fund the build-out and maintenance of the network.
3. Authorizing and prioritizing current Homeland Security, Justice, Transportation and other Federal grants by Congress to assist state and local governments in building a broadband network.
4. Prioritizing universal Service Funds (USF) to help local and state governments deploy broadband networks in underserved and unserved areas.
5. Imposing a nominal monthly fee on consumers of commercial broadband services to aid local and state governments in building the network.
6. Partnering public safety agencies with private industries to share the cost of building out the network.
7. Funding through state and local public safety operational expenses.

If the D Block spectrum is auctioned, then the cost of building out the 10 MHz of public safety broadband network will rely solely on federal grant dollars. Given that scenario, public safety will not be able to leverage the excess capacity of the network to create flexible partnership and funding programs.

How Much Will the Build-Out Cost?

The FCC's National Broadband Plan states that the build-out of a 10-MHz broadband network will cost between \$12 and \$16 billion over the next ten years. The cost of building a 20-MHz network is the same as building a 10 MHz system, and could actually cost less. The difference is determining who will pay for the network. The FCC's plan requires the federal government to pay for the build-out.

However, if public safety were able to leverage the excess network capacity, and utilize existing public safety infrastructure when building out the network while securing partnerships with private industry partners, the actual cost to local, state, tribal and federal governments would be considerably less. A combination of leasing excess capacity, prioritized federal grant programs and revenue from other auctioned spectrum would help build and sustain the nationwide interoperable public safety broadband network, while creating a budget neutral funding model.

The recently released Congressional Budget Office (CBO) report on the estimated costs and revenues for S. 911 will provide more than \$6.5 billion for deficit reduction. The CBO's estimated costs and revenues for S. 911 indicate that the FCC's auction of spectrum would generate \$24.5 billion in auction revenues which would fully fund the \$11.5 billion broadband network for first responders.

The CBO's analysis of S.911 reflects the sentiments of Senators Rockefeller, Hutchison, Schumer and others that this bill will help save lives, lower the national deficit and implement a final outstanding recommendation of the 9/11 Commission, without costing the American taxpayer another dollar.

What Are the Benefits of a Fully Operational Public Safety Broadband Network?

For starters, emergency first responders would have access to the sort of technology that many Americans use each day and often take for granted. In fact, at a recent hearing before the Senate Commerce Committee, New York City Police Commissioner Raymond Kelly commented that a 16-year-old with a smartphone has "more advanced communications capability than a police officer or deputy carrying a radio." Smart phones would allow police, fire and EMS officials to reach one another on devices supporting mission-critical voice and data capabilities, allowing them to more efficiently complete their jobs. From an economic standpoint, an entire new market for data-driven devices and applications will emerge, allowing for greater competition, innovation and entrepreneurship. With more open competition for emergency first responder equipment, operational expenses decrease drastically, which becomes a force multiplier for public safety and local and state governments.

The build-out of the network will take years to complete, and the maintenance of the network will call on a well-trained workforce to ensure that the mission-critical network is up to industry standards. The project will undoubtedly create new and sustainable jobs for thousands of Americans.

What Is the Value of the D Block Spectrum?

Sprint, T-Mobile, Clearwire and a few other business interests have shown the greatest desire in bidding for the D Block, which has an estimated commercial auction value of between \$1.2 and \$3 billion. Applying public safety requirements to the spectrum, such as ruthless preemption (discussed above), would greatly decrease the spectrum's value. In addition, if the FCC blocks Verizon and AT&T from bidding on the D Block, the resulting lack of open competition would considerably deflate the number and value of the bids.

Who Supports the Allocation of the D Block?

Public Safety Associations: International Association of Chiefs of Police, International Association of Fire Chiefs, National Sheriffs' Association, Major Cities Chiefs Association, Metropolitan Fire Chiefs Association, Major County Sheriffs' Association, Association of Public-Safety Communications Officials, International, National Emergency Management Association, International Association of Emergency Managers, Police Executive Research Forum, National Criminal Justice Association, National Association of Police Organizations, National Volunteer Fire Council, National Troopers' Coalition, National Organization of Black Law Enforcement Executives, Association of Air Medical Services, Advocates for Emergency Medical Services, Emergency Nurses Association, National Association of Emergency Medical Services Physicians, National Association of Emergency Medical Technicians, National Association of State Emergency Medical Service Officials, National Emergency Medical Services Management Association, International Municipal Signal Association, American Probation and Parole Association and InterAgency Board for Equipment Standardization and Interoperability.

State and Local Government Associations: National Governors Association, National Association of Counties, National League of Cities, United States Conference of Mayors, Council of State Governments, International City/County Managers Association, National Conference of State Legislatures, National Association of Regional Councils and the National Association of State Chief Information Officers.

Other National Associations: Communications Workers of America, American Public Works Association, American Association of State Highway and Transportation Officials, Alarm Industry Communications Committee and the National Association of State Technology Directors.

Public Safety Industry: Alcatel-Lucent, AT&T, EADS, Harris, Kenwood, L.R. Kimball, Motorola, Northrop Grumman, USA Software, Verizon Wireless, Raytheon, Rivada Networks, Taser, and Zetron.

Who Opposes the Allocation of the D Block to Public Safety?

A narrow coalition of commercial carriers and business interests launched a campaign in December to rebrand itself as the "Connect Public Safety Now" coalition. Previously known as the Coalition for 4G in America, its goal is to ensure that the D Block is auctioned off to a commercial bidder rather than allocated to public safety. As the (PSA document, attached) shows, CPSN speaks for no state, local or national public safety entity on the D Block issue. All first responders and their corresponding organizations support D Block's allocation to public safety with sufficient funding to build out a nationwide interoperable broadband network.

Where Should I Go to Get More Information?

Go to www.psafirst.org to learn more about the most important issue public safety has faced in generations. Your support is critical to America's safety for decades to come. Please support your first responders by supporting legislation that will allocate the D Block and funding to public safety.

