



December 13, 2011

The Honorable John Boehner
Speaker of the House
United States House of Representatives
House Office Building
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader
United States House of Representatives
House Office Building
Washington, DC 20515

Dear Speaker Boehner and Democratic Leader Pelosi:

The Public Safety Alliance (PSA) appreciates inclusion of public safety spectrum allocation and funding for a nationwide public safety broadband network (PSBN) in the House leadership's Payroll Tax Reduction Extension bill, *H.R. 3630; Middle Class Tax Relief and Job Creation Act of 2011*. While public safety and state and local government communities are appreciative of the recent movement in the House on public safety spectrum as part of comprehensive spectrum legislation, which is being considered in H.R. 3630 (as a pay-for) or may be considered in a mini-Omnibus Appropriations bill, we have the following concerns with the Walden JOBS Act provisions as currently drafted (in order of priority concern):

700 MHz Narrowband Giveback – Representative Greg Walden's (R – OR 02) Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011 (now Title IV of H.R. 3630) would require public safety to give back 14 MHz in the 700 MHz band, which is being used for statewide and local interoperable mission-critical voice communications and guard bands to protect against harmful interference. Public safety has been fighting to get access to this spectrum for more than 15 years, and in 2009, when broadcasters finally cleared it, we have begun to aggressively deploy interoperable mission-critical voice communications systems in more than 35 states with thousands of licensees and hundreds of thousands of users currently relying on the 700 MHz narrowband mobile radios for day-to-day and disaster operations. State and local governments have invested on the average between \$100 - \$400 million to build out these systems, and many of these 700 MHz narrowband systems have come online within the last couple of years; or will be coming on line within the next year. Now we are being told that we have to vacate this spectrum five years after the Administrator certifies "the availability of standards for public safety voice over broadband." This certification doesn't require that the "voice over broadband" meet "mission-critical" requirements or that there be low cost "public safety voice over broadband" technology commercially available that public safety could actually purchase. So, we would have to give up reliable and proven critical interoperable communications without the assurance that public safety could actually have the mission-critical voice over broadband communications capability that we need to protect America. Also, auctioning off the guard bands will ensure corruption of the signal causing dangerous interference on the public safety broadband network, similar to interference issues that were caused in the 800 MHz band that so far has cost more than \$5 billion to fix. States and localities have spent

hundreds of millions of federal, state and local tax dollars to plan and build these networks in the past five years, and cannot justify abandoning them without a viable alternative in the next 10 years or more.

“To force public safety to give up critical communications capabilities is wholly irresponsible and dangerous. I do not oppose having public safety return some spectrum allocated to it in return for the allocation of the “D-Block;” however, I do not support language that requires public safety to return spectrum in the 700 MHz that they fought for over many years.” Senator John McCain

"Administrator" Governance model – The PSA strongly objects to provisions of the Walden JOBS Act that would set up a third-party Administrator at the United States Department of Commerce’s National Telecommunications and Information Administration. The Walden JOBS bill proposes creation of a Public Safety Communications Planning Board, but it’s not clear that the Administrator would be accountable to this Board, to public safety end-users, or anybody else. The Hutchison-Rockefeller bill (*S. 911, Public Safety Spectrum and Wireless Innovation Act of 2011*) envisions the creation of a public-private corporation to oversee the construction and operation of the network. Public safety and state and local government is represented on the board of the Hutchison-Rockefeller proposed corporation, and the PSA strongly believes this system ensures better transparency and accountability, especially to the end users. The administrator model is being utilized for the current 800 MHz rebanding initiative, which has considerably delayed the process and resulted in millions of dollars being spent in legal costs. Both industry and public safety have had significant negative experience with the administrator model. Furthermore, by providing the public safety broadband license to a private entity for 20 MHz of prime spectrum, along with \$400 million to administer the PSBN program with control of the contractual spending of \$5 to \$11 billion dollars by states and localities for the build out, this model concentrates too much unchecked power and control into a single for-profit entity’s hands without any sufficient transparency, oversight or accountability.

Funding of the Public Safety Broadband Network – The Walden JOBS Act proposes \$5 billion dollars derived from other spectrum auctions for the construction of the PSBN, with the potential addition of up to \$1.5 billion dollars more based on a 10% percent formula of any revenue generated from auctions above the CBO estimate of \$24.5 billion overall. *S.1040, Broadband for First Responders Act of 2011*, as introduced by Senators John McCain and Joe Lieberman proposes \$10 billion dollars for the network, and S.911 contemplates \$11 billion dollars. The PSA believes funding must be higher than the Walden JOBS Act provides to ensure expedited build out, especially in rural America.

The PSA has reiterated its support for S.911, bipartisan legislation that was voted out of the Senate Commerce Committee in June by a vote of 21-4, and which has subsequently been attached to several JOBS bills introduced by Senate Majority Leader Harry Reid since that time.

Therefore, we urge the House to pass legislation that includes D Block allocation to public safety with sufficient funding to expedite nationwide construction of the public safety broadband network that includes rural America, and does not include damaging provisions to require 700

MHz narrowband giveback, nor an unworkable and unaccountable private entity “administrator” governance model. Additionally, the PSA urges Congress to maximize state and local flexibility in allowing “secondary use” of the public safety broadband network by non-public safety entities and users, as well as with respect to forming public and private partnerships that best meet their specific needs to assure sustainment of their mission-critical public safety broadband systems.

Thank you for your time and consideration to this top priority matter for a united public safety, first responder, and state and local government community. Providing this spectrum and funding to public safety will (1) create more than 100,000 jobs, (2) spur innovation and competition, (3) finally fulfill one of the last remaining unmet 9/11 Commission Recommendations, and (4) will greatly enhance our ability to efficiently and effectively protect the public and the men and women who put their lives on the front lines of our nation’s homeland each and every day.

Sincerely,
Public Safety Alliance

Chief Walter A. McNeil, President
International Association of Chiefs of Police

Chief Al H. Gillespie, President and CEO
International Association of Fire Chiefs

Chief Charles H. Ramsey, President
Major City Chiefs Association

Sheriff Paul H. Fitzgerald, President
National Sheriffs’ Association

Chief Ned Pettus, President
Metro Fire Chiefs Association

Sheriff Doug Gillespie, President
Major County Sheriffs’ Association

Gregg Riddle, President
Association of Public-Safety Communications
Officials (APCO) International

Randy Kuykendall, President
National Association of State EMS Officials

Jim Mullen, President,
National Emergency Management Association

About Public Safety Alliance

The Public Safety Alliance is a partnership of the nation's leading public safety associations, which includes the Association of Public-Safety Communications Officials International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs’ Association, the Major Cities Chiefs Association, the Major County Sheriffs’ Association, the Metropolitan Fire Chiefs Association, the National Emergency Management Association and the National Association of State EMS Officials. For more information on the Public Safety Alliance, visit www.psafirst.org.



International Association of Chiefs of Police | International Association of Fire Chiefs
National Sheriffs’ Association | Major Cities Chiefs Association
Major County Sheriffs’ Association | Metropolitan Fire Chiefs Association
Association of Public-Safety Communications Officials (APCO) International
National Emergency Management Association and the National Association of State EMS Officials.