



King County

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2008 OCT 29 P 1: 56

October 16, 2008

Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

RE: Third Further Notice of Proposed Rulemaking
WT Docket No. 06-150 and PS Docket No. 06-229

Dear Chairman Martin:

By this letter, I am officially requesting that the commission delay auctioning off the Public Safety spectrum currently included in the D Block until such time as an agreement can be reached that both protects local Public Safety spectrum needs and enables the commission to carryout its mandated responsibilities. I am also offering to work with the commission and others to reach an agreement satisfactory to local governments, the commission, and other stakeholders.

I am writing in my capacity as the County Executive of King County, Washington. Located on Puget Sound in Washington State, and covering 2,134 square miles, King County is nearly twice as large as the average county in the United States. With more than 1.8 million people, it also ranks as the 13th most populous county in the nation. The county is geographically diverse with over 40 cities, including the City of Seattle, suburban areas, family farms, skiing facilities, and commercial- and government-owned forests.

King County is now planning to rebuild its Next Generation Public Safety Wireless Emergency Radio Network (Next Gen Network) in conjunction with the two adjoining counties. Our Next Gen Network cannot be built to the specifications our first responders tell us they need with the spectrum currently available to us. To build such a network requires our direct utilization of the 10 MHz of spectrum previously assigned for local Public Safety use but then reallocated in the August 10, 2007, Second Report and Order.

The current proposal fails to mitigate the harm to Public Safety in a timely way. Even if a successful bidder constructs a system that does not fail during major incidents, that covers all the areas where we need service, that is built to Public Safety standards, that is affordable, and that gives first responders priority in an emergency – all questionable assumptions – the proposal is still fatally flawed. A winning bidder has up to 15 years to construct its network. The county cannot use the spectrum in the interim. We can't wait 15 years.

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Commercial services will not adequately substitute for this spectrum. These services lack the capacity, coverage, back-up power, and other characteristics required by the county's Public Safety responders for use during a significant natural disaster or other emergency.

A better solution must be found. Finding such a solution will become increasingly difficult as we move closer to finalizing the auction. Therefore, I encourage you to halt activities related to auctioning the Public Safety spectrum as soon as possible and convene a new advisory body to find a satisfactory solution.

Finally, given the importance of this matter to the public and to Public Safety first responders in King County, I want to offer my personal assistance and that of my staff to help us reach a satisfactory solution in any way possible.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Sims". The signature is written in a cursive style with a large, looping initial "R" and a distinct "S" at the end.

Ron Sims
King County Executive