OFFICE OF EMERGENCY MANAGEMENT AND COMMUNICATIONS
CITY OF CHICAGO

March 12, 2012

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Via: Electronic Filing

Re: WT Docket 99-87
City of Chicago, REQUEST FOR ADVISORY OPINION

Dear Secretary Dortch:

The City of Chicago, Illinois, hereby seeks an advisory opinion from the Federal Communications Commission regarding the recently passed legislation under H.R. 3630, which *among other things* mandated that public safety licensees relocate from the UHF-T band (470-512 MHz) within the next decade.

As the Commission is aware, Chicago is undergoing a substantial investment in upgrading its UHF radio networks to expand channel capacity, improve interoperability, develop first responder connectivity, and overhaul associated data systems. Much of that effort involves a multi-million dollar investment in T-band frequencies authorized for the City's use at various locations, employing numerous channels, obtained by Chicago through several waivers due to the pre-existing shortage of available spectrum in the area. Had spectrum scarcity not been obvious and burdensome, the City's waiver would not have been eligible for grant. Accordingly, the lack of available public safety spectrum in the Chicago land area is a matter of record and has been a burden for many years plaguing public safety agencies to acquire spectrum where they can find it.

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Given the lack of available spectrum, the necessary question for which the City seeks an advisory opinion is the location to which the system is to be moved from UHF T-band channels and the source of funding for making that move. As the Commission can well imagine given the recent experience with the rebanding of the 800 MHz spectrum, the cost of retuning radio networks is quite expensive and the challenges created are quite daunting for public safety licensees. Accordingly, the Commission is presently positioned to take up these issues and provide necessary guidance to adversely affected licensees.

Chicago presumes that the nine-year time period during which current licensees can remain on their UHF T-band channels is some attempt to build a useful life element or repayment consideration into the legislation. However, that time period is not realistic and does not reflect the evolution of public safety's use of equipment. Rather, public safety licensees with limited resources and considerable demands on their systems employ equipment with a life span of far greater than ten years. Again, as the Commission may note in the Frequency Reconfiguration Agreements which have been entered into by Sprint Nextel and public safety licensees, a large amount of the equipment that has been replaced by hundreds of public safety licensees acting under Docket WT 02-55 reflects equipment that is much more than ten-years-old and in many cases exceeds 20 years.

The City's action in its current groundwork building of a compatible UHF and UHF T-band infrastructure is the long-term investment, for which we have been committed to for over 40 years, is the only viable spectrum solution in today's environment. Chicago has recently finished its construction on the first of many codependent UHF and UHF T-band systems by completing a new fixed Digital network that relies completely on UHF T-band channels. Its current investment of this recent Digital network is over $23 million (with more forthcoming) was made with the intention that the fixed network and associated mobile and portable units would likely be in the field for the next 20 years or more years as demonstrated by the City's current UHF Citywide and UHF Zone infrastructure. This presumption was not only appropriate given the limited amount of money the City has to make such investment, but also extended to any financial help which might be obtained in the future to devote to public safety communications.

This well thought out plan also further reflects the City's belief that no future source of additional spectrum will be made available to Chicago's public safety to replace or augment the presently licensed spectrum. The current and future investment of City and Federal Funds as ear-marked for this project is based on spectrum availability and financial availability of resources that today can be relied upon for tomorrows communication needs. The City cannot wait to build infrastructure for the spectrum possibilities of tomorrow. If the City's presumption regarding the availability of "replacement" spectrum is incorrect, it is incumbent upon the Commission to inform the City as to where Chicago might migrate its rapidly growing and quite expensive UHF T-band radio networks.

To provide the Commission with some perspective regarding the extent of the problem created by the legislation, the Commission may note that Chicago and its sister agencies throughout the region are licensed to operate on over 350 UHF T-band channels. The channels currently support first line defense for the citizens within 50 miles of area through infrastructure for multiple police, fire, SCADA and a host of other critical operations, while concurrently providing a foundation for interoperability throughout the region. If the fixed network equipment has to be replaced; the cost is close to the $75 million range. If the mobile equipment also needs to be replaced, the cost will skyrocket to the $200 million range. Therefore, the issue of funding is exceedingly necessary to address now, rather than later, because such a level of funding is nearly impossible to consider in any short-term toward the end of the ten-year period. Chicago, therefore, respectfully requests the Commission's opinion as to the source of such funding.

However, even if a funding source can be identified those monies do not solve the City's need for sufficient unspoiled spectrum to carry the increasing traffic load being accepted by its current networks. Even with the narrowbanding of channels in the UHF range, exclusive spectrum to support the loss which the city and its sister agencies would experience are unattainable. The interference and degradation limitation made by narrowbanding prevents any public safety agency's use of any spectrum that might not have the stability and fidelity which is offered in the existing UHF T-band spectrum. All of the funding in the world will not enable the City to conform its radio networks to the letter of the legislation, without extreme

harm and threat to the citizens of Chicago and surrounding area absent some viable location upon the radio spectrum to which that traffic might be safely moved.

It is, therefore, necessary as the Commission did with the narrowbanding mandates to set forth immediately and well in advance of any deadlines for action, its plan for providing a necessary remedy in the form of spectrum to adversely affected public safety licensees. The City's action in its current groundwork building UHF and UHF T-band infrastructure is the long-term investments for which we have been committed to for over 40 years, and is the only viable spectrum solution in today's environment. The City cannot wait for 2, 5, or 9 years for additional spectrum to become available, since our needs are today. The alternative is nearly too harsh to consider but must be addressed.

Therefore, the City deems it necessary to ask the very hard question: is it the intent of the legislation and the present policies of the Commission to force public safety licensees to abandon without remedy existing and planned T-band systems, without offering any remedial assistance in the form of either spectrum or funding? If true, then the legislation exceeds the boundaries of rational legislation that is supposed to avoid the creation of unfunded mandates and even exceeds those limitations further by reducing public safety radio systems to mere salvage. The thought that the City's vital public safety radio networks can be turned to junk without any recourse or alternative spectrum is beyond disturbing. It is moreover a waste and condemnation of public property without consideration to the affected interest of officer or citizens.

Chicago respectfully requests that the Commission address the issues discussed herein and provide to the City and surrounding areas an advisory opinion that will assist the City in obtaining a greater appreciation for federal policies threatening the City's public safety radio systems and its funding of same. Chicago and its adversely affected sister agencies are responsible for the protection of property and the lives of millions of citizens.

Therefore, in the end the questions are, how does the Commission propose that the City can perform its duties in view of the legislation? How does the Commission propose that the City find the needed spectrum today to continue building the infrastructure for connectivity to the City's existing system for tomorrow's use? How does the Commission want the City to direct its efforts towards interoperability when spectrum availability doesn't exist in todays or the foreseeable environment?

Sincerely,

Captain Martin E. Ryczek
Chicago Police Department
Public Safety Information Technology