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FCC Mail Room

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DEPARTMENT OF  
**POLICE**  
BOROUGH OF CARLSTADT  

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BERGEN COUNTY, NEW JERSEY

May 10, 2012

Secretary Marlene H. Dortch  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554  
Via: Electronic Filing

RE: WT Docket 99-87  
Borough of Carlstadt, REQUEST FOR ADVISORY OPINION

Dear Secretary Dortch:

The Borough of Carlstadt, Bergen County, New Jersey 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 and will exempt licensees within this band from narrowbanding during that time frame.

The Borough of Carlstadt operates some of its public safety systems in the UHF (470-512 MHz) spectrums commonly known as T-Band. Waivers were granted by the FCC to operate in the T-Band spectrum back in 1995 due to the lack of usable spectrum in the New York metro area.

In compliance with the mandatory FCC deadline of January 1, 2013 for all users from (150-512MHz) to be operating in narrowband, the borough upgraded its UHF system to a narrowband digital system in 2011. The Borough spent \$500,000 on the upgrade of the police UHF T-Band

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LISA A. GORAL

system alone, not to mention additional costs to its other users (fire and EMS) in public safety operating in the (150-174MHz) spectrum. This cost was incurred by the taxpayers of Carlstadt through bonds that the taxpayers will be paying back for sometime to come. This system was designed to take the Borough through the next 20 plus years not the next 10 years which the FCC is now stating will be the time frame intended to move all (470-512 MHz) T-Band users off to another spectrum. We followed the rules set forth by the FCC for the mandatory narrowbanding and now this system will be rendered useless in just 10 years due to these 11<sup>th</sup> hour changes.

Narrowbanding was intended to free up additional channel capacity. However, due to the very dense population in the New York metro area, we see no relief to the spectrum below the 470 MHz range. If all the agencies currently operating in the affected spectrum of the (470-512MHz) T-Band were to move their operations for example to the 700 MHz band, we feel there are not enough channels to operate affectively. The question is where will we move to?

Bergen County New Jersey is the most densely populated county of all of New Jersey as it sits on the border of New York City and Carlstadt just eight miles from midtown Manhattan. Carlstadt is the home to the Williams Transcontinental Gas Pipeline storage facility and borders the Meadowlands Sports Complex (located in East Rutherford). Both have been identified as potential terrorist targets.

The Borough of Carlstadt, although a relatively small community, has a unique make up. Our day-time population almost triples in size due to its vast commercial properties. We are bordered by the south with the Meadowlands Sports Complex the MetLife stadium home to the NY Giants and Jets as well as the NFL 2014 site of Super Bowl XLVIII, the Izod Center, home to numerous sporting and concert events and the future home to the new Triple Five Worldwide Development Co. LLC (Mall of America) project one of the countries largest shopping and amusement complexes. To the north we are bordered by Teterboro Airport one of the nations busiest non-commercial airports. We also cover several miles of the I-95 corridor. The borough's public safety agencies are part of all these facilities first response teams.

There are hundreds and hundreds of agencies in the New York metro area affected by this proposed legislation. We are asking the FCC to comment on its intent in reallocating this spectrum. We feel that even if money for new systems were not burdensome enough, which it is,

where does the FCC intend on reassigning us and who will pay for it? In truth there is not enough usable spectrum available and narrowbanding was not the answer, especially in many of the metropolitan areas throughout the country. As it is now we have agencies currently using new narrowband spaced channels that are already causing interference to each other. We need the (470–512MHz) spectrum to remain as it stands now. If the T-Band remains in tact for public safety use, new frequencies from (150–512 MHz) is still problematic to our region especially when it relates to interoperability.

This is a concern for the safety of all public safety agencies as well as the safety to the public. The Federal Government should rethink the purpose of this legislation and give more consideration to the taxpayers, the Police, Fire and EMS workers in the field as well as those administrators charged with leading these agencies as effectively as possible given the extreme financial constraints already imposed upon them.

Regards,



Donald Pomponio  
Director of Communications  
911 Assistant Coordinator

cc: FCC Commissioner Robert M. McDowell  
FCC Commissioner Mignon Clyburn  
FCC Acting Bureau Chief David L. Furth Public Safety & Homeland Security  
Mayor William J. Roseman, Borough of Carlstadt  
Chief Thomas Nielsen, Chief of Police, Borough of Carlstadt  
State Senator Paul A. Sarlo, New Jersey 36<sup>th</sup> Legislative District  
US Senator Frank Lautenberg  
US Senator Robert Menendez  
US Congressman Steve Rothman, NJ 9<sup>th</sup> Congressional District  
US Congressman Bill Pascrell, NJ 8<sup>th</sup> Congressional District