

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)
)
)
Options for 470-512 MHz T-Band) PS Docket No. 13-42
Spectrum)
)
)

**COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission’s Public Notice in the above-captioned proceeding concerning the T-Band (470-512 MHz) spectrum.¹ In these comments, NPSTC officially submits its T-Band Report issued March 15, 2013 so it can be placed in the record of this proceeding. NPSTC also urges the Commission to cancel the T-Band licensing freeze that has placed a hold on new licenses or modifications to existing licenses that would expand the spectrum or geographic footprint. This freeze negatively impacts public safety entities and the degree of impact is likely to grow as time goes on and users need to keep their communications systems up to date to meet operational needs.

¹ Public Notice: Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency

Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program; Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). In addition, Public Safety Europe is also a liaison member. NPSTC has relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, the National Council of Statewide Interoperability Coordinators and the Utilities Telecom Council and the Alliance for Telecommunications Industry Solutions.

Background

The T-Band spectrum is used in eleven metropolitan areas to support critical public safety communications and provide regional interoperability among first responders. These areas are Boston, Chicago, Dallas, Houston, Los Angeles, Miami, New York, Philadelphia, Pittsburgh, San Francisco, and Washington, D.C. For example, T-Band spectrum was one of the resources used for communication in Boston in response to the recent bombings in that city. The spectrum is also used by industrial/business licensees in these same eleven metropolitan areas.

On February 22, 2012, the President signed Public Law 112-96, within which Section 6103 requires the Commission to begin auctioning the public safety T-Band spectrum for commercial use within nine years of enactment (i.e., by February 22, 2021) and clear all public safety operations from the band within 2 years after the auction closes, (i.e., by early 2023). Section 6103 provides that T-Band auction revenues can be used toward the cost of relocating public safety operations out of the band. However, it is silent on identifying a new spectrum home to which to move and does not address whether the auction revenue will be sufficient to cover relocation costs, should replacement spectrum be available. The law is also silent on the status of thousands of industrial/business end users who also utilize this spectrum and whose frequencies are intermingled with public safety

frequencies.

While not required by Section 6103 of the law, the FCC placed a freeze on the issuance of new T-Band licenses and T-Band license modifications that would expand the licensee's spectrum or geographic footprint.² This freeze was imposed for both public safety and industrial/business T-Band operations.

NPSTC Comments

The National Public Safety Telecommunications Council (NPSTC) responded to these unexpected policy changes by establishing a T-Band Working Group chartered to study the issue, assess and document the impact of the legislation and the FCC freeze on public safety, evaluate the viability and cost of potential relocation options, and provide its findings to the NPSTC Governing Board. Approximately 60 members of the public safety community and related industry representatives volunteered to serve on the Working Group.

After significant analysis, NPSTC released its T-Band Report on March 15, 2013. This report addresses NPSTC's analysis and findings and includes information that responds to a number of the questions the Commission raises in its Public Notice. For example, the Public Notice requests information on the "approximate percentage split between public safety licensees and non-public safety licensees on T-Band."³

As shown in Table 1.1 of the NPSTC Report the answer to that question varies by metropolitan area and by the T-Band TV channel within each of those areas. The Public Notice also asks several questions focused on alternative bands potentially available for T-Band users that would be displaced by the provisions of Section 6103 of Public Law 112-96. Section 3 of the NPSTC T-

² WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SUSPEND THE ACCEPTANCE AND PROCESSING OF CERTAIN PART 22 AND 90 APPLICATIONS FOR 470-512 MHz (T-BAND) SPECTRUM, Public Notice DA 12-643, released April 26, 2012.

³ Public Notice DA 13-187, at page 2.

Band Report entitled “Evaluation of Potential Spectrum Alternatives” addresses that issue extensively by characterizing and analyzing the other bands in which public safety users are eligible. The Commission also requests comments on the likely costs T-Band users will face to relocate out of the T-Band. Section 4 of the NPSTC T-Band Report on “Relocation Cost, Timing, and Process.” includes a comprehensive analysis of these expected costs.

Because the NPSTC T-Band Report includes information that responds to so many of the key issues raised in the Commission’s Public Notice with respect to public safety operations in the band, NPSTC submits the report as part of these comments so it can be placed into the record in this proceeding. NPSTC urges the Commission to review the information in that report.

Conclusions Regarding Implementation of Section 6103

Based on the analysis of T-Band usage, potential alternative bands, the estimated cost of relocation and the likely level of revenue that could accrue from auction of the public safety T-Band spectrum, the NPSTC T-Band Report reached the following key conclusions:

Given the lack of alternative spectrum, cost of relocation, major disruption to vital public safety services, and likelihood that the spectrum auction would not even cover relocation costs, NPSTC believes implementing the T-Band legislation is not feasible, provides no public interest benefit, and the matter should be re-visited by Congress.

*1. **SPECTRUM** - Analysis of public safety spectrum bands shows that at least 5 of the 11 metro areas do not have sufficient spectrum in any band to relocate their existing T-Band operations. These areas are the Boston, Chicago, Los Angeles, New York, and Philadelphia metros. The adequacy of relocation spectrum in three additional areas, San Francisco, Washington, D.C., and Pittsburgh is marginal. It is not yet viable to rely on the planned Nationwide Public Safety Broadband Network (NPSBN) as a likely option to support mission critical voice operations that would be displaced from the T-Band.*

*2. **COST** - The cost to move public safety operations in the 11 metro areas to new frequencies is estimated to be in excess of \$5.9 billion, much greater than the likely auction revenue. If TV and industrial/business were also required to move, that would require additional relocation funding, resulting in the net auction revenue being an even greater negative value.*

*3. **PUBLIC GAIN** – It appears the intent of the law may be to gain additional broadband spectrum for public use. Extensive TV broadcast operations throughout the country and industrial/business systems in 11 metro markets will remain on T-Band channels even if public safety systems are relocated out of the band. These circumstances are unlikely to produce the auction revenue needed for public safety relocation or result in additional broadband spectrum for public use.*

The Commission's T-Band Licensing Freeze

As part of its analysis, NPSTC developed a web-based questionnaire and posed a number of questions to public safety T-Band licensees. One of the questions raised concerned the impact of the licensing freeze. Approximately 41% of those public safety entities responding to this question indicated that they were planning to make changes to their systems that are now prohibited under the freeze. NPSTC believes this percentage will climb as more and more licensees are faced with the need to upgrade or expand their systems prior to the planned auction and forced relocation out of the band. Under the legislation, those events are a number of years away, however, the uncertainty created by the legislation and the Commission license freeze seriously impacts public safety. Adding a site to fill in a coverage hole or adding a channel to provide necessary increased capacity are both actions previously allowed in the T-band that are now prohibited by the freeze.

NPSTC urges the Commission to eliminate its T-band license freeze immediately. There is nothing in the legislation that requires such a freeze. Therefore the Commission has the same authority to lift the freeze as they did to impose it. Imposing a freeze so far in advance of the planned auction and relocation of public safety users is harmful to public safety agencies who must maintain their communications systems to meet operational requirements.

Conclusion

In summary, NPSTC officially submits its T-Band Report issued March 15, 2013 so it can be placed in the record of this proceeding. This report addresses many of the questions the Commission has raised in its Public Notice. NPSTC also urges the Commission's Wireless Telecommunications and Public Safety and Homeland Security Bureaus to cancel the T-Band licensing freeze immediately as it is detrimental to public safety and unnecessary this far in advance of the planned auction and relocation of public safety out of the spectrum.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ralph A. Haller". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ralph A. Haller, Chairman

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May 13, 2013

ATTACHMENT: NPSTC T-Band Report, dated March 15, 2013.