

July 21, 2020

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
Washington, D.C. 20510

The Honorable Chuck Schumer  
Democratic Leader  
U.S. Senate  
Washington, D.C. 20510

Dear Leader McConnell and Senator Schumer:

We write to strongly urge you to include language that would repeal Section 6103 in Title VI of P.L. 112-96 in legislation addressing the COVID-19 pandemic. Such language will prevent the Federal Communications Commission (FCC) from being forced to auction and clear public safety communications from critical spectrum known as the T-Band (470-512 MHz) in February 2021. Emergency response agencies in eleven major U.S. metropolitan areas rely on the T-Band for mission-critical communications.<sup>1</sup> Amid the current public health emergency, emergency medical services and other public safety personnel are using the T-Band to meet the heightened need for services. We urge Congress to protect this life-saving spectrum by repealing the T-Band auction mandate in COVID-19 response legislation.

A June 2019 Government Accountability Office (GAO) report estimated that it will cost approximately \$6 billion to relocate public safety users from the spectrum.<sup>2</sup> By statute, auction proceeds must be used to fund the relocation of public safety users; however, auction proceeds are not expected to meet relocation costs. The T-Band auction poses serious logistical questions as well, as five of the eleven T-Band jurisdictions do not have alternate spectrum for public safety to occupy. In the T-Band report, the GAO concluded that an auction would hurt the current capabilities of emergency response departments in the T-Band jurisdictions and could deprive responders of the ability to communicate via radio.<sup>3</sup>

Additionally, non-public safety critical infrastructure industries use the T-Band in support of public safety during emergency response situations. For instance, utilities have used this band during scenes of emergencies where power lines are down and need to be shut off, as well as during mutual aid and power restoration efforts in the aftermath of a hurricane or other large scale disaster. These operations will also be impacted as the FCC seeks comment on requiring a mandatory transition of these incumbent users.

The FCC has expressed concern about auctioning the public safety spectrum in the T-Band. FCC Chairman Ajit Pai has called the T-Band auction, “not viable.”<sup>4</sup> Commissioner Jessica Rosenworcel has also expressed concern about the auction and its impact on first responder communications.<sup>5</sup> Notwithstanding the concern of T-Band stakeholders and FCC leaders, the agency has had to begin the process of complying with the auction mandate. On July 6, 2020, the FCC released a Notice of Proposed Rulemaking on the matter of reallocating the T-Band spectrum.<sup>6</sup>

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<sup>1</sup> The T-Band markets are as follows: Boston, New York City, Chicago, Dallas-Ft. Worth, Houston, Los Angeles, Miami, Washington, D.C. Philadelphia, Pittsburgh, and San Francisco/Oakland.

<sup>2</sup> Required Auction of Public Safety Spectrum Could Harm First Responder Capabilities, GAO 19-508 (June 21, 2019), available at <https://www.gao.gov/products/GAO-19-508#summary>.

<sup>3</sup> Required Auction of Public Safety Spectrum Could Harm First Responder Capabilities, GAO 19-508 (June 21, 2019), available at <https://www.gao.gov/products/GAO-19-508#summary>.

<sup>4</sup> Statement of Chairman Ajit Pai, December 2, 2019, available at <https://docs.fcc.gov/public/attachments/DOC-361103A1.pdf>.

<sup>5</sup> Statement of Commissioner Jessica Rosenworcel, July 6, 2020, available at <https://docs.fcc.gov/public/attachments/FCC-20-89A2.pdf>.

<sup>6</sup> Notice of Proposed Rulemaking in the Matter of Reallocation of 470-512 MHz (T-Band) Spectrum, July 6, 2020, <https://docs.fcc.gov/public/attachments/FCC-20-89A1.pdf>.

The potential auction of the T-Band is directly related to the COVID-19 crisis. First responders rely on the T-Band spectrum to serve their communities for interoperable communications between fire, EMS, law enforcement agencies and 911 communications. Demonstrating the T-Band's importance, the FCC allowed New York City to broaden its use of T-Band spectrum during the spring to support COVID-19 response operations.<sup>7</sup> As state and local governments are being impacted by revenue shortfalls, it is even more pressing that Congress act to forestall any impediment to the delivery of emergency services in these communities.

Recognizing the importance of the T-Band to emergency response operations for COVID-19, the House included a repeal of the T-Band auction in H.R. 6800. We ask the Senate to include the *Don't Break Up the T-Band Act* (S. 2748) in its next legislative response to this ongoing crisis in order to preserve access to this critical communications resource.

Sincerely,

International Association of Fire Chiefs  
International Association of Fire Fighters  
National League of Cities  
United States Conference of Mayors  
National Association of Counties  
International Association of Chiefs of Police  
Major Cities Chiefs Association  
National Sheriffs' Association  
Major County Sheriffs of America  
Association of Public-Safety Communications Officials  
National Public Safety Telecommunications Council  
American Petroleum Institute  
Utilities Technology Council  
Fire Department of the City of New York  
New York City Police Department  
Los Angeles County Fire Department  
Los Angeles County Sheriff's Department  
Los Angeles Regional Interoperable Communications System  
Interagency Communications Interoperability System Authority  
Massachusetts METROFIRE  
Metro Boston UASI  
City of Cambridge Public Safety  
Fire Chiefs of Massachusetts (FCAM)  
Greater Boston Police Council  
Enterprise Wireless Alliance  
Safer Buildings Coalition

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<sup>7</sup> FCC Grants New York City Temporary Spectrum Access to Support Fire Department Communications During Coronavirus Pandemic, April 10, 2020, <https://docs.fcc.gov/public/attachments/DOC-363661A1.pdf>.