



**MAJOR CITIES CHIEFS' ASSOCIATION
NATIONAL SHERIFFS' ASSOCIATION
NATIONAL ASSOCIATION OF WOMEN LAW ENFORCEMENT EXECUTIVES**

December 20, 2023

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Amendment of Part 90 of the Commission's Rules, WP Docket No. 07-100

Dear Ms. Dortch,

On behalf of the Major Cities Chiefs Association (MCCA), the National Sheriffs' Association (NSA), and the National Association of Women Law Enforcement Executives (NAWLEE) — all members of the Coalition for Emergency Response and Critical Infrastructure (CERCI) — we write in response to a recent filing by the Public Safety Spectrum Alliance (PSSA).¹

The Federal Communications Commission (Commission) licenses the 4.9 GHz band for state and local public-safety use, and state and local law enforcement and first responders across the nation currently use the 4.9 GHz band to deploy critical public-safety systems that best serve their jurisdictions' communications needs.

By claiming that CERCI is “a thinly veiled attempt by commercial interests to hijack the 4.9 GHz band,”² PSSA devalues the role of our law enforcement organizations as members actively engaged with CERCI and seeks to undercut our support of continued local-public-safety use and control of the 4.9 GHz band, including control over the decision of whether to lease access to non-interfering, compatible, critical-infrastructure industry (CII) users.

¹ See *Ex Parte* of PSSA, WP Docket No. 07-100 (filed Dec. 6, 2023) (“PSSA *Ex Parte*”).

² *Id.* at 3.

MCCA and NSA — two of the largest law-enforcement associations in the country and founding members of CERCI — represent the concerns of public-safety organizations and active public-safety officials across the nation. MCCA is a professional organization comprised of 79 Chiefs, Commissioners, and Sheriffs representing the largest cities in the United States and Canada. NSA is a professional association dedicated to serving the Office of Sheriff and represents the Nation’s 3,086 sheriffs and more than 10,000 deputies, law enforcement, public-safety professionals, and concerned citizens nationwide.³ NAWLEE is an organization administered by law enforcement practitioners for women executives and those who aspire to be executives in law enforcement. And, while new to this proceeding, NAWLEE, like MCCA and NSA, support continued local-public-safety control of the 4.9 GHz band.

In contrast to CERCI’s substantial public-safety support, PSSA has not identified *any* current public-safety officials or associations as members or any members at all. Instead, PSSA states, opaquely, that it is an alliance of “leading public safety executives and associations with significant public-safety experience.”⁴ Elsewhere, PSSA observes it is an initiative of the Public Safety Broadband Technology Association,⁵ which PSSA describes as “focused exclusively on ensuring the success of the entire FirstNet ecosystem.”⁶ To be sure, commenters in this proceeding have already pointed out the ties among PSSA, FirstNet and AT&T.⁷ It is, therefore, disingenuous for PSSA to ignore MCCA’s and NSA’s involvement in CERCI.

MCCA and NSA are not new to this proceeding and have been firm in their advocacy for local public-safety control of the 4.9 GHz band.⁸ The Commission thankfully restored the 4.9 GHz band to local-public-safety licensing earlier this year, putting forward two proposals for third-party leasing. CERCI supports the Commission’s “Model 2,” with local-public-safety licensing and decision making on whether to lease, and to whom, *at the local level*.⁹ This

³ See Letter of National Sheriffs’ Association to Rep. Dan Crenshaw, at 1 (July 17, 2023), <https://www.sheriffs.org/sites/default/files/NSALetterOpposingHR1525FAIRAct.pdf>.

⁴ PSSA *Ex Parte* at 1. The PSSA website does not list any members at all. See PSSA, <https://thepssa.org> (last visited Dec. 18, 2023).

⁵ See Petition for Reconsideration of PSSA, WP Docket No. 07-100, at 1, n.4 (filed Dec. 29, 2020).

⁶ See *id.*

⁷ See Comments of American Association of State Highway Transportation Officials, WP Docket No. 07-100, at 4 (filed April 10, 2023) (“PSSA apparently does not actually represent any particular public safety entity. Instead, PSSA appears to represent the corporate interests of FirstNet and AT&T.”); see also *A Wolf in Sheep’s Clothing*, Enterprise Wireless Alliance <https://www.enterprisewireless.org/blogs/wolf-sheep%E2%80%99s-clothing> (last visited Dec. 18, 2023) (“What’s accurate is that PSSA, FirstNet, and AT&T want to manage the band—period. And if you are a public safety incumbent, know that if they secure exclusive access to the band, they will eventually come knocking to transfer your system to the AT&T network.”).

⁸ See Reply Comments of MCCA, WP Docket No. 07-100, at 1 (filed May 15, 2023) (“The 4.9 GHz band is and must remain, a local public safety band.”); Reply Comments of NSA, WP Docket No. 07-100, at 1 (filed May 15, 2023) (“NSA supports the Commission’s decision to preserve the 4.9 GHz band for local public safety use.”).

⁹ *Amendment of Part 90 of the Commission’s Rules*, Seventh Report and Order and Ninth Further Notice

proposal will ensure that third-party systems are compatible with local public-safety. We believe CII offers the best path for leasing to compatible operations without interference to local-public-safety systems.

This is why PSSA opposes us and CERCI. PSSA wants to introduce a new approach that turns the Commission’s proposal on its head. Rather than local-public-safety licensing and control, PSSA wants the Commission to issue a nationwide license to FirstNet for the 4.9 GHz band, incorporating the band into the Nationwide Public Safety Broadband Network (NPSBN), which AT&T operates.¹⁰ As with today’s NPSBN, FirstNet will undoubtedly grant access to AT&T for its regular commercial wireless business.

Our strong support for maintaining local-public-safety licensing and decision making in the 4.9 GHz band belies PSSA’s claim that local support is somehow a “commercial”-led view. It is not. The Commission should move quickly to adopt Model 2 and identify CII as the only eligible non-public-safety access for the 4.9 GHz band.

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of Proposed Rulemaking, FCC 23-3, ¶¶ 97-99 (rel. Jan. 18, 2023).

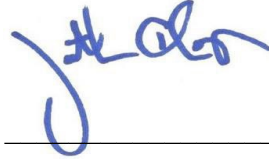
¹⁰ See Amicus Curiae Brief of AT&T Corporation as Amicus Curiae, at 7-8, *Whitaker v. Doc*, 970 F.3d 200, No. 18-2819 (Sept. 25, 2018) (quoting Declaration of Paul Madison, 5:17-cv00192 (D. Vt.), Doc. 44-1, ¶ 3) (“Counsel for FirstNet Authority [] explained that, under that contract, AT&T—not the Authority, or [] NTIA, or the [U.S. Department of Commerce]—will ‘own, or lease . . . all of the equipment and infrastructure that comprise the [Nationwide Public Safety Broadband Network], as well as operate and provide services to public safety users.’”).

Thank you for your consideration of these critical issues.

Sincerely,



Laura Cooper
Executive Director
Major Cities Chiefs Association



Jonathan F. Thompson
Executive Director and CEO
National Sheriffs' Association



Kym Craven
Executive Director
National Association of Women Law
Enforcement Executives