



Wade Kapszukiewicz
Mayor

mayor@toledo.oh.gov
phone 419-245-1001
fax 419-245-1370
One Government Center
Suite 2200
Toledo, Ohio 43604
→ toledo.oh.gov

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

Re: *Protecting Continued Local Control of First Responder Communications Networks* – Amendment of Part 90 of the Commission’s Rules, WP Docket No. 07-100

Dear Ms. Dortch,

The City of Toledo wishes to inform you that it strongly opposes any proposal that would remove control of the 4.9 GHz public-safety spectrum band from local first responders, like in Toledo. Specifically, under a proposal from the Public Safety Spectrum Alliance (PSSA), Toledo may lose rights to access the band and the vital resiliency it provides for emergency communications.

The PSSA’s proposal to either directly or indirectly grant FirstNet access to a nationwide license for use of 4.9 GHz is problematic for a number of reasons. First, it would strip today’s 4.9 GHz public safety licensees’ right to expand their systems by forcing incumbent licensees to surrender spectrum they are not using. Second, it would move the band to AT&T’s FirstNet network, which runs counter to a 2023 FCC order and its commitment to locally controlled public safety in the 4.9 GHz band. Finally, it would permit AT&T to use the band for commercial purposes, which runs counter to the mission of this public-safety band.

The local nature of the 4.9 GHz band is also crucial for future preparedness and providing network resiliency to first responders. One of the most valuable elements of the 4.9 GHz band is the *ad hoc* control public-safety communications at the local level. Many local and regional authorities currently operate point-to-point communications on the 4.9 GHz band, during natural disasters, natural disaster recovery, and other life-threatening emergencies. This flexibility is extremely valuable for



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building out networks and ensuring connectivity in emergency situations. To be clear, just because spectrum is not actively being used, does not mean it is not crucial to public-safety's communications needs. These locally run systems are invaluable for resiliency and redundancy. Not only does the 4.9 GHz band support the City of Toledo, but it also allows for continued emergency communication and coordination in the event of emergencies and natural disasters that may disrupt traditional networks.

The PSSA's proposal would radically restructure the band and, if adopted, would eliminate local public-safety choice and control of this critical spectrum resource. This is especially true in Toledo and the State of Ohio.

A list of 4.9 GHz public-safety spectrum users in Ohio is *enclosed*. Across the state, users rely on the band to ensure continued communication in support of vital transportation, law enforcement, firefighting, and other public-safety services.

The FCC's current 4.9 GHz regulations allow effective communication by public-safety agencies and our partners in Toledo and throughout Ohio.

We urge the FCC to reject the PSSA proposal to protect not only our use of the 4.9 GHz band, but the use of the band by first responders everywhere in this country, and the band's critical role in securing public-safety. If you have any further questions, please do not hesitate to reach out to me.

Sincerely,

Wade Kapszukiewicz
Mayor, City of Toledo