



September 23, 2024

VIA ELECTRONIC FILING

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

**Re: *Ex Parte Letter* – Amendment of Part 90 of the Commission’s Rules,
WP Docket No. 07-100**

Dear Ms. Dortch:

While some law enforcement organizations attempt to speak for the entire law enforcement community during the ongoing debate over the 4.9 GHz spectrum, we write to make our position on this issue clear. A labor group has endorsed a plan to transfer the 4.9 GHz spectrum band to the FirstNet Authority (FNA). In doing so, the organization has insinuated it speaks for the entire law enforcement community on this matter. It does not. We want to be completely clear - as members and supporters of the Coalition for Emergency Response and Critical Infrastructure (CERCI), we are completely opposed to the transfer of the 4.9 GHz band to FNA.

A recent video podcast on the future of public safety communications featuring labor leadership and FCC Commissioner Brendan Carr focused on the 4.9 GHz band and the intense debate about the future of this valuable spectrum. During the conversation, the participants failed to address recent operational challenges experienced by FirstNet and AT&T, which negatively impacted law enforcement operations and connectivity, and were highlighted by the Department of Commerce’s Inspector General earlier this year. Even more concerning, they concluded that transferring the 4.9 GHz band to FirstNet was needed to “protect” the band for law enforcement and “enhance what we do.” This is not our position and does not reflect the reality of public safety communications or our members, who are tasked with keeping their communities safe and secure. Our members are responsible for specifying, building, and maintaining the public safety communications networks that protect all first responders and the public. Without the flexibility to maintain redundancy and resiliency in these networks, public safety will be put at risk.

We have expressed our opposition to this proposed transfer many times in previous filings and in-person conversations with members of the FCC and their staffs. And yet, those pushing for the transfer continue to misrepresent our position and that of CERCI. Countless state and local users

of the band have weighed in with the FCC and we believe their voices should be heard. As the [Florida Police Chiefs Association stated in a recent filing](#): “The proposal by the PSSA to assign this mission critical band to FirstNet is troubling. While FirstNet, run by AT&T, says it intends to collaborate with existing leaseholders, there’s no compelling need to make this change and neither entity understands the local needs like we do.” The reality is that this proposed change does not meet the needs and concerns of current license holders. The filing continued, “The PSSA’s proposal is predicated in part on the erroneous, and potentially dangerous, notion that unused spectrum in the 4.9 GHz band is wasted space. Spectrum is a scarce resource, but in this case, dedicated public safety spectrum that is not currently in use is critical for redundancy.”

This is the key point that AT&T, the PSSA, and their supporters either miss or refuse to acknowledge. State and local users need 4.9 GHz spectrum. They rely on it and want to continue to use it. The AT&T/PSSA proposal is a solution in search of a problem that simply does not exist. The PSSA and AT&T want to ignore the voices of leaders and rank-and-file state and local users and create a one-size-fits-all network for all of public safety. To this we say – NO THANK YOU.

Continued local control of the 4.9 GHz band is needed to ensure states and municipalities can tailor their networks to meet the needs of their communities. Centralizing this control under a single national provider would diminish the ability of local agencies to manage their own systems and introduce risks that could jeopardize public safety. Those who continue to push for it and in the process, misrepresent the legal and practical realities of public safety communications, should be ashamed.

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We once again urge the Commission to reject the proposal to transfer the 4.9 GHz band to FirstNet and AT&T. The voices of the many local and state entities that rely on this band must be prioritized over a nationwide carrier seeking to add the band to its commercial spectrum portfolio. Maintaining local control of the 4.9 GHz band and keeping it a truly public safety only network is essential for ensuring that public safety communications remain secure, resilient, and adaptable to the challenges faced by our first responders.

Thank you for your attention to this critical matter.

Sincerely,

/s/ Sheriff Don Barnes

Sheriff Don Barnes

President, California State Sheriffs' Association

/s/ Mark Dannels

Mark Dannels

Executive Director, Southwest Border Sheriffs' Coalition

/s/ Joe Frank Martinez

Joe Frank Martinez

Executive Director, Texas Border Sheriffs' Coalition

/s/ Laura Cooper

Laura Cooper

Executive Director, Major Cities Chiefs Association

/s/ Jonathan Thompson

Jonathan Thompson

Executive Director and CEO, National Sheriffs' Association