



COALITION FOR EMERGENCY RESPONSE AND CRITICAL INFRASTRUCTURE

October 7, 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**

Recent submissions into the record reflect a lack of understanding as to what is at stake in the 4.9 GHz proceeding.¹ Below, CERCI clarifies a few key issues as they relate to the AT&T/Public Safety Spectrum Alliance (“PSSA”) proposal to convert the 4.9 GHz band from a locally controlled public-safety band to a “FirstNet band.”

- 1. AT&T/PSSA want the FCC to allow FirstNet to use the 4.9 GHz band so that the band is effectively added to AT&T’s spectrum portfolio.*** AT&T/PSSA seek to accomplish this objective by either having the Federal Communications Commission (“FCC”) grant a nationwide license to the FirstNet Authority (“FNA”), which will, in turn, only allow AT&T to use the band, or having the FCC assign a nationwide license to a Band Manager with a requirement that it enter into a sharing agreement with FNA.² AT&T/PSSA have sought requirements that suggest there is only one current organization that would be

¹ See e.g., Career Fire Chiefs of New York State Ex Parte, FCC, WP Docket No. 07-100 (Sept. 28, 2024) (supporting FirstNet “for the role of national band manager”); Southeastern Ass’n of Fire Chiefs Ex Parte, FCC, WP Docket No. 07-100 (Aug. 29, 2024) (supporting an “application by the federal FirstNet Authority for the national band manager role”); Virginia Fire Chiefs Ass’n Ex Parte, FCC, WP Docket No. 07-100 (Aug. 22, 2024) (grounding their support of FirstNet in part on the fact that FirstNet has confirmed it will ‘protect existing incumbent operations in the [] band’).

² See PSSA Ex Parte, FCC, WP Docket No. 07-100, at 2 (April 23, 2024) (“PSSA April 23 Ex Parte”).

qualified to serve as the Band Manager,³ leaving the FCC no actual choice, thereby making the Band Manager selection process a sham.

2. ***AT&T/PSSA would prohibit new local public-safety licensees in the band and force existing public-safety licensees to surrender spectrum so that AT&T can use the 4.9 GHz band to serve not only public safety but also AT&T's commercial customers.***

Through some undefined process, AT&T/PSSA want to restrict incumbent public-safety licensees' use of the band – forcing public safety to surrender “unused spectrum” (also undefined),⁴ which would even prevent existing licensees from expanding the deployment of their currently operational 4.9 GHz systems that they have invested in. This transfer of the band to AT&T for full commercial use is a key fact that many public-safety groups appear not to understand.

3. ***AT&T/PSSA fail to address how FirstNet operations in the 4.9 GHz band will protect existing local public-safety systems from harmful interference.*** Today, there are 3,715 licenses in the 4.9 GHz band.⁵ AT&T/PSSA claim that their proposal will “protect[] incumbent licensee operations,”⁶ but they fail to provide any information on how their plan would avoid interference with the thousands of *existing* public-safety co-channel licensees across the nation.

The FCC should reject the AT&T/PSSA proposal to claw back the 4.9 GHz band from local public-safety users just to provide a multibillion-dollar giveaway to AT&T's commercial business.

Sincerely,

The Coalition for Emergency Response and
Critical Infrastructure (“CERCI”)

/s/ Kenneth Corey

Kenneth Corey
NYPD Chief of Dept. (Ret.)
CERCI Chairman

/s/ Roger C. Sherman

Roger C. Sherman
CERCI Policy Advisor

³ *See id.* at 3.

⁴ *See id.* at 4.

⁵ CERCI Ex Parte, FCC, WP Docket No. 07-100, at 1 (Sept. 18, 2024).

⁶ AT&T Ex Parte, FCC, WP Docket No. 07-100, at 1 (June 20, 2024); *see also* PSSA April 23 Ex Parte at 4.