



THE UNITED STATES CONFERENCE OF MAYORS

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Resolution No.38

Submitted by:

The Honorable Chuck Reed
Mayor of San Jose

The Honorable Jerry Sanders
Mayor of San Diego

The Honorable Thomas M. Menino
Mayor of Boston

The Honorable Scott Smith
Mayor of Mesa

The Honorable Antonio R. Villaraigosa
Mayor of Los Angeles

The Honorable Gavin Newsom
Mayor of San Francisco

The Honorable Michael R. Bloomberg
Mayor of New York City

The Honorable John Peyton
Mayor of Jacksonville

The Honorable Arlene Mulder
Mayor of Arlington Heights

700 MHz "D BLOCK" SPECTRUM ASSIGNMENT TO PUBLIC SAFETY

1. **WHEREAS**, the mandated conversion from analog television broadcasting to digital television broadcasting in 2009 resulted in certain 700 MHz spectrum becoming available for alternative uses, including public safety; and
2. **WHEREAS**, Congress allocated 10 MHz of spectrum to create a dedicated Public Safety band, assigned without cost to a national nonprofit public safety licensee for management; and
3. **WHEREAS**, the Federal Communications Commission (FCC) designated the 10 MHz of "D Block" spectrum immediately adjacent to the Public Safety Band for auction to a commercial provider, subject to a mandate to establish a public-private partnership with the public safety licensee in order to build a nationwide interoperable broadband public safety network meeting reliability and availability standards; and
4. **WHEREAS**, no bidder in the January 2008 auction of D Block met the FCC's reserve price of \$1.33 billion under those conditions; and

5. **WHEREAS**, the FCC's new National Broadband Plan (March 2010) proposes instead auctioning the D Block to the highest bidder for commercial applications, requiring some interoperable technology standards and "priority" access for public safety; and
6. **WHEREAS**, the FCC timetable to conduct this auction is within the first six months of 2011; and
7. **WHEREAS**, the FCC acknowledges that public safety will need more than the currently dedicated 10 MHz in the future; and
8. **WHEREAS**, the D Block position contiguous with the current Public Safety band uniquely enables greater operational efficiencies and cost-effectiveness through reduced technical complexity, consolidation of multiple communications systems, and elimination of adjacent channel interference; and
9. **WHEREAS**, the D Block is ideal for public safety use because its unique propagation characteristics provide superior long-range coverage in mountainous terrain and in-building penetration, in contrast to the available 4.9 GHz public safety network; and
10. **WHEREAS**, wireless commercial networks lack hardening, redundancy, backup power capability, and reliability needed for mission-critical public safety functions; and
11. **WHEREAS**, wireless commercial networks cannot guarantee first responders access over other users or dynamically engage prioritization by level of incident; and
12. **WHEREAS**, the FCC-proposed alternative of "priority" and roaming requirements will still leave public safety to compete for access because commercial networks are not sized or engineered to handle traffic spikes arising from large-scale incidents and lack the technical capability to pre-empt other users already on the system; and
13. **WHEREAS**, the FCC auction plan and technical advantages of the D Block likely will force public safety into a sole-source vendor relationship with the commercial auction winner, rather than encouraging competition to serve the public safety sector; and
14. **WHEREAS**, providing the D Block asset to public safety control could better leverage competitive commercial provider participation in network build-out consistent with stringent reliability and availability specifications, at terms, conditions, and costs more favorable to public safety; and
15. **WHEREAS**, allocating the D Block to public safety would double the amount of spectrum dedicated to first responder communications while reducing the total new commercial broadband spectrum available by only 1.25 percent; and
16. **WHEREAS**, eight of the largest national public safety organizations have reached a consensus position that Congress should reallocate the D Block spectrum to public safety,

17. **NOW, THEREFORE, BE IT RESOLVED** that The U.S. Conference of Mayors opposes the FCC proposal in the National Broadband Plan to auction the D Block spectrum to a commercial provider; and
18. **BE IT FURTHER RESOLVED** that The U.S. Conference of Mayors calls upon Congress to immediately pass legislation that prevents the FCC from undertaking an auction in 2011, and conditions further FCC action on formal Congressional approval of plans for the D Block and meeting public safety spectrum needs; and
19. **BE IT FURTHER RESOLVED** that The U.S. Conference of Mayors calls upon Congress to reallocate the D Block to public safety; and
20. **BE IT FURTHER RESOLVED** that The U.S. Conference of Mayors endorses identification of alternative federal funding sources, such as potential for a user fee on wireless spectrum licensees that is dedicated to the deployment of an interoperable public safety network in the D Block, in order to ensure that all states and localities can afford costs associated with transition to a nationwide network.