



**Association of Public-Safety Communications Officials-International
International Association of Chiefs of Police
International Association of Fire Chiefs
Major Cities Chiefs Association
Major County Sheriffs' Association
National Sheriffs' Association**

May 11, 2006

The Honorable Ted Stevens
Co-Chair
Committee on Commerce, Science and Transportation
United States Senate
Washington, D.C. 20510

The Honorable Daniel Inouye
Co-Chair
Committee on Commerce, Science and Transportation
United States Senate
Washington, D.C. 20510

Dear Senator Stevens and Senator Inouye:

Our organizations are committed to working with Congress, the FCC and others to support legislative initiatives that increase funding and improve emergency communication services at the local, regional, state and federal levels. As an important part of these objectives, we have been engaged in securing adequate spectrum and funding to meet public safety's current and future communication needs.

Eight years ago, the FCC allocated to public safety 24 MHz (764-776 MHz/794-806MHz) ("24 MHz") of spectrum in the 700 MHz band, pursuant to a specific, legislative mandate in the Balanced Budget Act of 1997. Thanks to recent efforts of your Committee and others in Congress, this spectrum will be vacated by television broadcasters in February 2009, and a \$1 billion grant program will be established to facilitate interoperable communications in the band. Nationwide and regional planning for this new spectrum has been underway for many years, interoperable and standardized equipment has been developed for use in the band, and deployment of new 700 MHz systems is already in progress in jurisdictions not impacted by incumbent broadcasters. Every state government has already received a state-wide license, and some major state operations are expected to go online later this year.

We greatly appreciate that Congress and the FCC recognizes public safety's critical short-term needs for spectrum. However, we have urged for many years that there is also an urgent need to increase the amount of spectrum allocated to public safety in the 700 MHz band for new interoperable broadband communication technologies to meet future video and data requirements. While the FCC is currently exploring whether its rules should be modified to permit broadband use in a portion of the 24 MHz now allotted for wideband use, that will only address a small part of public safety's future requirements. As we have argued since the Public Safety Wireless Advisory Committee report of 1996, an additional spectrum allocation is needed.

On April 27, 2006, Cyren Call Communications, Inc. filed a pleading at the FCC proposing that an additional 30 MHz (747-762 MHz/777-792 MHz) ("30 MHz") of 700 MHz spectrum, which is adjacent to the 24 MHz, be licensed to public safety for construction of an advanced, wireless broadband public safety network. The proposal outlines an innovative public/private partnership in which commercial lessees would be granted the right to use excess network capacity, not being used by public safety, on a commercial basis for services to the general public.

It is important to note that our organizations have not endorsed this proposal. We will be conducting a thorough review of the many complex and potentially controversial elements in this plan and its impact on the public safety community before taking a position. However, we do believe that the concept of reallocating the 30 MHz of spectrum in the 700 MHz band in a manner that would promote interoperable, public safety broadband communications is worthy of public discussion.

We recognize that the Cyren Call proposal appears to be inconsistent with Congressionally mandated spectrum auctions, the expected revenues from which have already been apportioned (including a portion for an interoperability grant program). Unquestionably, that raises a significant hurdle for the Cyren Call proposal or any similar effort. Nevertheless, the potential benefits for public safety are substantial, and constructive public discussion would be worthwhile. Of course, such a public discussion must not in anyway delay the ongoing planning, funding, or deployment of critical communications systems in the 24 MHz already allocated for public safety.

We are dedicated to ensuring that public safety has access to the most advanced technology to support those services that meet its stringent requirements to provide safety and security to all Americans. Congress and the FCC cannot afford to pass an opportunity to explore the availability of an additional 30 MHz of spectrum that would meet public safety's needs as well as elevate the safety of all Americans.

Respectfully,

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