

**National Telecommunications and
Information Administration**

**DEVELOPMENT OF A NATIONAL SPECTRUM STRATEGY -
COMMENTS OF THE PUBLIC SAFETY SPECTRUM
ALLIANCE**

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I. Introduction

The Public Safety Spectrum Alliance (“PSSA”) is an alliance amongst the nation’s leading public safety officials and organizations and is an initiative of the Public Safety Broadband Technology Association. The PSSA aims to ensure that first responders nationwide are able to use the most technologically advanced communications capabilities that address the difficult, life-threatening challenges they face as first responders protect America. The goal of the PSSA is to raise awareness about public safety communications needs, especially the need to ensure that first responders have sufficient access to spectrum for mobile communications. With this in mind, the PSSA is pleased to provide the following comments in response to the National Telecommunications and Information Administration’s (“NTIA”) Request for Comments (“RFC”)¹ regarding the development of a national spectrum strategy.

The development of a national spectrum strategy is an important part of the planning for current and future spectrum requirements, especially for first responders. As the RFC notes, “sufficient access to spectrum is vital to...emergency response [and] public safety.”² The PSSA agrees with this statement wholeheartedly. In order to ensure such access, the three proposed “pillars” of a national spectrum strategy should reflect the following priorities.

II. Pillar #1 – A Spectrum Pipeline to Ensure U.S. Leadership in Spectrum-Based Technologies

First, the RFC requests comments on the requirements that a spectrum pipeline (i.e. a process to identify spectrum bands that should be studied for repurposing) needs to address, as

¹ National Telecommunications and Information Administration, Development of a New Spectrum Strategy, 88 Fed. Reg. 16244 (Mar, 16, 2023) (hereafter “RFC”).

² RFC at 16245.

well as the identification of particular spectrum bands that could be best suited for potential repurposing. In the development of any spectrum pipeline, it is critical to ensure that sufficient spectrum is preserved for public safety uses. There should also be a priority to ensure that first responders have access to interoperable broadband communications nationwide, including through new technologies.

In particular, the RFC asks about how “spectrum sharing” should be defined and the benefits and hindrances of particular spectrum access approaches.³ Any approaches to spectrum sharing and spectrum access should appropriately reflect a need to protect and preserve usage for public safety operations, particularly in bands that are already used for these purposes. For example, the 4.9 GHz Band⁴ has been used by public safety since 2002, with literally thousands of agencies relying on this band for critical, lifesaving communications. Moreover, the PSSA anticipates that the development, implementation, and availability of new technologies, particularly 5G, will result in significant growth in the usage of mid-band spectrum. Preserving this type of mid-band spectrum will ensure access for first responders to interoperable broadband communications nationwide.

In order to protect and preserve this spectrum for public safety use without harmful interference, a single, nationwide overlay license should be issued for the band. Such a license should be issued to an entity that has the expertise necessary to deliver robust services to first responders while also establishing an operational framework that: enables full use of all 50 MHz of spectrum in the 4.9 GHz Band, incentivizes innovation, and provides oversight of and dispute resolution relating to secondary usage and band operations. Additionally, a band manager should

³ See RFC at 16246.

⁴ 4940-4990 MHz.

work in conjunction with the licensee to provide the necessary technical expertise and day-to-day management. In order to protect public safety, the band manager should ensure priority and ruthless preemption on behalf of first responders, which will avoid the need to attempt to resolve interference on a piecemeal, manual basis. Finally, a nationwide licensee would also be able to issue appropriate authorizations for secondary use (and expanded use of existing licenses).

III. Pillar #2 – Long-Term Spectrum Planning

Next, the RFC requests comment on the long-term spectrum planning process, including the “groups or categories of affected stakeholders with interests in the development of the National Spectrum Strategy.”⁵ As the RFC notes, “NTIA and the FCC [Federal Communications Commission] are collaborating to develop and implement a long-term strategic spectrum planning process.”⁶ Here, the PSSA reiterates the need to preserve sufficient spectrum for public safety uses in the long-term.

Preserving public safety communications has been a foundational component of both the NTIA’s and the FCC’s mission. One of the FCC’s central purposes, as set forth in the Communications Act of 1934, as amended, is to “promot[e] safety of life and property through the use of wire and radio communication.”⁷ And, the RFC itself notes the NTIA’s and the Department of Commerce’s commitment to developing a “national spectrum strategy...to fully address the needs of spectrum reliant services and missions, including...national defense and homeland security, safeguarding the national airspace and ports, [and] securing the Nation’s

⁵ RFC at 16246.

⁶ RFC at 16246.

⁷ 47 U.S.C. § 151.

critical infrastructure.”⁸ To achieve these goals, preserving public safety spectrum access is vital in the long-term spectrum planning process.

As described above, mid-band spectrum is of particular importance to public safety and first responders. Given the vital purpose of the 4.9 GHz Band, access must be carefully managed to ensure usage by first responders, which is a role a band manager can fulfill.

III. Pillar #3 – Unprecedented Spectrum Access and Management Through Technology Development

Finally, the RFC requests comment on “categories of new or emerging technologies...to ensure the U.S. continues to innovate and maintain its global leadership in spectrum-based services.”⁹ The PSSA does not take a position on specific spectrum management models or technologies, except to note that mandating such models or technologies is not appropriate for all spectrum bands. However, the PSSA reiterates that, even if non-public safety secondary use is permitted in the 4.9 GHz Band, such use must be subject to priority for and ruthless preemption in favor of public safety operations.

IV. Conclusion

The PSSA appreciates the opportunity to provide comments on the NTIA’s development of a national spectrum strategy. As described above, it is critical to ensure that a national spectrum strategy preserves sufficient spectrum – particularly mid-band spectrum – for public safety uses. This will ensure that first responders can enjoy access to interoperable broadband communications nationwide, especially as 5G technologies take hold. Next, this preservation of

⁸ RFC at 16245.

⁹ RFC at

spectrum for public safety use should be reflected in the long-term spectrum planning process.

This prioritization reflects the foundational goals that the NTIA has identified. Finally, the national spectrum strategy should reflect the goals of public safety priority use in its approach to spectrum access and management.