

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Urging the United States Senate to pass H.R. 451, the "Don't Break Up the T-Band Act of 2020," with all deliberate speed.

Whereas, T-Band communications are categorized as communications operating at frequencies of 470-512 megahertz, and are used extensively - but not exclusively - by public safety entities with appropriate broadcasting privileges in Boston, Chicago, Dallas/Ft. Worth, Houston, Los Angeles, Miami, New York, Philadelphia, San Francisco/Oakland, Washington, DC, and Pittsburgh/Allegheny County; and

Whereas, the FCC reports that 952 public safety agencies public safety entities in these 11 cities that do use T-Band communications use relatively narrow portions of the band, each comprising approximately 6 megahertz; these portions of the band are not contiguous nationwide, and are scattered throughout the 470-512 megahertz frequency range; and

Whereas, the United States House of Representatives and FCC currently indicate that these 952 public safety entities serve a combined population of 90 million Americans; and

Whereas, in 2012, the United States Congress opted to require that the Federal Communications Commission auction licenses in the T-Band spectrum currently used by public safety agencies to private entities via competitive bidding no later than February of 2021, pursuant to the terms of The Middle Class Job Creation and Tax Relief Act of 2012, P.L. 112-96; and

Whereas, while envisioned as a step in creating an integrated national high-speed emergency services communications network at the time it was enacted, practical considerations and events since the enactment the auction requirement have rendered a national network impracticable at the present time; and

Whereas, the mandated auction would force the 952 public safety agencies that utilize T-Band frequencies to cease doing so, and acquire equipment that would enable communications at other frequencies; and

Whereas, according to recent reports, the cost of transitioning Allegheny County's emergency services operations to a different wavelength could cost as much as \$250 million; and

Whereas, despite mandating that the T-Band auction take place in February of 2021, the Middle Class Job Creation and Tax Relief Act of 2012 did not identify or set aside replacement spectrum for existing T-Band licensees, and only requires that public safety agencies relocate to other wavelengths not later than two years after the competitive bidding process in the T-Band

auction concludes, thus creating an uncertain timeline within which the significant cost of relocation must be borne by the County; and

Whereas, the degree of uncertainty is perhaps best highlighted by the FCC's Public Safety T-Band Fact Sheet, dated July 2016: "...the exact timing of the relocation deadline will depend on when the T-Band competitive bidding process concludes....We cannot predict the duration of the auction, which may be affected by multiple variables including the auction design, number of bidders, and the number of licenses being offered. Historically, FCC auctions have varied in duration from a single day to multiple weeks or months. Furthermore, after the auction closes, additional time will be required for filing of long-form applications by winning bidders and the final award of licenses."; and

Whereas, according to a June 2019 Government Accounting Office report, FCC officials estimate that revenues from auctioning the entire T-Band would total less than \$2 billion, while the costs associated with relocating the public safety entities that currently use T-Band frequencies would exceed \$5 to \$6 billion; and

Whereas, FCC Commissioner Jessica Rosenworcel recently discussed the problematic nature of proceeding with the mandated auction in a recently published prepared statement, noting that relocating the public safety systems that utilize frequencies in the T-Band is "...a bad idea, any way you cut it. For one thing, it would disrupt critical communications for first responders in Boston, Chicago, Dallas, Houston, Los Angeles, Miami, New York, Philadelphia, Pittsburgh, San Francisco, and Washington, D.C., during a public health emergency. For another, relocating the communications of these existing public-safety authorities would cost billions more than we can reasonably expect to recover in this auction. Finally, the lack of alternative public safety spectrum in many of the affected areas would leave a dangerous gap in emergency communications."; and

Whereas, these sentiments were echoed by FCC Chairman Ajit Pai, while urging Congress to repeal the T-Band auction mandate in May of this year: "[a]n auction of the T-Band is a bad idea. But as of today, the law mandates that we do it. It's unfortunate that Commission resources must be dedicated to laying the groundwork for an auction that will likely fail."; and

Whereas, on September 23, 2020, the United States House of Representatives passed H.R. 451, the Don't Break Up the T-Band Act of 2020, which would eliminate the T-Band auction requirement, by a bipartisan vote of 410-5; and

Whereas, on September 24, 2020, the United States Senate received H.R. 451, and referred the matter to the Committee on Commerce, Science, and Transportation, where it still resides; and

Whereas, it is the judgment of Council that an objective cost-benefit analysis of the proposed T-Band auction and its impact upon public safety agencies clearly indicates that the auction should not proceed; and

Whereas, it is further the judgment of Council that the repeal of the T-Band auction requirement proposed in H.R. 451 would inure to the benefit of the health, safety, and well-being of the 1.2 million residents of Allegheny County, and the 90 million residents of all areas that would be affected by the change;

The Council of the County of Allegheny therefore hereby moves as follows:

Allegheny County Council hereby urges the United States Senate to undertake committee deliberations and pass H.R. 451, the "Don't Break Up the T-Band Act of 2020," with all deliberate speed.

PRIMARY SPONSOR: PRESIDENT CATENA

CO-SPONSORS:

Read and approved in Council, this 20th day of October, 2020,

Council Agenda No. 11650-20



Patrick Catena
President of Council

Attest:



Jared E. Barker, Chief Clerk
Allegheny County Council