



# NATIONAL FRATERNAL ORDER OF POLICE

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9 February 2024

The Honorable Jessica Rosenworcel  
Chairman  
Federal Communications Commission  
45 L Street, NE  
Washington, D.C. 20554

Dear Madam Chairman,

I am writing on behalf of the members of the Fraternal Order of Police to convey our appreciation to you and the other Commissioners for preserving the 4.9 GHz band for public safety.

The FOP is the oldest and largest national law enforcement organization in the United States representing more than 373,000 officers and deputies in every region of the country from large urban law enforcement agencies to small departments in rural communities, and everywhere in between. Regardless of where they serve, communication is a critical lifeline for those on the frontline.

As the Commission takes steps to develop new rules for the 4.9 GHz band to increase its utilization by law enforcement and other first responders, the FOP would like to share our perspective as our members are the end-users in the field and rely on these communications to protect themselves and the public.

First and foremost, we agree with the Commission's latest order that preserves the 4.9 GHz band for public safety, requires priority and preemption over any non-public safety use, and adopts a nationwide framework to support public safety's growing need for dedicated 5G spectrum. This cannot be effectively or realistically accomplished through a fractured, patchwork approach that results in different uses of the band depending upon the geographic area, or even upon the licensee within the same geographic area. This decentralized framework has been in place for 20 years, and the band has remained chronically underutilized. The decentralized approach lacks the necessary economies of scale and coherent approach necessary to increase the use of the band and drive innovation.

While the 4.9 GHz band is very much underutilized nationwide, there are State and local public safety departments operating in the band today for many essential functions. It should be the responsibility of the band manager to make sure the incumbent licensees can continue to operate in the band on a priority basis. Through frequency coordination and spectrum management, the band manager can ensure the 4.9 GHz band is available for nationwide public safety 5G without interference to incumbent users.

The lack of a national strategy could result in commercial entities "cherry-picking" the most desirable areas for 5G investment, while leaving much of the country unserved. For this reason, the FOP agrees with the First Responder Network Authority's (FirstNet) filing that integrating the 4.9 GHz spectrum into the Nationwide Public Safety Broadband Network (NPSBN) would "undoubtedly further the public interest." FirstNet has proven it can successfully deploy and operate a nationwide wireless broadband network dedicated to America's public safety. Through the FirstNet Authority Board and the FirstNet Public Safety Advisory Committee, those of us in law enforcement or other public safety disciplines play a direct role in the oversight, governance, and evolution of the FirstNet network. In our view, making the 4.9 GHz spectrum available for nationwide FirstNet 5G deployment is the most expedient and impactful way we can operationalize the 4.9 GHz spectrum.

In recent months, there has been a concerted effort by organizations—many of which are not public safety—to sow doubt about public safety's vision for how to reform the 4.9 GHz band. They have shrouded their mission under the false banner of "local control" and falsely claim incumbent licensees would lose access to the band if it is operationalized for nationwide 5G. Under their plan, the fractured, decentralized approach would continue—thus limiting the utilization of the band for the benefit of public safety.

We urge you to reject these arguments. The FOP represents and works for the rank-and-file officers serving their communities. We are not a lobbying firm or public relations firm. We do not represent vendors or wireless providers, nor are we engaged in decision-making with respect to contracts for these services for law enforcement agencies. There is no economic benefit or consideration whatsoever. Our views are those of the end-users—the men and women in the field who are in harm's way and who rely on their ability to communicate. This must be the first and only consideration guiding our decisions.

When the FirstNet effort was still taking shape, the FOP and our partners in the International Association of Fire Fighters (IAFF), who together represent the overwhelming majority of the public safety practitioners that use this equipment in the field, were slowly squeezed out of the policy-making process in favor of providers, big technology representatives, and public safety executives. Law enforcement was barely represented and there were no rank-and-file voices at the table at all. This led the FOP and IAFF to oppose those early efforts until then Vice President Biden interceded on our behalf and got the effort back on track. We risk repeating history if law enforcement officers and fire fighters—the rank-and-file whose lives depend on a healthy and robust public safety communications network—are once again sidelined so telecom providers can make a few extra dollars.

The new 5G technology offers the promise to equip law enforcement and other first responders with new tools for emergency response and public safety. The use of a mid-band spectrum for 5G would provide the speed and propagation characteristics essential to innovative public safety communications. Speaking for our officers who use this technology, I can tell you that we have a real need for a dedicated 5G spectrum, and the 4.9 GHz band is uniquely positioned to meet this need both today and into the future. We cannot afford to miss this moment because of short-sighted opportunists or even the well-intentioned who do not understand the public safety mission well enough to make informed decisions. Public safety practitioners—especially the rank-and-file need to be assured that our voice will be heard clearly because our lives depend on it.

On behalf of the more than 373,000 members of the Fraternal Order of Police, thank you for your leadership on this issue and for taking into consideration our views on these important matters. If I can provide any additional information about this bill, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a large, stylized flourish extending to the right.

Patrick Yoes  
National President

**cc:** The Honorable Brendan Carr, Commissioner, Federal Communications Commission  
The Honorable Geoffrey Starks, Commissioner, Federal Communications Commission  
The Honorable Nathan Simington, Commissioner, Federal Communications Commission  
The Honorable Anna M. Gomez, Commissioner, Federal Communications Commission