

Public Safety T-Band Fact Sheet September 2018

This fact sheet provides answers by the Public Safety and Homeland Security Bureau to common questions asked by public safety licensees about the “T-Band” provisions of The Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96) (the Act) and its impact on public safety licensees. The relevant section of the Act reads as follows:

“SEC. 6103. 470-512 MHZ PUBLIC SAFETY SPECTRUM.

(a) In General- Not later than 9 years after the date of enactment of this title, the Commission shall—

- (1) reallocate the spectrum in the 470-512 MHz band (referred to in this section as the ‘T-Band spectrum’) currently used by public safety eligibles as identified in section 90.303 of title 47, Code of Federal Regulations; and
- (2) begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new initial licenses for the use of the spectrum described in paragraph (1).

(b) Auction Proceeds- Proceeds (including deposits and upfront payments from successful bidders) from the competitive bidding system described in subsection (a)(2) shall be available to the Assistant Secretary to make grants in such sums as necessary to cover relocation costs for the relocation of public safety entities from the T-Band spectrum.

(c) Relocation- Relocation shall be completed not later than 2 years after the date on which the system of competitive bidding described in subsection (a)(2) is completed.”

Q: How many public safety incumbents are currently licensed in the T-Band?

A: According to the FCC’s licensing records, there are 925 public safety entities that hold licenses in the T-Band. These systems are licensed in eleven metropolitan areas where T-Band spectrum is allocated for land mobile radio (LMR) use: Boston, MA; Chicago, IL; Dallas/Fort Worth, TX; Houston, TX; Los Angeles, CA; Miami, FL; New York, NY/NE NJ; Philadelphia, PA; Pittsburgh, PA; San Francisco/Oakland, CA; and Washington, DC/MD/VA.

Q: Does the Act require public safety T-Band incumbents to relocate out of the T-Band by the 9-year deadline specified in Section 6103(a)?

A: No. The Act requires that within 9 years of the Act’s enactment, i.e., by February 22, 2021, the FCC must take certain steps to begin the auction and relocation process, but public safety incumbents are not required to relocate at that time. Specifically, by the 9-year deadline, the FCC must “reallocate” T-Band public safety spectrum and “begin a system of competitive bidding.”

Q: When is the deadline for public safety T-Band incumbents to relocate from the T-Band spectrum?

A: The Act states that “[r]elocation shall be completed not later than 2 years after the date on which the system of competitive bidding ... is completed.” Therefore, the exact timing of the relocation deadline will depend on when the T-Band competitive bidding process concludes.

Q: Once the T-Band auction begins, how long is it likely to take?

A: 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.

Q: What spectrum bands are potentially available for the relocation of T-Band public safety licensees?

A: The Act did not identify or set aside replacement spectrum for T-Band licensees. T-Band licensees are currently eligible to relocate to public safety channels in the VHF (150-174 MHz), UHF (450-470 MHz), 700 MHz, and 800 MHz bands, to the extent channels in these bands are available, and the Commission has prioritized availability of certain channels in these bands for T-Band licensees. Spectrum may also be available through leasing, or partitioning/disaggregation of other narrowband public safety or commercial spectrum. In addition, the Nationwide Public Safety Broadband Network (NPSBN) being developed by FirstNet may be capable of supporting some of the public safety communications needs of former T-Band licensees, but this will depend on a variety of factors that are not certain at this time, including the deployment timetable and technical capabilities of the NPSBN.

Q: When will funds be available to T-Band public safety incumbents for relocation?

A: The Act requires T-Band public safety incumbents to complete relocation within 2 years of the completion of the competitive bidding process, but does not specify when funds are to be made available. Under the Act, timing and other terms of funding grants are to be determined by the Assistant Secretary of NTIA.

Q: Will the Commission force T-Band licensees to relocate if the T-Band auction generates insufficient funds to cover relocation costs or if there is insufficient spectrum to support relocation of all incumbents?

A: The Act does not address these contingencies. However, in implementing the Act, the Commission is committed under any scenario to ensuring the continuity of T-Band licensees' public safety mission-critical communications.

Q: What action has the Commission taken with respect to the T-Band?

A: Following passage of the Act in February 2012, the Commission froze the processing of applications for new or expanded T-Band operations to avoid adding to the cost and complexity of public safety relocation. It also waived the pre-Act regulatory deadline for migration of T-Band licensees to narrowband technologies, in light of the need for future relocation. In February 2013, the Commission released a Public Notice to gather information to develop a better understanding of options for the Commission's future consideration regarding the T-Band. In October 2014, the Commission opened up the 700 MHz narrowband reserve channels (twenty-four 12.5 kilohertz bandwidth channel pairs) for general licensing and afforded T-Band public safety licensees priority access to these channels in T-Band areas.

Q: Should T-Band public safety licensees continue to maintain their existing T-Band systems? Are there steps they should take to prepare for relocation?

A: T-Band public safety licensees should continue to maintain existing systems as needed. However, we remind licensees of the freeze on new or expanded T-Band operations, and we advise T-Band licensees, in conjunction with their frequency coordinators, state and local governments, and interoperability partners to begin consideration of transition options consistent with the statutory timeframes described above. Waivers allowing modification of

license may be granted to licensees whose modifications do not expand the coverage footprint or expand the footprint only a *de minimis* amount.

Q: **Does FirstNet have a role in implementing the Act's T-Band provisions?**

A: No. The Act assigns responsibility for implementation of T-Band relocation solely to the Commission and NTIA.