

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of Part 90 of	)	WP Docket No. 07-100
the Commission's Rules	)	

COMMENTS OF THE CITY OF CORNING, NEW YORK

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## **INTRODUCTION**

The City of Corning, New York respectfully submits its comments to the Federal Communications Commission (“the Commission”) in response to the Commission’s Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking.<sup>1</sup> The City of Corning has an interest in ensuring there is adequate spectrum to meet its public safety needs now and in the future. Although not a current user of the 4.9 GHz Band, the City of Corning anticipates its wireless broadband needs will continue to expand along with those of public safety agencies nationwide necessitating the likely need for additional bandwidth in the future as technology advances to provide reliable, interoperable communication services for mission critical operations and infrastructure protection.

## **COMMUNITY PROFILE**

The City of Corning has a land area of approximately 3.2 square miles. It is located in the southeast portion of Steuben County, New York along Interstate 86 in the Finger Lakes Region. Although located in a rural region, the City of Corning is home to the headquarters of Fortune 500 Company Corning Incorporated, a manufacturer of glass and ceramic products for industrial, scientific and technical uses. In addition to Corning Incorporated, tourism is a significant contributor to the local economy. The City of Corning draws hundreds of thousands of visitors each year who make their way to the Finger Lakes for recreational purposes, to visit the world-class Corning Museum of Glass, and attend races at the nearby Watkins Glen International Speedway which includes NASCAR’s premier race series.

The City of Corning operates under the Council-Manager plan. The City Manager is the Chief Executive Officer and the Director of Public Safety. The City provides a full range of municipal services to its residents including, but not limited to, police, fire, flood control, water/sewer utilities, and code enforcement.<sup>2</sup>

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<sup>1</sup> Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking, WP Docket No. 07-100, 88 FR 12637, February 28, 2023.

<sup>2</sup> [www.CityofCorning.com](http://www.CityofCorning.com)

## **ISSUE A SINGLE NATIONWIDE LICENSE**

The current licensing arrangement for the 4.9 GHz band is fragmented, relying on individual local licenses issued to public safety agencies. In order to establish a centralized management to realize operational efficiencies and to limit the possibility of band interference, the Commission should issue a single nationwide overlay license to an appropriate entity. This would be consistent with the Commission's stated goal "to create a consistent, nationwide framework for the 4.9 GHz Band that fosters efficient use of this important mid-band spectrum."<sup>3</sup> It would also provide the necessary economies of scale to expand the band's use and spur innovation of new technologies and devices at prices public safety agencies can afford.

The licensed entity needs to have the expertise and resources necessary to deliver services to first responders. This is a complex undertaking, but it can be done as evidenced by the creation and rapid growth of the Nationwide Public Safety Broadband Network ("NPSBN") overseen by the First Responder Network Authority (FirstNet).<sup>4</sup> During the establishment of the network, FirstNet conducted consultations with each state and territory to ensure that unique needs of the Nation's various regions were taken into account and the necessary planning and coordination was conducted. These efforts resulted in a consistent nationwide framework for public safety's use of Band 14 and created the confidence for public safety agencies to make the requisite investments.

## **SELECT A NON-PROFIT BAND MANAGER**

The single nationwide licensee for the 4.9 GHz band will need the necessary technical expertise to handle frequency coordination and the management expertise to oversee daily activities. The band manager needs to ensure public safety's priority use of the band and resolve disputes among primary and

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<sup>3</sup> Ninth Further Proposed Rulemaking, paragraph 101.

<sup>4</sup> The First Responder Network Authority is an independent authority established by the Middle Class Tax Relief and Job Creation Act of 2012 within the National Telecommunications and Information Administration.

secondary users. This would be best served by allowing the single nationwide licensee, with appropriate federal oversight, to select a band manager it determines is most capable.

### **A SINGLE NATIONWIDE CORE**

A single nationwide core is needed to provide priority and preemption to public safety users on the 4.9 GHz band traffic, as is currently provided through the 3GPP standards on the NPSBN. First responders need this automatic service level as they cannot wait for manual intervention. If secondary users, such as operators of critical infrastructure, are allowed to use the system, public safety users must be given first priority. This will ensure mission-critical needs are met. Disputes can be arbitrated after the fact as not to impede public safety's mission during times of emergency.

### **FULLY OPERARABLE WITH THE NPSBN**

The City of Corning relies on FirstNet as an important part of its public safety communications capabilities. Since becoming operational in early 2018, FirstNet has experienced rapid growth in the number of subscriptions and agencies utilizing the network. AT&T, FirstNet's commercial partner, recently announced there are over 25,000 agencies using FirstNet with more than 4.7 million connections.<sup>5</sup> As technologies and spectrum use continues to evolve, additional spectrum will be needed to support first responders, especially 5G based services. Integration of the 4.9 GHz band with the NPSBN must be seamless and automatic to provide end users with wireless communications free of delays which is paramount to the efficient and effective operation of public safety services.

### **PROTECT CURRENT LICENSE HOLDERS**

The City of Corning agrees with the Public Safety Spectrum Alliance's (PSSA) position to protect existing point-to-point and geographic licenses by converting them to site specific authorizations.<sup>6</sup> The

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<sup>5</sup> IWCE's Urgent Communications, "AT&T says FirstNet has about 4.7 million connections, 25,000 agencies", April 21, 2023.

<sup>6</sup> Comments of the Public Safety Spectrum Alliance filed April 12, 2023

Commission should limit current license holders to existing uses while the band manager assesses requests for future uses.

If relocation of any existing user of the 4.9 GHz band is necessary, the cost should not be borne by existing users, as they often have limited resources and the relocation is occurring through no fault of their own. The Commission should explore appropriate fees for the use of the 4.9 GHz band or other financial models that could be used to cover these relocation costs.

### **CONCLUSION**

The City of Corning appreciates the Commission's willingness to solicit input on the future of the 4.9 GHz band. It is a critical resource for the future of public safety communications. All efforts need to be made to ensure that this spectrum is dedicated to public safety use and licensed to a single qualified entity with assistance from a non-profit band manager. Public safety agencies must have priority use, and the spectrum has to be free from interference and managed in such a way as to seamlessly integrate with the NPSBN.

The Commission has an outstanding model in FirstNet which can be successfully leveraged to manage the 4.9 GHz band. The City of Corning encourages the Commission to use this single licensee model as the basis for developing its 4.9 GHz framework.