

STATEMENT OF CONGRESSMAN RICK BOUCHER

Subcommittee on Communications, Technology and the Internet Hearing: A National Interoperable Broadband Network for Public Safety: Recent Developments

September 24, 2009

The Subcommittee will come to order.

Today we consider steps the Congress can take to facilitate the creation of a nationwide interoperable broadband network for the public safety community.

As the terrorist attacks on 9/11 and natural disasters like Hurricane Katrina starkly revealed, there are serious obstacles that prevent fire, police and rescue personnel from one locality communicating with first responders from other localities when they converge on the scene of a disaster.

In some instances, fire, police and rescue personnel in a single locality may lack a means of interoperable communication.

For almost a decade, there has been a widely expressed need to create a nationwide fully interoperable communications network for first responders, but as of today that network remains a goal. It is not a reality.

This morning we will examine various proposals By first responder representatives and commercial wireless carriers for realization of the network.

In advance of the 700 MHZ auction in 2008, the FCC crafted a plan to auction the 10 MHZ D Block of the 700 MHZ spectrum to a commercial carrier who, under the terms of the proposal, would then build out the D Block with the needed equipment. Under the terms of the auction, the winning commercial bidder would share the 10 MHZ with public safety, and public safety would have priority access to the network.

Those terms proved unattractive to the commercial carriers, and in the auction, the D Block did not receive the auction reserve price and was not sold. It remains unsold today.

A variety of proposals have been made since the failed D Block auction about how the D Block could be used to create the much needed nationwide first responder network.

We will examine the proposals this morning and ask if any of them could result in a true nationwide interoperable network built out with the necessary wireless infrastructure.

The build out of the wireless infrastructure would appear to be the largest single challenge, and we will focus our inquiry on how that build out could be financed through the various proposals that have been submitted.

One proposal is to give the D Block to public safety, to be combined with the 10 MHz of spectrum already held by the Public Safety Broadband Licensee, the Public Safety Spectrum Trust. While this option would clearly give public safety sufficient spectrum for a nationwide broadband network, it would not provide any funding for building it out. While some contend that localities could lease the 10 MHz D Block that is given to them under this proposal to commercial entities and then apply the revenue from the lease to equipment build out, I question whether sufficient revenue from the lease could be realized, particularly in rural areas to finance the needed equipment purchase.

Another proposal is to auction the 10 MHz D Block unencumbered and for purely commercial use. The proceeds of that auction would be used to help fund the buildout of a broadband network on the 10 MHz of spectrum currently held by the PSST. This proposal likewise raises questions. Given that no one believes the auction would raise sufficient funds to build out a nationwide network, where would public safety find the rest of the money it needed? Could this proposal also leave smaller and more rural areas that lack financial resources behind?

A third option is for the FCC to reactivate the D Block for purchase by a commercial carrier to use in a public/private partnership with the Public Safety Broadband Licensee. However, to ensure a successful auction, it would need to be restructured to address the concerns of commercial providers that resulted in the failure of a similarly structured auction in 2008.

Whichever option is pursued, the most important goal is achieving a true nationwide public safety interoperability. That means a plan that will ensure universal buildout and will not favor those areas with more resources to invest in a network over others with more limited means. The most critical question for many when determining how best to address the matter is how it will ensure that rural areas and financially disadvantaged regions are not left behind.

We have an historic opportunity to make our Nation more secure and give our first responders a crucial tool they urgently need. I urge all members to keep this goal in mind as we consider how best to proceed, and I expect we will receive thoughtful analysis from today's panel of witnesses.