

STATEMENT OF  
DEPUTY CHIEF CHARLES F. DOWD  
COMMANDING OFFICER, COMMUNICATIONS DIVISION  
NEW YORK CITY POLICE DEPARTMENT

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON ENERGY AND COMMERCE  
SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY AND THE  
INTERNET



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Good morning Chairman Boucher, Ranking Member Stearns, and members of the Subcommittee. I am Deputy Chief Charles Dowd, Commanding Officer of the New York City Police Department's Communications Division. On behalf of Police Commissioner Raymond Kelly, I want to thank you for the opportunity to discuss with you today the critical need for Congress to act to ensure that public safety agencies will be able to communicate effectively, now and in the future.

I speak today not only for the NYPD and the City of New York, but also on behalf of virtually all of my colleagues in public safety, represented by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs' Association, the Metropolitan Fire Chiefs, the Major Cities Police Chiefs, the Major County Sheriffs' Association, the Association of Public Safety Communications Officials, and the National Emergency Management Association. We are joined in this effort by the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association, and to many others to list here today.

We jointly and urgently request that Congress take immediate action to reallocate and assign the 700 MHz D Block of broadband spectrum directly to public safety, rather than conducting a public auction of this vital resource. We strongly support a bi-partisan bill introduced by Representative Peter King. This legislation, H.R. 5081, currently co-sponsored by twenty-four members of the House, including Representative Anthony Weiner, Vice-Chair of this Subcommittee, would accomplish this purpose, and ask that Congress swiftly approve the bill and send it to the President for his signature.

In previous testimony before this committee we have said that broadband technology will create a paradigm shift in public safety communications. The events in

Mumbai India and more recently in Times Square confirm the need for information sharing capabilities that will allow first responders to be effective in preventing such attacks. The ability to share information in real time on a local, state, and federal level is critical to that goal.

The staff discussion draft referred to by this committee as the “Public Safety Act of 2010” is fatally flawed legislation in that it calls for the auctioning of the D Block. It does address some of public safety’s needs by designating other spectrum for auction with the proceeds being dedicated to public safety broadband. It also talks about the establishment of an advisory board under the FCC. Such an entity could be successful if comprised of public safety practitioners as decision makers. The section on flexibility and sharing of broadband spectrum is an idea also generally supported by public safety as a way to fund and maintain the network. However, we cannot agree with the bill’s intent to auction a resource as critical to public safety as the D Block.

Since the D Block spectrum is adjacent to the public safety broadband allocation it is uniquely desirable, as it can provide needed additional capacity simply and elegantly, without complicating network or handset design. Any alternative spectrum offered will be less desirable since additional components would be required which would dramatically increase the cost while reducing performance. Non adjacent spectrum blocks will not provide as much throughput capacity as the D Block, since greater efficiency is achieved through spectrum aggregation; this is the essence of broadband. If adding sites were the solution to a network capacity shortage, there would be no contention for, or market for the D Block. Rather than seeking additional spectrum, network operators would simply add more sites. This is clearly not the case.

Allocating the D Block to public safety will also provide first responders with the bandwidth required for the eventual migration of mission critical voice to 700 LTE as envisioned in the National Broadband Plan. The NYPD shares this vision and looks forward to a day when public safety users can share a nationwide network that supports voice, video, and data on an integrated wireless network and abandon the web of disparate legacy networks that impedes interoperability today. The D Block is the cornerstone of the mission critical voice foundation; without it, a mission critical voice and data network would not be possible. The City of New York filed a whitepaper with the FCC describing the spectrum needs for an integrated voice and data network several months ago. As public safety experts, we contend that filing provided proof that 10MHz. of dedicated spectrum is insufficient for public safety’s needs during emergencies. We have submitted a copy for the record of this hearing.

Our experience with commercial network failures tells us we need network control to ensure guaranteed access and security. Commercial networks are simply not built to the same standards of reliability and survivability as our public safety networks. In a timely 60 Minutes broadcast last Sunday, federal officials criticized the utility industry for failing to safeguard their networks and systems from intrusion and malicious software. It was clear that the biggest impediment to protecting the power grid was the utilities’ unwillingness to spend profits to secure their systems. What assurances do we

have that commercial carriers will provide the adequate network security and robust buildout that public safety requires and demands? The nationwide network will be interconnected to confidential databases and secure servers that need to be protected. We need to have the option to build our own secure networks and manage the security of these networks ourselves.

The public safety organizations mentioned at the beginning of my testimony are unified in the goal of establishing for the first time a nationwide interoperable mission critical voice and data public safety broadband network. They are not motivated by profit or politics. Their only motivation is the ability to serve the public they are sworn to protect. On behalf of these organizations, I thank you for your attention to this important issue, and I will be happy to answer any questions from this Subcommittee.