

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

April 20, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

On June 30, 2010, the bipartisan leadership of the House Committee on Energy and Commerce and the Subcommittee on Communications, Technology, and the Internet wrote you to request information on the public safety equipment and device market. In that letter, which is attached, a bipartisan group of committee members expressed concern about public safety reliance upon an exclusive or limited vendor pool for equipment and devices. We further noted that as a result, public safety equipment is often more expensive than comparable commercial equipment, and that interoperability is undermined. This is of concern in light of our goal to create a nationwide, interoperable broadband public safety network and the fact that the costs of this network and related equipment will be borne by local, state, and federal taxpayers.

In your response of July 20, 2010, you explained that publicly available information indicates that Motorola Corporation has a very significant share – approximately 80 percent according to *The Washington Post* – of the public safety narrowband equipment market in the United States. You added that the staff of the FCC's Public Safety and Homeland Security Bureau believes that proprietary solutions and market dominance play an important role in ongoing problems with interoperability among public safety users and innovation, cost, and competition in the public safety equipment market. Moreover, the current structure of the public safety equipment market may hinder efforts to achieve interoperability for a broadband public safety network.

These were troubling answers, and more recent developments raise additional concerns about this matter. Specifically, news reports indicate that certain public safety jurisdictions that

have received, or have applied for, waivers for early deployments of 700 MHz broadband networks have already awarded contracts to the same dominant vendor.¹

In light of these developments, we would appreciate your assistance in obtaining responses to the following additional questions and requests:

1. Please provide a list of waiver recipients and applicants that have already selected a vendor, and identify the vendor.
2. Please indicate whether these jurisdictions followed a competitive bidding process in the selection of the vendor that is to construct the broadband public safety network.
3. Is this vendor(s) supplying equipment that conforms with open, commercial LTE standards?
4. In addition to LTE, please indicate whether these vendors intend to implement proprietary broadband wireless technologies. If so, how would such proprietary technologies impact:
 - a. network and device equipment costs borne by public safety relative to commercial equipment;
 - b. the ability for public safety to benefit from innovation in wireless technologies;
 - c. the likelihood of terminated product lines or new mandatory releases that result in unique costs to public safety relative to commercial technologies;
 - d. public safety interoperability at the application, device, and network levels among networks provisioned by different vendors;²

¹ See Urgent Communications, "Motorola Announces First 700 MHz LTE System for Public Safety," July 29, 2010, at http://urgentcomm.com/networks_and_systems/news/motorola-announces-lte-system-20100729/; FierceWireless, "Motorola to Build 700 MHz Public-Safety Network in Houston," Mar. 18, 2011, at <http://www.fiercewireless.com/story/motorola-build-700-mhz-public-safety-network-houston/2011-03-18>.

² A recent filing at the FCC indicates that a vendor selected to deploy a public safety broadband network in Harris County, Texas, may not enable roaming users to access certain applications. See Letter from Michael A. Lewis, Engineering Consultant, Wiley Rein, LLP, to Marlene H. Dortch, Secretary, Federal Communications Commission (March 16, 2011) ("unless jurisdictions have previously reached agreement on the use of a given application, roaming users may not be able to access that application even though they will be able to operate").

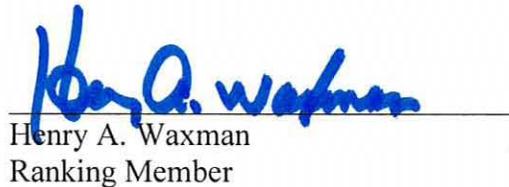
- e. the ability of public safety users to enter into partnerships with commercial wireless providers;
 - f. competition in the public safety communications equipment market; and,
 - g. the FCC's National Broadband Plan finding that encouraging incentive-based partnerships with a variety of commercial operators would benefit public safety.
5. How would the construction of early deployed public safety networks by dominant vendors:
- a. be impacted by subsequent adoption of final technical and operations rules governing 700 MHz public safety broadband networks – would the public safety agency be responsible for paying for any and all network and device changes?;
 - b. affect achievement of a nationwide level of public safety interoperability at the device, application, and network levels?

Thank you in advance for your assistance with this matter. We would appreciate a response by May 5, 2011.

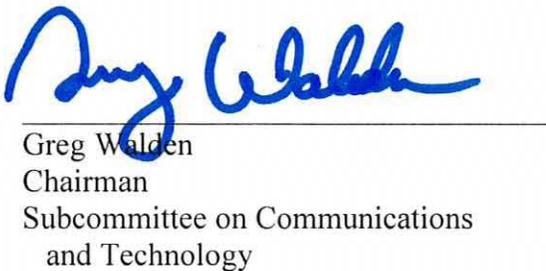
Sincerely,



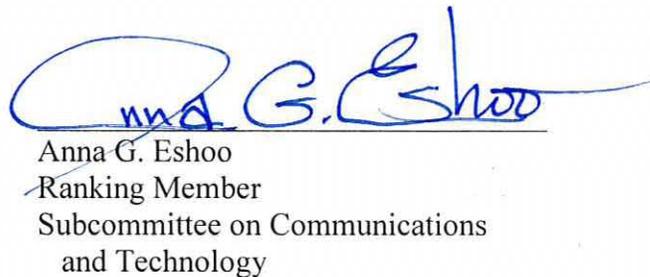
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Ranking Member



Greg Walden
Chairman
Subcommittee on Communications
and Technology



Anna G. Eshoo
Ranking Member
Subcommittee on Communications
and Technology

Attachment