TESTIMONY OF HON. SLADE GORTON

on

USING SPECTRUM TO ADVANCE PUBLIC SAFETY, PROMOTE BROADBAND, CREATE JOBS, AND REDUCE THE DEFICIT

before the

SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY

of the

HOUSE COMMITTEE ON ENERGY AND COMMERCE

APRIL 12, 2011

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Good afternoon Chairman Walden, Ranking Member Eshoo and members of the Subcommittee. Thank you very much for this opportunity to appear today to discuss critical issues in spectrum policy. My name is Slade Gorton and I spent 18 years representing Washington State in the United States Senate. During that time, I served, among other positions, on the Commerce Science and Transportation Committee and as the chairman of its Aviation Subcommittee. I also served on the National Commission on Terrorist Attacks Upon the United States, or the "9/11 Commission." The Commission was chartered to prepare a full and complete account of the circumstances surrounding the September 11, 2001 terrorist attacks, including preparedness for and the immediate response to the attacks and was mandated to provide recommendations designed to guard against future attacks. I am testifying today on behalf of the Connect Public Safety Now Coalition.

Federal law requires ten megahertz of valuable spectrum, called the 700 MHz D Block, to be sold to the private sector by auction to provide advanced wireless broadband services for consumers. Our Nation's increasing use of wireless technologies is well documented. As more applications for bandwidth-intensive personal and business use of wireless devices are developed, commercial wireless providers will struggle to keep up with demand. For these reasons, experts estimate that auction of the 700 MHz D Block spectrum is estimated to raise some $3.2 Billion for the federal government.

The Federal Communications Commission, the expert agency on spectrum matters, after careful study, recommended in its *National Broadband Plan* that, consistent with current law, the auction of the D Block for commercial wireless systems. Under the FCC's plan, the 700 MHz D Block spectrum would be used in a public-private partnership, with first responders having

access to this commercial spectrum when required. Public safety entities could take advantage of the commercial system, for example, by sharing tower sites when possible and otherwise working with commercial providers. Virtually all non-Bell wireless carriers have urged the FCC to pursue the approach endorsed by the *National Broadband Plan* and expeditiously auction the D Block spectrum.

A coalition of law enforcement and emergency responder agencies proposes that the entire D Block be reallocated for their use and that the federal government furnish, in large part, both the capital investment necessary to implement that reallocation and its long term operation. Substantial additional matching contributions to this funding would be expected from state and local governments. The proposed reallocation of the D Block would be on top of the 700 MHz spectrum that public safety already holds and on top of the spectrum that public safety holds in other spectrum bands.

This is the issue before you.

There can be little doubt that our first responders must have the spectrum resources they need. On September 11, paramedics, police and firefighters rushed into the World Trade Center's twin towers without the technology they needed to communicate with each other and navigate the horrific conditions they confronted. Our nation's inability to provide first responders with the tools necessary to communicate during that crisis was inexcusable, and it was part of the impetus for the formation of the 9/11 Commission.

Giving public safety the D Block, however, will provide no additional service unless it is accompanied by what first responders really need – funding -- to build and operate a new public safety network. When the public safety community first voiced its desires for the D Block, it was at least conceivable that the federal government might not only reallocate the spectrum as

requested, but that it would defray a substantial portion of the capital cost of its development, and perhaps of its continuing operation.

I put it to you that at the present time, and for probably for at least the next decade, there is not the slightest chance of such a large new federal program being funded, and that state and local governments, almost all of which are equally constrained, will be unable to make such investments on their own or even provide matching funds for a non-existent federal grant program. The FCC estimates that it would take between $34 billion and $47 billion to build and operate a ten megahertz nationwide public safety network over the next ten years. As a consequence, such a reallocation is likely to leave the spectrum in question largely unused for an extended period of time.

The FCC's plan to auction the D Block is a better approach both for public safety and for American public generally. The funds received from an auction of the D Block could be used to begin to pay for the build out of the spectrum that first responders have already been allocated if Congress were to determine that to be a higher priority than reducing the deficit. In any event, in a public-private partnership, public safety can take advantage of the extensive infrastructure that will be built by a commercial system. As a recent study submitted to the FCC by the former Chief Technical Officer of Motorola showed, the technology is available today to assure that public safety communications can have priority access on a commercial 700 MHz network customized to meet local public safety command, control and coordination requirements. A public-private partnership will also foster the development of a more robust market for public safety handsets, which are now more expensive and less technologically advanced than the wireless handsets that you and I use. A public-private partnership will also result in public safety

having access to 700 MHz spectrum *now*. On the other hand, a public safety-only network would take years to develop even if the massive desired public subsidies were available.

The American public will benefit from a sale of the D Block because it will help our economy in at least four ways. *First,* the auction revenues will help reduce our soaring deficits. *Second,* the use of this spectrum for commercial systems will result in a large private sector investment in the spectrum, providing both American jobs and a higher quality of personal and business communication. The wireless industry already provides 2.4 million American jobs and making additional spectrum available will create even more jobs. Those jobs will appear in many sectors of our economy – sales and service, technology development, system design, operation and maintenance, just to name a few. *Third,* the public private partnership will eliminate at least some of the need for public funding to build a public safety network. *Fourth,* the commercial use of the D Block will support the continued growth of entire industries – e-commerce, for example – that rely on communications capacity in general and increasingly on wireless communications capacity in particular. Private sector investment in the D Block, and the attendant competition among communications companies that it will engender, will also allow new, better and less expensive services to be provided to more people and companies, obviously including public safety entities.

In sum, the FCC's own preferred alternative, the auction of the D Block to the private sector, will reduce the deficit, empower huge investments in new technology and job creation, and will meet the very real needs of our vital public safety sector.

Thank you again for the opportunity to testify. I appreciate your interest and focus on these important and timely issues. I would be happy to answer any questions.

Committee on Energy and Commerce

U.S. House of Representatives

Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

1. **Your Name:** Slade Gorton		
2. **Are you testifying on behalf of the Federal, or a State or local government entity?**	**Yes**	**No** (circled)
3. **Are you testifying on behalf of an entity that is not a government entity?**	**Yes** (circled)	**No**
4. **Other than yourself, please list which entity or entities you are representing:** Connect Public Safety Now Coalition		
5. **Please list any Federal grants or contracts (including subgrants or subcontracts) that <u>you or the entity you represent have received</u> on or after October 1, 2008:** N.A.		
6. **If your answer to the question in item 3 in this form is "yes," please describe your position or representational capacity with the entity(ies) you are representing:** consultant		
7. **If your answer to the question in item 3 is "yes," do any of the entities disclosed in item 4 have parent organizations, subsidiaries, or partnerships that you are not representing in your testimony?**	**Yes**	**No** X
8. **If the answer to the question in item 3 is "yes," please list any Federal grants or contracts (including subgrants or subcontracts) that were received by the entities listed under the question in item 4 on or after October 1, 2008, that exceed 10 percent of the revenue of the entities in the year received, including the source and amount of each grant or contract to be listed:** N.A.		

Signature: [signature] **Date:** 4/8/11