



CREATING AN INTEROPERABLE PUBLIC SAFETY NETWORK

Testimony of

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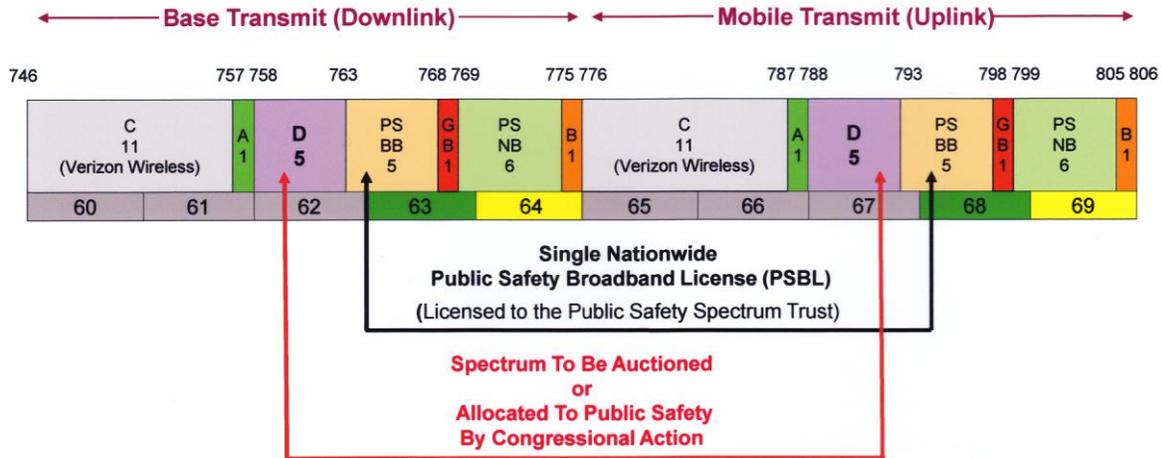
Good Morning Chairman Walden, Ranking Member Eshoo, and members of the subcommittee. I am Chief Jeffrey Johnson, immediate past president of the International Association of Fire Chiefs (IAFC) and currently chief executive officer of the Western Fire Chiefs Association. I testify today on behalf of the Public Safety Alliance comprised of nine national associations representing the leadership of public safety: International Association of Chiefs of Police, International Association of Fire Chiefs, National Sheriffs' Association, Major Cities Chiefs Association, Metropolitan Fire Chiefs Association, Major Counties Sheriffs' Association, Association of Public-Safety Communications Officials-International, National Emergency Management Association, and National Association of State Emergency Medical Service Officials. We are also joined with the formal support of approximately three dozen other national associations and business entities including organizations representing over 2 million rank and file first, second and situational responders.

Over the past fifty years, America's domestic defenders have been allocated thin slices of spectrum in each new band as it became available. That is why, today, we have over 55,000 public safety agencies each operating its own mission critical radio system over six or more different radio bands. Connecting disparate frequency slices among and between agencies and jurisdictions to achieve interoperability requires the purchase, programming and deployment of electronic patching equipment operating under a governing protocol. This makes our goal of interoperability limited, difficult and expensive. After numerous major events and other significant disasters demonstrating communications failures, it is clear that a new model is necessary. What is required is a national architecture for public safety wireless communications.

To create and construct a nationwide public safety broadband network three key ingredients are requisite: the D Block of spectrum, federal funding, and a governance model.

To achieve our plan of connectivity coast to coast and border to border, the 10 MHz of "D Block" spectrum, currently slated for Federal Communications Commission (FCC) auction, must be added to the current 10 MHz of spectrum licensed to Public Safety in order to build out a 20 MHz network with sufficient capacity. The currently licensed public safety spectrum abuts the D Block and is perfect for public safety. (See band plan below):

New Upper 700 MHz Band Plan - Adopted by FCC on July 31, 2007



Only with this particular spectrum configuration, and none other, can public safety be assured that it will have the ability to build the network it needs now and into the future.

Local control of the network by public safety agencies is a critical component to realizing a nationwide interoperable public safety broadband network. Utilizing the Long Term Evolution (LTE) technology standard with sufficient spectrum will ensure nationwide interoperability and allow us to effectively manage day-to-day operations, as well as major incidents. We cannot have commercial providers defining when an emergency is taking place and deciding which communications should have the highest priority. Public safety transmissions have to go through without delay. A "no service" signal is not acceptable. The lives of firefighters, the lives of medics, the lives of law enforcement officers depend on this. It is our responsibility.

Public safety expects to work with others and enter into public-private partnerships. We will work with state, county and local governmental agencies, federal partners, utilities, and other agencies including water and highways who respond to emergency incidents. *But, public safety must have control over the operation of the network in real time.* It cannot rely on commercial operators to provide its critical governance needs. Network control will give our responders the assurance that we will have full, pre-emptive priority over our spectrum on a "when-needed" basis.

The network must be "mission critical" at the outset. In the beginning, this system will handle only data and video. At some future time – years away – we believe there will be a transition to mission critical voice. We all need to take a long term view – to start out with sufficient spectrum so that we will have the ability to migrate to mission critical voice. This migration will happen only after the technology is developed and operationally tested, public safety has confidence in it, and it is affordable. Here are the key elements of "mission-critical:"

- The network must be hardened to public safety requirements. This means towers must be able to withstand the elements that might disable them. Towers in hurricane-prone areas and tornado alleys must be designed accordingly. Back up electrical power must be available 24/7. Redundancy is necessary.
- The public safety mission critical voice network must have the ability to broadcast and receive “one-to-one” and “one-to-many” and the ability to broadcast and receive without the network infrastructure being operative. This is called “talk around” mode. This is a command and control imperative. You know well that we operate under extremely hazardous conditions. If the network, for any reason, cannot provide connectivity, then we need the capability to communicate without the network. This is the essence of public safety communications.
- The network must have back-up capabilities in the event of network loss and these capabilities must be built to public safety requirements. We envision satellite capability for the network to be available when a tower is disabled or other crippling malfunction. Satellites also can cover remote areas that do not have towers. Our mission is geography-oriented, whereas commercial carriers are concerned with population.

Funding is important for the build-out of the public safety broadband network. The Public Safety Alliance supports the auction of spectrum by the FCC – from incentive auctions, auctions of the unsold portion of the Advanced Wireless Spectrum, or of designated federal spectrum - with the top priority that the derived proceeds are marked for funding the construction, operation and maintenance funds to construct the nationwide public safety network.

A governance structure must be created to manage and operate this new nationwide public safety broadband network. The PSA recommends the following guiding principles in establishing the governing body:

- Public Safety First Responder delegates constitute a majority of the governing body that sets the rules and enforcement for network operation and facilitates nationwide build-out. The governing body should include private sector representation from commercial and other stakeholder groups.
- The governing body would be established as an independent quasi-governmental entity with rule-making ability.

- The governing body has authority to enter into contractual agreements either public or private and the responsibility to delegate the authority to regional, state, tribal or local operators.
- Accommodations for regional or large entity sub-governance (local presence but under the single license for purposes of technology, etc.) to facilitate regional access and presence.
- The Public Safety 10 MHz and the D-Block would be combined under a single license issued to the governing body.
- The governing body would be authorized to receive and distribute federal, grant, and other funds designated for its operation and for creating and facilitating operation of the nationwide broadband network.
- The governing body shall assume the responsibilities of the current licensee.

A nationwide public safety broadband network will offer capabilities not now available to law enforcement, fire or emergency medical services (EMS). In the fire and EMS field, we envision firefighter/medics with a device which would deliver building diagrams, hydrant locations, maps, and highway information as well as video to provide instantaneous situational awareness of major fire and hazmat incidents in real-time to incident command. A future capability for emergency medical operations is the ability for digital imaging, portable EKGs and ultrasounds, field blood work, and video of an accident scene – all transmitted to an emergency department and a physician many miles away. Law enforcement plans to use the wireless broadband network for numerous applications from field fingerprint identification to the rapid access of criminal records. Sophisticated broadband applications are available to the general public today through commercial carriers, but are not available to public safety. It is time to bring mission critical public safety communications into the 21st Century.

The urgent need for this network has been vigorously voiced by public safety over the past several years. Congress has responded with the introduction of bi-partisan legislation in both the House and Senate supported by public safety. Hearings have been held. And, the administration has clearly voiced its support for the construction of this proposed network through its budget submission to Congress.

Public safety is supported in its quest for the D Block by the seven national associations representing state and local governments known as the "Big 7." We also are supported by the two top U.S. telecommunications carriers as well as the primary manufacturers

of telecommunications equipment. Additionally, there are more than 150 state and local associations that join in this effort.

The National Commission on Terrorist Attacks Upon the United States (also known as “the 9/11 Commission”) recommended in its report that an interoperable communications system be established for public safety. At a Senate hearing on March 30th , former commission chairman Governor Thomas H. Kean, said: “We support the immediate allocation of the D-block spectrum to public safety. We must not approach these urgent matters at a leisurely pace. We don’t know when the next attack or disaster will strike. Further delay is intolerable. We urge the Congress to act.”

Mr. Chairman, I thank you and this subcommittee for today’s hearing on this vital issue. I will be pleased to answer any questions.