

**“Public Safety and Sound Spectrum Management
Go Hand in Hand”
National Forum on Public Safety
Spectrum Management
Key Note Address by FCC Commissioner Kathleen Q. Abernathy
Washington, D.C. – February 10, 2004
As prepared for delivery.**

Good morning ladies and gentlemen. Let me start by thanking NTIA for hosting this week’s forum and say what an honor it is to be invited here today to share with you my views on spectrum management and public safety.

I am a firm believer that public safety and sound spectrum management go hand in hand. That’s why I am fully supportive of the President’s Spectrum Initiative, which is aimed at ensuring, among other things, that there is sufficient spectrum available for public safety. I am certain that the results of this week’s forum will play a critical role in furthering this goal and I want to personally thank you for your participation and for being here so early.

Today I would like to talk to you about the FCC’s role and how public safety issues are integrated into our spectrum management policies. As all of you probably know, the FCC has a statutory obligation “to make available, so far as possible, to all the people of the United States, without discrimination...a rapid, efficient, Nation-wide.....wire and radio communication...**for the purpose of the national defense, [and] for the purpose of promoting safety of life and property...**” The FCC takes this statutory obligation seriously in adopting its rules and policies governing spectrum allocation, management and use.

It is important to remember that the FCC **only** has jurisdiction over non-federal government spectrum. Mike Gallagher - whom you just heard from -- and his excellent staff at NTIA coordinate spectrum issues on the federal government's side of this equation. And the FCC has and will continue to work closely with NTIA in the policy development process.

In addition, we also work with congressional leaders to ensure that the FCC fulfills its homeland security responsibilities and with colleagues in the Administration – including the Department of Justice, the FBI, and the Departments of Homeland Security, Defense, Energy and Transportation when formulating spectrum policy that affects public safety.

While the FCC has always been responsive to the needs of public safety, September 11 sharpened that focus further by demonstrating the immense, novel and complex challenges that we now face. We were forced us to look at our public policy in new ways and focus our energies in new directions. Perhaps no single event has so dramatically and unexpectedly altered the entire context and content of the public safety policy debate.

Since September 11th, the FCC has worked at reshaping itself to address the challenges posed by this new environment. For example, this past July, we announced the creation of the Office of Homeland Security within our Enforcement Bureau. The new office

provides consolidated support for the FCC's Defense Commissioner, our Homeland Security Policy Council and the Chief of the Enforcement Bureau. It also coordinates very closely with our Office of Engineering and Technology and our Wireless Telecommunications Bureau, both of whom are most active in the FCC's role as spectrum manager.

When it comes to the allocation of spectrum, we have designated approximately 97 MHz of spectrum from ten different bands for use by public safety (nationwide). In addition, in 11 major urban areas, where the demand for public safety spectrum is the greatest, the Commission has authorized up to an additional 12 MHz of spectrum. Public safety entities also actively use spectrum-based services in other bands, including, for example, the bands we recently identified for ultra-wideband use, and we expect applications such as ground penetrating radars, through-wall imaging systems and surveillance systems. Further, the availability of Priority Access Service on some commercial wireless networks allows for greater access to emergency personnel in times of crisis and many public safety entities supplement their communications networks with commercial services.

As part of our spectrum management mandate, the FCC is consistently looking at ways to increase access to and the availability of spectrum for public safety use. I would like to take a few minutes to walk you through a few of these examples.

One of the most critical issues facing the FCC right now is the potential for harmful interference to public safety in operations in the 800 MHz band. I have always considered the 800 MHz proceeding to be a top priority for resolution by the Commission and have voiced my support both within and outside of the Commission for a quick resolution. The Commission should move as quickly as possible in resolving this proceeding in order to ensure that public safety communications do not suffer from harmful interference.

Although this proceeding was initiated in the summer of 2002, at that time, there was very little support for any one solution to the interference problem. Substantial progress was made, however, when the major public safety organizations and many members of the public safety community jointly developed a proposed rebanding plan, called the Consensus Plan, in cooperation with Nextel and others. This plan was originally presented to us a little over a year ago and significant refinements to this proposal have been made as recently as August of this past year.

In addition, a counterproposal, the Balanced Approach, has been submitted by a group of industrial users, utilities, cellular providers, members of the public safety community, and others in late spring of 2003. This group believes that the disruption of rebanding is unnecessary and that mandatory best practices would substantially reduce the potential for interference between public safety and CMRS users in the 800 MHz band.

These industry proposals have provided a firm basis for the FCC to analyze and make a determination of the best course of action for resolving the interference problem. I appreciate the efforts of public safety and the other interested parties in working to find proposed joint solutions to this very complex problem.

While I have some personal views on how the interference problems in the 800 MHz band might be resolved, I am anxious to review and consider the staff recommendation before making any decisions. Our staff, including OET and Ed Thomas and the folks in the Wireless Bureau, have been performing in-depth technical and economic analysis on the proposals before us and, despite the fact that I am a lawyer, it is imperative that I understand these analyses before making any decisions in this proceeding. I can state, however, that an important part of any solution is the ability to provide additional spectrum for public safety and to eliminate the potential for harmful interference to public safety.

I am hopeful that a recommendation on the resolution to this proceeding, along with the accompanying analysis, will be presented to us shortly so that we can move forward and act in the very near future, perhaps as early as this quarter, on this critical issue.

In addition to the 800 MHz proceeding, the FCC has also been seeking to provide additional spectrum for public safety for broadband data uses. Just this past year, the Commission made an additional 50 MHz of spectrum available at 4.9 GHz for such uses. A good example of this kind of application is the ability to download schematics of a building to a fire truck over a wireless network before it leaves for a fire. As part of that decision, we also foster interoperability by encouraging public safety to develop partnerships with the critical infrastructure community to provide secure communications. We are hopeful that by allowing such partnerships, the public safety community can make the most efficient use of the spectrum resource at this band.

Beyond the specific allocation of spectrum, the FCC has been looking at innovative arrangements that allow us to optimize the spectrum resources and to assist public safety providers in performing their critical operations. Just this past year, the FCC granted a waiver request to the State of Alaska that authorized frequencies for use in a new VHF digital trunked system that would be shared by federal, state and local public safety agencies.

In addition, we have moved forward with the adoption of an NPRM proposing licensing and service rules for dedicated short range communications in the intelligent transportation systems service in the 5.9 GHz band. In the notice, we propose that this band should be primarily used for public safety. I am hopeful this proceeding can be brought to closure quickly to ensure that American citizens receive the benefits of ITS on our roads and highways.

Finally, I would like to stress the importance of interoperability to the FCC's agenda. In order to promote interoperability, the Commission encourages sharing and has rules that address two types of sharing. First, the FCC's rules provide that radio licensees may share their facilities on a nonprofit, cost shared basis with other public safety organizations. In July 2000, the Commission expanded this sharing provision. To allow Federal government entities to also share these facilities as end users. A second type of sharing is unique to the 700 MHz public safety spectrum. Here, state and local public safety licensees may construct and operate joint facilities with the Federal government.

The FCC took this action to encourage partnering of FCC-licensed local government entities with Federal entities looking to promote interoperability and spectrum efficiency. And the Commission staff continues to look for ways to encourage such partnerships such as we did in the 4.9 GHz band with critical infrastructure providers.

Finally, the FCC has made specific designations for interoperability. In 1998, the FCC designated about ten percent of the spectrum available in the 700 MHz band for public safety interoperable communications. Since 1987, five mutual aid channels in the 800 MHz band have also become available for interoperable communications. And in October 2002, the Commission designated additional interoperability channels in the VHF and UHF public safety bands which will be available on a primary basis January 1, 2005. We will continue to evaluate interoperability needs and increase this amount as necessary in response to the needs of public safety.

There is no set of issues more significant at today's FCC than homeland security and public safety. Although the issues we are examining are complex, the stakes are extremely high. That is why it is imperative that the public safety community, NTIA and the FCC continue work together to find innovative solutions that will increase access to spectrum for public safety uses. Please continue your efforts to develop creative solutions promoting interoperability including strategic partnerships between governmental and non-governmental users. My door and the door of my staff is always open to discuss any of your proposals in more detail. Together, I believe we can ensure that American citizens are able to benefit from the finest public safety communications services available in the world.

Thank you again for the opportunity to talk with you today. I look forward to reviewing your recommendations to NTIA and the Department of Commerce on public safety spectrum management and continuing our dialogue on these critical issues.