

**STATEMENT OF COMMISSIONER  
MICHAEL J. COPPS, APPROVING**

*Re: In the Matter of Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, EB Docket No. 06- 119, WC Docket No. 06-63, Second Report and Order (FCC 07-107)*

Hurricane season begins anew tomorrow. News programs are filled with predictions of how many and how intense this year's storms may be; stories about the extent of preparations that are being made to cope with the disruptions that might once again befall New Orleans, the Gulf Coast and other hurricane-prone areas of the country; and stories chronicling the thus-far disappointing reconstruction of the areas hit so hard by Hurricane Katrina. Our nation was a nation scarred by the images of suffering and destruction that were broadcast into our homes in the days and weeks following Katrina and also Hurricane Rita. I visited the Gulf Coast with Chairman Martin and other communications leaders in the days following the catastrophe, and I know that I will never forget the searing images of devastation we witnessed there.

The region's suffering was severely compounded by the almost total failure of public safety and commercial communications networks. For a week or more, more often than not, 911 calls went unanswered, broadcast stations were dark, public safety radio systems were seriously compromised, wireless phones were inoperable, and wireline phones had no dial tone. Most painful of all was that a significant portion of this failure was unnecessary and could have been prevented, or at least seriously ameliorated, by better pre-disaster planning and more coordinated public sector-private sector teamwork. I say this not to point fingers, but to point up our local, regional and national shortfalls in public safety and disaster preparedness. Part of our problem today, as a country, is our failure to come to grips with how much work remains to be done to build effective public safety communications. It is huge, it is expensive and it is totally necessary.

The Gulf Coast tragedy presented us with a solemn duty to sift through the shortfalls, in both the private and the public sectors; to grasp the harsh lessons that needed to be learned; and to enhance our preparedness for the next major cataclysm. As I hope we are all aware, there *will* be a next one—certainly other natural disasters or, even more terrifying if that is possible, more terrorist attacks.

The FCC undertook an active role in the days following the big storm. The Commission team, under Chairman Martin's leadership, worked around the clock, for days and weeks, to restore communications and provide assistance all along the Gulf Coast. Communications industries likewise worked long and hard to restore critical services and we owe them a large measure of gratitude, too. Subsequently an Independent Panel was established under former NTIA Administrator Nancy Victory to review thoroughly what had happened, what systems had worked and which had not, and to provide recommendations for the road ahead. Today, after putting these recommendations out for comment, the Commission takes a step forward.

But it is only that—another step forward. This is not a Report and Order that brings a proceeding to a close. It is an incremental step against the backdrop of a challenge that will continue to stalk us and might even get worse in coming years as climate changes suggest more frequent and more intense storms and disruptions across much of the country. There is so much left undone and so much yet to do.

I consider it a positive step that today's item announces two new regulations for carriers who fall under the Commission's jurisdiction. First, following the suggestion of the National Emergency Number Association (NENA), all carriers of a certain size must now ensure the availability of emergency/backup power in all their central offices. Second, they must file with the Commission an analysis of the redundancy, resiliency, and dependability of their 911 facilities.

These requirements will help improve the nation's readiness for the next disaster and I appreciate my colleagues' willingness to make these measures mandatory. Their adoption represents recognition by this Commission that we cannot rely exclusively on the workings of the free market and the sometimes-too-sanguine assurances of industry when it comes to assuring public safety. I am pleased that we seem to be on the cusp of realizing that a more proactive approach may be necessary. As Justice Frankfurter once observed, "Wisdom too often never comes, and so one ought not to reject it merely because it comes late."<sup>1</sup> It is important that the Commission is taking this up.

But I also think that record that was developed was too heavily skewed by the belief—I think the pernicious belief—that the FCC either *will not* or *should not* take a lead role in mandating network resiliency standards. I simply cannot accept this view. The nation's experience with 9/11 and Hurricane Katrina indicates to me that industry best practices and voluntary best efforts are not by themselves always going to get the job done. You don't have to take my word for it. The comments filed in this docket by St. Tammany Parish, one of the Louisiana areas most devastated by Hurricane Katrina, put it well: "Regarding the question of whether to 'rely on voluntary consensus or other measures for enhancing readiness and promoting more effective response efforts' we encourage the Commission to actively pursue positive results to the extent permitted. Voluntary consensus measures, while well intended, have fallen short many times."

I can't put it any better than that. The individual citizens who bore the brunt of Katrina's fury and the PSAPs who tried to cope with it certainly understand that some things need to be done, and done soon, and done on a mandatory basis if they are not going to be voluntarily implemented. These are the times when the Commission needs to step in and make it happen. Otherwise an effective system of public safety will never be achieved. So I hope that our willingness today to implement mandatory actions will be the beginning of a broader and more general reorientation of our approach to public safety issues. I am pleased we are beginning down this road and I hope we stay on it. I also hope and trust that the private sector realizes the public trust it has been given to aid in the protection of our citizens. The private sector played a critical role in the aftermath

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<sup>1</sup> *Henslee v. Union Planters Nat. Bank & Trust Co.*, 335 U.S. 595, 600 (1949) (Frankfurter, J., dissenting).

of Katrina and Rita, and still does, as it rebuilds the network infrastructure in that devastated region. The industry's continuing involvement in these efforts is essential if government and industry together are going to be successful next time. Our nation's citizens deserve, and expect, no less. Public safety is not something nice to have—it is a national imperative and the first obligation of all of us in this room as public servants.

Another role that I suggested for the Commission was to act as a clearinghouse for ideas that can better prepare organizations of all sizes for the next disaster. I am talking here about the hundreds of thousands of public safety agencies, hospitals, nursing homes, charities, small businesses, and other organizations that lack the resources to come up with self-generated, custom-built and fully-tested disaster readiness plans. Why should each of these groups have to start from scratch and re-invent the public safety wheel? Wouldn't it be far better if they could come to the FCC to learn about what has worked for other organizations and what hasn't? After all, learning that your disaster plan doesn't work in the middle of a disaster is emphatically *not* the right time to make that discovery. The technologies and protocols that organizations rely upon in a crisis need to work every time.

Today's item instructs the Commission's new Public Safety and Homeland Security Bureau—under its new Bureau Chief, Derek Poarch—to take the lead role in building such a clearinghouse. As I have noted many times before, this is where the Commission should have gone six years ago, right after 9/11. I commend Chairman Martin's willingness to take a leadership role in this critically important area and I applaud his efforts to initiate processes that will hopefully put this agency in the forefront of communications readiness planning, exactly where it belongs.

As with all public safety initiatives, the proof will be in the pudding. In the weeks and months ahead, our new Bureau and Chief are tasked with developing readiness checklists for each industry sector; awareness programs on alternative technologies such as satellite and paging systems, Wi-Fi, and WiMAX; and outreach programs for emergency medical and other communities. It will require significant resources to realize these and many other objectives, such as developing and publicizing a first-rate website that communicates the Commission's latest learning on how to prepare for disasters. Commission outreach is so central to all this and I am pleased that the Bureau will issue regular reports detailing our outreach activities. I, for one, will be monitoring these reports closely to assure myself that the Bureau is doing everything that it can to reach those who can benefit from the FCC's research, experience and programs. I urge Chief Poarch to be aggressive in this task—to become a tireless advocate and proselytizer on this issue. It was never my idea that we would settle for rebuilding a communications system that was taken down by Katrina—a terrible storm, to be sure, but far less devastating than a direct hit from a Category 5 hurricane would have been. The good citizens of New Orleans and the Gulf Coast have a right to expect, and should settle for no less, than the best and most up-to-date communications systems that our country can provide.

So I vote to approve this item as a step along the way, but just a step, holding out the prospect of continuing commitment to see the job through and to deploy the full decision-making authority of this Commission to make it happen. Thanks to the Bureau, all the commenters, our hard-working bureau and staffs, and my colleagues for their efforts here.