

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, *Second Further Notice of Proposed Rulemaking*, FCC 08-128

The recent auction of the 700 MHz band commercial spectrum was a success. Auction 73 achieved a number of significant milestones, including: being the largest auction in FCC history, raising a record \$19.6 billion in bids; advancing new open platform policies; affirming aggressive build-out obligations; creating what will be a new wireless broadband provider to compete with the incumbent telephone and cable companies in nearly every home in the U.S.; and providing small businesses, new entrants, rural providers and existing nationwide wireless providers with access to additional spectrum needed to deploy the next generation of wireless networks. In one area, however, we still have work to do.

In July 2007, this Commission, both Republicans and Democrats alike, made a unanimous commitment to fulfilling the needs of the public safety community for a nationwide, interoperable public safety broadband network. The Public/Private Partnership was designed to address this crucial issue, as the only tool reasonably available to the Commission. Auction 73, however, did not yield a successful bidder for the “D Block” of commercial spectrum, which would have fulfilled the commercial role in this partnership. While the results of the last auction will help inform our decision with respect to the D Block going forward, our decision must also be informed by the continuing need for a truly nationwide interoperable broadband network for public safety agencies to use during times of emergency. In the absence of the financial resources for public safety to build out their own network, however, I believe we should continue to try to explore ways in which we can help facilitate a tool to achieve a nationwide interoperable public safety network.

Today’s *Second Further Notice of Proposed Rulemaking* is the first step in a renewed effort to provide our Nation’s first responders with the broadband network they need and deserve. And while I continue to support the concept of a Public Safety/Private Partnership as a viable tool to achieve this goal, I am pleased that this *Further Notice* turns a critical eye on the specific parameters of the partnership, and ways to ensure the commercial viability of this endeavor by providing greater certainty to all parties involved. In this respect, the *Further Notice* appropriately looks at both sides of the ledger. For example, it examines ways to more clearly define the role of the Public Safety Broadband Licensee, asking questions about the scope of who would constitute a public safety user, the appropriate role of advisors, and whether increased oversight is necessary.

With respect to the commercial side, it seeks input on how to clearly define expectations regarding build out, default penalties, and network parameters that will allow potential bidders to construct a positive business case for undertaking this unique opportunity.

Finally, while not required, we will seek additional comment through a Third Further Notice of Proposed Rulemaking, and I have also agreed to hold an en banc hearing on these issues. I also continue to recognize the need to make this spectrum available in the marketplace in a timely fashion, and to provide the public safety community with a clear path forward to achieving a nationwide interoperable broadband network. In this respect, I am committed to moving with deliberate speed to address these issues both thoughtfully and quickly.

I thank my colleagues for their cooperation and commitment to these issues, and look forward to working with them in the coming months.