

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

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

We need only tune in to any news channel, particularly in recent months, to find constant reminders of the important role communications plays during emergencies. Despite these alarm bells, we are still without a network that allows our first responders to communicate with each other across agencies and beyond state borders quickly and easily. The ability to respond to an emergency event directly correlates to the ability of a first responder to save a life, protect people from harm or mitigate property damage. Quite simply, the longer we delay the implementation of an interoperable broadband network for public safety, the more lives we put at risk.

One of the Commission's core directives under the Act is to promote the safety of life and property through communications. We can and we must play a key role in improving our nation's disaster preparedness, network reliability, and communications among first responders. Were we working on a blank canvas, I would have preferred direct federal funding for building a national public safety broadband network. Nevertheless, I am aware that the public-private partnership framework itself presents the only option available to us. Members of Congress on a bipartisan basis have endorsed such an approach.

I do believe that the public/private partnership framework can be a successful model for bringing about this desperately needed network, but only if appropriate checks and balances are in place. A true public-private partnership must meet the needs of both partners. If public safety's needs are not met, the basic objective is not met. If a private partner's need for a return on capital and regulatory certainty are not met, then that partner will not be in a position to attract the capital necessary to meet public safety's objectives. A partnership is just that, and both sides must win to make it work.

With these concerns in mind, I extend my support for this Second Further Notice of Proposed Rulemaking because it represents our collective efforts to remedy the interoperability problem that has long plagued our nation's public safety community. The open-ended nature of this inquiry reflects a good-faith effort to start from scratch after a disappointing failure. I certainly hope we will make every attempt to find a solution that works for public safety, and not simply throw up our hands in frustration and go the commercial auction route.

True interoperability has been an elusive goal for the public safety community. Despite our best efforts, the Commission's policies to date have not provided the results we had hoped. And while there have been some gains towards interoperability with the creation of certain state-wide and metropolitan area networks, most public safety communications systems remain localized, and interoperability between local, state, and federal agencies continues to be limited. This is unacceptable. As we become a country increasingly immersed in the digital broadband world, it is critical that our first responders have access to the same first-rate communications systems that many consumers already have.

Our proposal today lays out a myriad of complex and critical elements that must be closely evaluated in order to address the end goal of bringing our public safety community an interoperable network that keeps pace with our digital advancements. I am pleased that we have put forth for comment a broad set of possible revisions to the public/private partnership structure as well as a framework for technical requirements. While we have carefully attempted to include as comprehensive a set of proposals and options as possible, we look to commenters to address many important details and specifics

and to elucidate any stones we have left unturned.

One of our greatest failings last time was that the expectations were not made clear upfront as to how the network would look and what would be asked of a private sector partner. We have since learned that potential private partners did not have the certainty they needed to raise or commit capital to the project. Our hope this time, in the end, is to generate a set of rules that provide a real incentive for building the most advanced and interoperable nationwide network possible through a careful balance of flexibility and conditions that are laid out clearly and explicitly upfront.

Finally, while I wholeheartedly support the launch of this proceeding today, I do want to counsel for taking a cautious and deliberate approach to an ultimate resolution. I am pleased that my colleagues have agreed to put forth a Further Notice of Proposed Rulemaking that details a more specific and complete proposal. This allows commenters to “kick the tires” on any proposed rules, and I thank Commissioner Copps for his wise insistence on this approach. It is important that we get the specifics nailed down as clearly as possible this time around, since it may be our last shot. I look forward to a full and detailed record on these issues, and commend the Bureau staff and my colleagues for working diligently to draft a comprehensive and detailed proposal.