

**STATEMENT OF**  
**COMMISSIONER ROBERT M. McDOWELL**

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, *Third Further Notice of Proposed Rulemaking*, FCC 08-230

In a better world, Congress would have appropriated funding for construction of a nationwide interoperable public safety network suitable for 21st century challenges – either way back in 1997, as part of its original allocation of 24 megahertz of the 700 MHz band for public safety use; or in early 2006, as part of the DTV Act. In the absence of congressional action, the Commission last summer developed a plan to spark a public/private partnership by allocating an additional 10 megahertz of spectrum for public safety use, known as the “D Block.” We did this to try to create an incentive for the private side of the public/private partnership to invest risk capital to construct the network. We are here today because this important objective of the 700 MHz auction was not met. So here we are, trying again.

While I question certain of the tentative conclusions in today’s Further Notice, I am voting to approve because I believe that the general framework we adopt attempts to move us forward. Putting forth an admittedly imperfect proposal is much better than doing nothing. Yes, this proceeding involves complex legal, administrative and technical issues. Given the stakes, however, I am not willing to engage in a seemingly endless “analysis paralysis.” And, I thank Chairman Martin for his leadership and commitment to completing this important proceeding in the near term.

Since the conclusion of our previous auction, I have continued to meet with a large number of parties and have learned a great deal about the concerns of both potential bidders and public safety entities. We’ve spent a lot of time weighing and balancing the natural tensions between the public and private sides of this partnership. While I am hopeful that today’s proposal will help to address many of those concerns, I am not entirely confident that this Further Notice will produce a consensus solution. First, at this stage, there is no critical mass behind any commercial proposal. Further, the lack of consensus among public safety entities appears to be only getting worse. Perhaps I should not be surprised by these circumstances since there are thousands of public safety jurisdictions in the United States, each with unique personnel, deployment, topography, network, and RF propagation issues. Nonetheless, this lingering discord makes completing our task more difficult.

I remain fully committed to continuing to examine all options that may lead to the construction, and continued operation, of a nationwide interoperable public safety network. I am grateful to the FCC staff – in OET, the Wireless Bureau, and the Public Safety & Homeland Security Bureau – as well as to all of the parties that have participated in this process. Many people put a lot of time and thought into this proposal. I look forward to continuing to work with all of you.