

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Report and Recommendations to the Federal Communications Commission, from the Independent Panel Reviewing the Impact of Hurricane Katrina on the Communications Networks.

Ten months ago, the nation viewed with horror the images of destruction coming out of the Gulf Coast. Many of us found it nearly impossible to believe that such dislocation and suffering could occur in our country, the wealthiest and most technologically-advanced in the world. I visited the Coast with Chairman Martin and other telecommunications leaders in the days after Katrina, and I can tell you that none of us will ever forget the images of devastation we witnessed.

It is now clear that the causes of our national failure were multiple, including serious breakdowns in leadership, planning, engineering, policing, and emergency management. But it is also common knowledge – on both sides of the political aisle – that the failure of our national communications system played a terrible role in exacerbating all of these problems.¹ As historian Douglas Brinkley puts it: “That was the consensus, the one fiasco everyone agreed on – whatever else Katrina did to New Orleans, it had clearly broken down all standard modes of communications.”²

Today’s report does an admirable job documenting how our public and private communications networks failed during the storm and were not repaired nearly quickly enough in its wake. The country owes an enormous debt of gratitude to those who served on the Panel, to Nancy Victory who chaired it, and to the many individuals who testified before it or participated in compiling this report. They did so without compensation, while holding down full-time jobs, and solely out of a spirit of public service. I cannot thank them enough for their hard work and dedication.

The Panel’s report describes our country’s communications shortfalls in the dispassionate, objective language of the professional engineer. This is entirely fitting and proper. For now that the Gulf Coast has begun the arduous process of rebuilding, our task – indeed our solemn duty – here in Washington is to learn all that we can from this tragedy. We must ensure that we are better prepared as a nation for the next disaster, whether it be another hurricane (possibly even stronger than Katrina), an earthquake, or a

¹ See also Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, H.R. Rep. No. 109-377, at 165 (2006), available at http://katrina.house.gov/full_katrina_report.htm (“The near total failure of regional communications degraded situational awareness and exacerbated problems with agency coordination, command and control, logistics, and search and rescue operations.”); Ivor Van Heerden and Mike Bryan, *The Storm* (Viking 2006), at 95 (“Simply put, along with everything else during Hurricane Katrina, we had a ridiculous, tragic failure to communicate.”)

² Douglas Brinkley, *The Great Deluge* (HarperCollins 2006), at 215.

terrorist attack. Sadly, if we can be sure of anything, it is that there *will* be a next disaster and that we are not prepared for it.

Each failure of communications documented in this report is also a story of human suffering and often even loss of life. Consider the story of Lafon Nursing Home of the Holy Family in New Orleans, where 100 elderly patients found themselves left behind to weather the storm. On the third harrowing day, “They finally caught a break. Someone’s cell phone chirped to life, offering communication with the outside world.”³ This momentary lifeline allowed a social worker to contact her brother in Atlanta who eventually managed to charter a private bus to bring the patients to safety. But not all of them – rescue workers eventually recovered 22 bodies.⁴

The fact that “within one week after Katrina, approximately 80 percent of wireless cell sites were up and running” is therefore cold comfort indeed.⁵ If these sites had been up and running sooner, would we have had fewer stories like Lafon?⁶

Measured in these terms, this report is a shocking indictment of the disaster readiness of our existing communications networks. Put simply, it concludes that both our public safety *and* commercial networks: (1) are not capable of operating without power for more than a day or two, (2) are not designed with sufficient redundancy, and (3) can withstand wind and rain but not flooding. This is true of the wireless and wireline networks that all of us rely upon to call 911 and our families during a crisis. It is also true of the multiple networks that police officers, firefighters, and other first responders rely upon to protect us in cases of emergency.⁷ Because power outages, multiple sources of disruption, and flooding are all entirely predictable outcomes in New Orleans and elsewhere, it seems clear that we need to take immediate and serious corrective action.

By way of contrast, it appears that our electric utility companies *have* developed networks that both survived the storm and managed to operate during the aftermath, even with the power outages.⁸ These are the private networks that the companies use to communicate with their employees and monitor the status of their facilities. The utility companies’ networks worked better during the storm and its aftermath, the report explains, because these companies designed their systems: (1) “to remain intact . . . following a significant storm event,” (2) “with significant onsite back-up power supplies (batteries and generators),” (3) with redundant fixed and wireless backhaul, and (4) with

³ Anne Hull and Doug Struck, “A City’s Most Helpless Left To Fend for Themselves,” Washington Post (Sept. 23, 2005).

⁴ *Id.*

⁵ Report at 9.

⁶ See e.g., *The Storm* at 62 (“The nursing home trade group for Louisiana concluded after the flood that at least two thirds of the city’s fifty-three nursing homes were not evacuated, with tragic results.”)

⁷ Nor were the military’s systems anything close to adequate for the task. As today’s report discusses, in order to communicate with civilian first responders, the military was reduced to using human runners to carry messages and, in one case, to dropping a message in a bottle from a helicopter. Report at 26.

⁸ *Id.* at 12-13.

staff “focus[ed] on continuing maintenance of network elements (for example, exercising standby generators on a routine basis).”⁹ *For heaven’s sakes* – shouldn’t our public safety and commercial networks be built with the same concerns in mind?¹⁰

In light of these sobering conclusions, I think that *the* central question raised by the report is how – and not whether – the communications industry should begin to incorporate more rigorous standards into how it constructs and maintains networks. To be fair, I recognize that there are important concerns about cost and scalability in incorporating innovations developed by utility companies into public safety and commercial networks. But, at a minimum, let’s begin by confronting the issue.

For these reasons, I appreciate my colleagues’ willingness to open a comprehensive rulemaking addressing how we can improve the reliability and disaster readiness of our nation’s communications networks. I am especially pleased that we seek comment on whether voluntary implementation is enough or whether we need to consider other measures. The most important thing, of course, is that we be certain the job is getting done. By the first anniversary of Katrina, I hope and expect we can have new rules in place that will improve our nation’s communications and protect the public safety.

Even before we complete our new rulemaking, the Commission can and should move forward with a number of the Panel’s recommendations. Of particular importance, we need to complete our pending proceeding to overhaul the antiquated Emergency Alert System (EAS). The report tells us that “a fairly large percentage of the public likely were uninformed” about the progress of the storm.¹¹ We need to do better, especially for our disabled and non-English-speaking citizens who are poorly served by our current broadcast-based systems. I believe the Panel is on the right track in saying the Commission needs to be thinking about extending EAS to newer wireless and IP-based devices.

I am also glad that we seek comment on whether, and how, the Commission should position itself as a clearinghouse of ideas for better preparing organizations of every size for the next disaster. I have advocated this approach for a long time. Why should every hospital, day care center, nursing home, charitable organization, and small business have to start at square one, devising its own plan, developing its options, figuring out how to respond to a crisis, as if no one else has been down this road before? How much better it would be if they could call someone – say the FCC – and talk to experts who could tell them what has been tried and works and what has been tried and doesn’t work, and give them a hand along the way.

⁹ *Id.*

¹⁰ See also Mike Scott, *Harrison County, MS: Radio System Weathers the Storm in Mississippi*, 9-1-1 MAGAZINE, Jan/Feb 2006, at 33 (“The normal construction standard looks at 100-year flood plans. ... In public safety, we have to look at 500-year flood plans.”).

¹¹ Report at 28.

Finally, I want to emphasize again my conviction that the FCC must be front and center when it comes to safeguarding the nation's communications security. This agency has the best people and the best expertise in government on communications. As Title I of our enabling statute makes clear, we also have a statutory duty to ensure the safety of our people through secure communications networks. We therefore must continually ask ourselves: Are we doing absolutely everything within our power to make sure that our institutional knowledge and competence are being fully and properly used? To the extent they aren't, we fail our charge. I am not now, and never have been, in favor of waiting for others to do our job.

At the end of the day, the Commission's goal should be do such a good job that communications is *not* a focus in the aftermath of a disaster. It should be an afterthought or not a thought at all. Police and other first responders, hospital workers, nursing home staff, and concerned family members should be free to focus on their primary missions. They should not have to worry, in the middle of a crisis, about whether their communications equipment will work. Unfortunately, the Katrina experience shows us that we as a nation have not met our responsibilities. The only question now is whether – as a new hurricane season is upon us – we will accept our challenge and develop solutions to the problems this report so carefully identifies. History will not and should not forgive us if we fail to do so.