

**STATEMENT OF
COMMISSIONER DEBORAH TAYLOR TATE**

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.*

The Commission's July 31, 2007 Report and Order on the 700 MHz band was clear in its intent - to make available spectrum for new commercial uses and for the benefit of public safety, to include a nationwide, interoperable, broadband public safety communications capability. The recently completed 700 MHz auction was a grand success with regard to this first goal. It made available 52 megahertz of highly valued spectrum for new commercial uses, including advanced services such as broadband. So highly valued is this spectrum that this historic auction set the record for most receipts for any U.S. spectrum auction – \$19 billion. Moreover, the auction was conducted flawlessly, despite including more than 1,000 licenses and incorporating anonymous bidding in addition to allowances for combinatorial bidding on certain licenses. We too often gloss over “good news” when something runs flawlessly, so I especially want to thank the many FCC staff who spent months in preparation and execution of this auction, and congratulate them on being part of history.

Nonetheless, as we all know, there was one very disappointing outcome of this auction. Congressman Pickering may have most eloquently described the situation as “a blessing in disguise.” No party offered a bid sufficient to meet the reserve price for the D Block, which was designated for a public/private partnership that would establish an interoperable broadband network for the benefit of public safety users. Today, we have an opportunity to learn from our mistakes and set the course for a path forward. To that end, in this Second Further Notice, we seek comment on the policy that will best advance this goal.

From Silicon Valley to MIT to the Oak Ridge National Laboratory in my home state of Tennessee, to other centers of excellence across this country, I am firmly convinced that we have the intellect, ingenuity and collaborative skills to solve the problem of interoperability once and for all in this country. Some areas of the nation already are interoperable; others are well on their way. Some have initiatives that have been years in the planning and many have already expended State, local and private resources. We should not disrupt those who have begun and in some cases already created their own public/private partnerships, and we should keep in mind that the D Block will not even be available until some period after the DTV transition. As a former State official, I have worked hard to ensure that the Commission's rules work with, not against, the best efforts of State and local governments. I hope that the rules that we will adopt for this spectrum will be consistent with that goal.

For this reason, we should encourage States and localities to continue to make interoperability a top priority and a reality; not wait on the Federal government to go through another auction process. Those systems must assuredly be integrated into a national network, but I continue to hear that this is feasible given the intelligence of today's devices and architectures. At the same time, we should encourage them to share their successes and challenges as we attempt, again, to provide the only solution that we, the FCC, have at our fingertips – that is, spectrum – so that our public safety entities can truly be part of a nationwide interoperable communications network.

With regard to the choices before us, in this item we seek comment on whether the Commission should auction the ten megahertz of spectrum comprising the D Block with a

modified version of the public/private partnership that was previously adopted, or auction this spectrum with no such requirement. The choice between these two options is one of the key decisions we will make in this proceeding.

It is important to clearly understand the strengths and weaknesses of both approaches. For example, auctioning the D Block with no public/private partnership and minimal service rules might maximize the funds raised at auction, funds that then would be available for Congress – if it so chooses – to appropriate for public safety communications. On the other hand, requiring the D Block winner to participate in a public/private partnership would ensure a dedicated provider that then may be well-positioned to coordinate interoperable services and take advantage of economies of scale. There are other potential costs and benefits that should be addressed. For this reason, I strongly encourage comments in this regard from the public safety community, from potential service providers, and from other experts and interested parties. I especially encourage the comments of parties that already have developed interoperable broadband communications capabilities for public safety operations, including State agencies, large and small municipal agencies, as well as the commercial entities that service those initiatives. We need and value your input.

Also, to the extent the Commission adopts a public/private partnership, we must be clear about the capabilities our public safety providers will need, and exactly what will be required of their commercial partner(s) in terms of coverage, reliability, functionality, network hardening, quality of service, and more. Establishing those specifications is a complicated process, one that frequently is handled elsewhere in government – by Federal agencies such as the Department of Defense and Department of Homeland Security, by State agencies, and by municipalities – often through the use of RFPs (requests for proposal). While the Commission does not have experience conducting RFPs, it could, through an additional round of comments or other process, seek input from the public safety community so as to ascertain their needs, as well as input from potential providers so as to ascertain what specifications can be provided, and at what cost.

Today, I call on this nation's best and brightest – engineers, members of the public safety community who are already engaged in establishing these networks, other federal agencies with similar needs, commercial enterprise, network operators, providers, new entrants and yes, even successful investors and entrepreneurs – to respond to this call from your country. I ask you to give of your brainpower, your time, your efforts and your money to ensure that every emergency situation – whether a natural disaster or a terrorist attack – will receive the immediate response it deserves from public safety providers with fully equipped, truly interoperable communications capabilities. All of America will truly be safer and more secure because of your efforts.

I thank the dedicated staff of the Public Safety and Homeland Security Bureau, the Wireless Telecommunications Bureau, the Office of Engineering and Technology, and the Office of Strategic Plans and Policy for their long hours and valuable contributions to an extremely complex, yet extremely important, public policy item.