

**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

Over a year ago – on July 31st, 2007 – the Commission adopted the *700 MHz Second Report and Order*. That item established rules for the most impressive spectrum auction in U.S. history, which made over 1,000 licenses available and raised \$19 billion for the U.S. Treasury, money our government desperately needs these days. The *Second Report and Order* also adopted a public/private partnership between the 700 MHz band commercial licensee in the D block and the Public Safety Broadband Licensee, with the specific goal of “making a nationwide, interoperable broadband network available to state and local public safety users.”¹ While the D block license did not sell, the Commission has been provided the opportunity to reconsider our approach in this critical matter affecting the safety and lives of all citizens.

Today we adopt the *700 MHz Third FNPRM* to better tailor our rules related to the D block and public safety spectrum. I commend Chairman Martin for his efforts to address some of the concerns previously raised. For example, with regard to the public/private partnership, there now is much greater specificity and additional transparency in the rules governing the relationship between the commercial licensee(s) and public safety.

In establishing these and all rules related to the 700 MHz band, the Commission must balance multiple and yet equally compelling public policy goals. First and foremost is the goal of access to a nationwide, interoperable broadband network for the benefit of public safety. In addition, we must promote the deployment of this network as quickly and as efficiently as possible, which means cooperative efforts on the part of the commercial licensee in the D block and its public safety partners. We also must ensure that our rules meet the specific needs of local public safety providers on the ground, such as robustness and survivability, coverage and penetration, spectrum efficiency, and operating and capital costs. The Commission must strike the right balance as it promotes all these worthy goals. This is a grave and serious responsibility.

Thus, over the past six months, I have met with, toured and sought input from public safety service providers in a number of jurisdictions across the country, including New Orleans, New York, San Francisco, and Washington, DC. These communities have invested millions of taxpayer

¹ See Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket 03-264, Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission’s Rules, WT Docket No. 06-169, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, WT Docket No. 96-86, Declaratory Ruling on Reporting Requirement under Commission’s Part 1 Anti-Collusion Rule, WT Docket No. 07-166, *Second Report and Order*, 22 FCC Rcd 1528,15428 (2007) (*700 MHz Second Report and Order*) recon. pending.

dollars and have already embarked on creating interoperable networks, and I thank them for their leadership and willingness to share their real-world experiences. In addition, other local communities have offered valuable input in the record, including Charlotte, NC; Houston, TX; and Montgomery County, MD; and we should be listening to all those who know best.

Of particular importance to me is the issue of facilitating swift deployment of public safety communications capabilities, whether by the D block licensee or by the local public safety entity. I recognize that the D block licensee potentially may not face an interim build out benchmark until 2013; at best, almost five years from now. For that reason, I have argued that there should be clear rules that not only allow but encourage public safety entities to build out their networks in the 700 MHz band in advance of deployment by the D block licensee. The Commission's rules should provide incentives, not disincentives, for early build out. Those public safety entities that already are deploying – whether funded by local, State or Federal tax dollars – should not be penalized for their efforts. I encourage both public safety communications providers, as well as potential bidders for the D block license, to offer specific and constructive comments on this matter.

With regard to the prices that will be paid by public safety entities for services offered by the D block licensee, I encourage commenters to describe in detail the various considerations our rules should address, especially given the unique operating conditions and needs of public safety communications providers and how these vary across regions. These differences include such factors as the need for hardening, in-building penetration in urban areas, extensive geographic coverage in rural areas, topography, weather, and much more. It is difficult to imagine how the Commission may set a one-size-fits-all price cap for communications services that adequately reflects these and many other relevant factors, and I therefore urge commenters to address this question in detail.

As we proceed in establishing rules for this portion of the 700 MHz band, we face an historic opportunity for the Commission, for public safety, and indeed for the citizens of this country. With this as with other issues of this magnitude, we must not make decisions in a vacuum. Given the also historic economic crisis on Wall Street that now threatens Main Street, we must make our decisions with greater prudence, and call upon those involved in the banking and financial markets to share their knowledge and experience – including any difficulties licensees may face regarding access to capital at this time.

My thanks to the best and brightest of the Commission who have worked so hard on this issue over many months, and now years. And to our public safety providers and first responders who, as we consider these issues, go about the work of protecting us 24/7.