

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

RE: Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012, PS Docket No. 12-94; 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

This proceeding presented the Commission with the difficult task of: (1) complying with Congress's specific mandates in the public safety spectrum provisions in the Middle Class Tax Relief and Job Creation Act of 2012 that, among other things, direct the Commission to "take all actions necessary to facilitate the transition" of the existing public safety broadband spectrum to the First Responder Network Authority; and (2) determining which public safety jurisdictions, who were on the verge of implementing statewide or regional network, should be permitted to continue building their networks. Today's Order successfully meets this challenge by identifying factors the Public Safety and Homeland Security Bureau should consider, on delegated authority, when a local jurisdiction files a request for Special Temporary Authority (STA). Those factors are: substantial deployment prior to enactment of the Act; ability to deliver timely service; specific compelling public safety need for immediate near-term service; and adherence to the "recommended minimum technical requirements" for nationwide interoperability developed by the Interoperability Board; and State level government coordination. In my opinion, properly applying these factors to STA requests should ensure that the Bureau complies with both the language and spirit of this bi-partisan Act.

While I respect that some of my colleagues, as noted in their concurring statements, would have preferred substantively different language in the factors applied to STA requests, I commend them for offering other constructive edits that improve the Order. I also thank them for timely voting to approve this Order early enough, so that the City of Charlotte and the State of Texas can receive the approvals of their interoperability showings approved early enough to meet their deployment goals to offer service prior to September 2, 2012. I congratulate David Turetsky and his talented staff for carefully analyzing the record and for providing us with a thoughtful approach for resolving the issues in a manner that best serves the public interest.

