

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY
APPROVING IN PART, CONCURRING IN PART**

Re: Emission Mask Requirements for Digital Technologies on 800 MHz NPSPAC Channels; Analog FM Capability on Mutual Aid and Interoperability Channels, PS Docket No. 13-209, RM-11663, Report & Order

For the most part, I am generally supportive of today's action that will help guard against interference and promote interoperable communications in certain public safety bands. I must concur, however, to two sections of this item.

First, I largely oppose any type of technology mandate. Today's item requires that all public safety radios operating on the 800 MHz, VHF and UHF mutual aid and interoperability bands must have analog FM capability. While I understand the pursuit of interoperability on interoperability channels, industry, despite not having a technology requirement, has adopted FM analog as the *de facto* standard in these bands. Therefore, this requirement seems unnecessary. In fact, what happened here is the preferable approach – industry determined the best means to produce interoperability. Once a technology is set in regulatory stone, innovation and investment may be deterred or, if a better technology is or becomes available, it could take years to update our rules to reflect such advancements. And, frankly, it seems ridiculous in today's digital world to be requiring that devices have less efficient, analog technology.

Second, I continue to have deep concerns about the cost-benefit analyses contained in the Commission's items. While I appreciate that staff took my concerns into consideration and made changes to this section, this item still lacks a quantitative assessment of the actual costs and benefits of our actions. Simply put, the Commission has the responsibility to conduct such a review and yet it does not sufficiently do so, which I cannot fully support.

As long as the Commission continues to shirk its obligations, I reiterate my plea to stakeholders that they inform our analysis by providing data about the cost savings of their proposals or the possible costs of Commission rules. This will assist the Commission in weighing the cost and benefits and, ultimately, inform whether regulatory actions are justified.