

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN ABERNATHY

In re: The 4.9 GHz Band Transferred from Federal Government Use, Second Report and Order and Further Notice of Proposed Rulemaking (WT Docket No. 00-32)(adopted February 14, 2002).

Today's Order begins to deliver on the Commission's new homeland security policy priorities. While public safety issues have always been important to the Commission, there is no doubt that this fall's events created a new sense of urgency. The allocation of the 4.9 GHz band, its designation for public safety, and the initiation of a service rules proceeding, signal this Commission's commitment to public safety and homeland security. Our long-anticipated decision has three important components: a national flexible allocation, broadband capability, and possible international harmonization. For these reasons, I have previously indicated my support for the policy approach taken today and I reaffirm that support today.

National Flexible Allocation: The public safety community has long suffered under a fragmented spectrum allocation and service rule regime that limits the ability of various public safety entities to provide a diverse range of services across national spectrum bands. Today's 50 MHz allocation will lend itself to operations across traditional state and local boundaries and speed response times at emergency sites. I look forward to developing service rules that, like our approach at 700 MHz, emphasize the ability of emergency response service providers to communicate in a variety of ways and inter-operate across jurisdictions.

Broadband Capability: For too long, the public safety community has not had the spectrum capacity to deploy dedicated wireless broadband facilities. The spectrum characteristics and bandwidth at 4.9 GHz will allow the public safety community to utilize the latest technological tools – through real time video displays, Internet access, and other capabilities – in respond to emergency situations.

International Considerations: As we prepare for the 2003 World Radiocommunication Conference in Caracas, the U.S. is examining the value of a possible global allocation for public protection use. WRC Agenda Item 1.3 is actually the topic of an ITU Working Group meeting in Rome as we speak. Going forward, it is important that any international allocation decision grant respective administrations significant flexibility, while also identifying multiple possible bands for such use. In this regard, the United States must be vigilant that the international decisions reached include bands identified domestically – such as the 4.9 GHz and 700 MHz bands. Global harmonization creates significant advantages in the scale and scope of manufacturing for public safety uses – particularly vital because, by definition, this is a fairly discrete market for manufacturers. In addition to the commercial advantages, harmonization may also allow for possible interoperability in anticipation of security threats with an international scope.

Today is a good day for public safety – and the Commission staff should take considerable pride in our decision that helps public safety to complete their vital mission for the American people.