

AS PREPARED FOR DELIVERY

**Land Mobile Communications Council
Annual Meeting**

Remarks by
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Federal Communications Commission

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Good afternoon and thank you, Bob, for that very kind introduction. It's a pleasure to be here, and I appreciate the kind invitation to speak with you. As I understand it, my job today is to update you on developments at the Public Safety and Homeland Security Bureau and your job is just to sit back, listen and enjoy! Now, if any of you happen to finish before I do, please raise your hand, and we will go right to coffee and dessert!

All kidding aside, we have some exciting things going on, and I hope the information I share with you today will be beneficial to you and the organizations you represent. You've all heard the saying, "I'm from the government and I'm here to help." Most of the time (okay all of the time!) that is said as a joke, but I'd like to change that thought today, at least about the FCC and specifically the Public Safety and Homeland Security Bureau. I have found that one of the biggest obstacles between the government and those who are regulated by or affected by government entities is communication...or rather the lack thereof. The LMCC is an organization of national associations that represent the communications advocacy interests of public safety, critical infrastructure, business, industrial, transportation, private

and common carriers, and manufacturers of wireless communications equipment. You bring this crowd together and create opportunities for dialogue that otherwise may not exist, and that has a tremendous impact on the communications capabilities of our nation. Add to that the fact that you offer up opportunities for people like me to come and speak with you to share ideas and information, and that only adds to the impact you have on the public safety of the nation. By creating these opportunities you are allowing us a chance to synergistically communicate by sharing thoughts and ideas and even, when appropriate, to respectfully disagree on issues. It's important for you to tell us how our actions affect your organizations and constituents just as it's important for us to share the "whys" of our decisions and actions with you. Through these types of interactions, we are reminded again and again that none of us operate in a vacuum.

Let me now move on to more specific public safety communications issues and I'd like to start with some information on the work we are doing to move the nation forward in achieving a nationwide interoperable public safety broadband network. This is an important national priority and

a longstanding goal of the Commission. The National Broadband Plan, submitted to Congress last March, set forth a comprehensive framework for creating a nationwide, interoperable public safety broadband network. As part of this framework, the Plan recommended the creation of an Emergency Response Interoperability Center, or ERIC, to ensure nationwide interoperability. In April of last year, the Commission established ERIC within the Public and Homeland Security Bureau, where it plays a key role in assisting the Bureau as it develops rules and requirements for public safety broadband networks.

Shortly after the creation of ERIC, the Commission granted waivers to twenty-one public safety jurisdictions around the nation to pursue early deployment of statewide or regional public safety broadband networks. In granting waiver relief, the Commission recognized that expeditious deployment must not come at the expense of interoperability. Accordingly, the Commission imposed technical conditions and other requirements on these early-deployed networks to ensure that they are interoperable with one another and that, ultimately, they can be integrated into a nationwide network.

We took an important step towards developing this nationwide network in January, when the Commission adopted an order and further notice of proposed rulemaking advancing a framework for ensuring public safety broadband interoperability on a nationwide basis. The order designates Long Term Evolution, or LTE, the broadband standard already adopted for waiver recipients' early-deployed networks, as the common technology platform for the network nationwide. An overwhelming consensus has emerged in support of this technology, both in the public safety community and in the commercial sector. The adoption of a common air interface for public safety broadband networks is an essential first step to ensuring nationwide interoperability, but it is far from sufficient. Therefore, the Further Notice seeks comment on how to create a technical framework that ensures regional and tribal public safety broadband networks are interoperable and meet public safety's unique requirements for secure, reliable, resilient communications.

The further notice first seeks comment first on an architectural vision for the network, and on whether high-

level principles should be established to guide the network's development.

Another major focus of the further notice is on how to implement a public safety-to-public safety roaming regime. The ability of public safety personnel to roam onto public safety networks outside their jurisdiction is an essential component of interoperability; for that reason, the further notice seeks comment on a host of issues relevant to developing a viable roaming framework for public safety broadband networks.

The further notice addresses many technical components of interoperability, such as network identifiers and system interfaces. It also proposes that public safety equipment and devices undergo testing to ensure that interoperability is truly being achieved. Other issues addressed in the further notice, such as performance and coverage, are important to ensuring that public safety networks achieve a baseline of operability necessary to support interoperable communications.

Finally, the further notice seeks comment on how to ensure that public safety broadband networks are fully interoperable with Next Generation 9-1-1 networks. As we move forward with this proceeding and with the Commission's comprehensive inquiry into NG9-1-1, we must be mindful of how these two proceedings link together.

Comments on the further notice were due on April 11th, and replies are due on May 10th. As we await the replies, the Bureau is hard at work sifting through the voluminous record that is developing. A number of detailed, often highly technical comments have been filed—clearly there is widespread interest in ensuring that we get this network right from day one.

As it moves forward in this proceeding, the Commission will enjoy the assistance of two advisory bodies. The first of these, the Technical Advisory Committee, is composed of state and local government representatives with expertise in the many of the technical issues ERIC is tasked to address. The second, the Public Safety Advisory Committee, or PSAC, includes members from both the public safety community and the commercial sector. The purpose of this

committee is to provide recommendations to ERIC and the Commission on a broad array of policy matters relevant to interoperability. The PSAC's next meeting is scheduled for May 24, is open to the public, and we welcome and encourage your attendance.

With that said, I want to cover some other important, hot topic issues, on which we are working. One of those hot topics is narrowbanding and the upcoming narrowbanding deadline. Because many of you operate or depend upon public safety land mobile radio systems, this is a very important topic with which I hope you are familiar.

The reason this topic is important is because by January 1, 2013 – less than two years away -- all land mobile radio systems in the 150-174 MHz and 421-512 MHz bands (what we refer to as the VHF and UHF bands) must have migrated from 25 kHz to 12.5 kHz or narrower bandwidth technology. Narrowbanding has been in the works for many years and is designed to ensure more efficient use and greater spectrum access to the limited channels in these bands for public safety and non-public safety users. The Commission set the January 2013

deadline in 2004 – seven years ago -- to not only provide ample time for equipment development but also to provide licensees with sufficient notice and time to plan to transition their systems as part of their normal equipment replacement cycle.

While many licensees have already narrowbanded their systems, or have purchased equipment that can easily be switched to narrowband operation before the deadline, our records indicate that many other licensees still have not migrated to narrowband operation. In some cases, compliance with the deadline may require licensees to make significant system upgrades, including the purchase of new radio equipment. It is important to note that the narrowbanding requirement applies to both public safety and non-public safety governmental entities that operate these systems. Thus, the January 1, 2013 deadline could have significant budgetary implications.

To heighten awareness of the narrowbanding process and the upcoming deadline, we are reaching out to public safety organizations, local and state governments and associations as well as affected licensees to assist them in

completing narrowbanding and to provide information about potential funding sources. We have set up a webpage (www.fcc.gov/narrowbanding) with important information and updates, as well as links to other resources. We also maintain an e-mailbox to which licensees can send questions. That address is narrowbanding@fcc.gov, and I urge you to use it to reach our Bureau's subject matter experts on this topic if you need any information.

And lastly on this topic, the Bureau has recently sent out a reminder letter to each public safety licensee that our licensing records indicate has not yet narrowbanded its system. We welcome further discussion with you on how to ensure that licensees complete narrowbanding in a timely manner, so that valuable spectrum resources can be made available to meet your public safety communications needs.

Switching gears a bit, but still on a very important communications issue, about 9 years ago the Commission embarked on a project that then-Chairman Michael Powell described as one of the most complex and challenging in the Commission's history – the 800 MHz proceeding. He was right.

Let me give you a brief update on the re-banding progress we have made to date, but before I get into the numbers, let me go directly to the bottom line.

As re-banding has progressed there has been a significant reduction in interference to 800 MHz public safety systems. And, as a result of re-banding, public safety is being given access to the spectrum that Sprint Nextel vacates as it moves to the ESMR (ees mur) band. So, we are realizing our dual goals of eliminating interference and making more public safety spectrum available. Re-banding is working as planned. Our challenge now is to bring it to a conclusion.

Here's where we are today:

- As most of you likely know, re-banding is occurring in a two-staged process whereby:
- In Stage 1, licensee operating on channels 1-120 retune to the interleaved segment of the band; and
- In Stage 2, NPSPAC (nips pack) licensees retune 15 MHz lower in frequency to the new NPSPAC Band.
- 98 percent of Stage 1 licensees outside the Canada and Mexico borders have completed re-banding.

- Furthermore, over 90 percent of Stage 2 licensees outside the Canada and Mexico borders have executed Frequency Reconfiguration Agreements with Sprint. In addition, over 60 percent – or 575 licensees – have actually completed re-banding.
- Licensees have retuned one-and-one-quarter million radios and 3,300 base station sites.
- Six NPSPAC regions have fully completed re-banding.

I anticipate that most remaining non-border Stage 2 licensees will complete re-banding by the end of 2011. However, some statewide and regional systems will take longer because of the complexity of maintaining system operations and interoperability during the transition.

Achieving this progress has not always been easy, but there is something to be said about the fact that the 800 MHz community has negotiated over 2000 Frequency Reconfiguration Agreements. Of those, only two-and-one-

half percent have come to the Commission on appeal, when cases could not be resolved through mediation.

As you may have noticed from the Daily Digest, the Bureau has redoubled its efforts to keep the re-banding process moving. We have issued a number of orders disposing of contested cases since January. We've also intervened informally in some cases where negotiations were at an impasse. At this point, with so many Frequency Reconfiguration Agreements already negotiated, and decisions issued, I think there should be very few "new" issues holding up negotiations.

Now, let me turn to the Canada and Mexico border areas.

Re-banding is well under way in the Canada border region. We have recently resolved several key issues with Canada that will allow us to successfully re-band all of our Canadian border licensees. However, we still have to formalize our agreements with Canada, therefore it was not possible to meet the initial April 2011 deadline for re-banding along the Canadian border. So, on April 8th, we released a

public notice instructing licensees how to prepare requests for waiver of the completion deadline. That public notice also froze the acceptance of new applications in the Canada border area until April of next year.

“So what about Mexico?” you may be thinking. Well, an agreement with Mexico for a new border area band plan has been more complicated and time consuming. But, we have held several productive meetings with our Mexican counterparts in the last few months, and I'm optimistic that an agreement will be reached soon, because there are very few issues remaining to be resolved.

I'd like to next talk about some other very important public safety communications topics—reliability, resiliency, and continuity.

Earlier this month, the Commission took another important step to implement the recommendations in the National Broadband Plan by opening an inquiry on ways to strengthen the reliability, resiliency and continuity of America's communications networks. The migration of the communications infrastructure from older technologies to

broadband technologies raises concerns about a communications network infrastructure that lacks the time-tested standards of the legacy systems.

This recent Notice of Inquiry builds on the FCC's ongoing efforts to help ensure the reliability and resiliency of communications for the public, government, emergency responders, healthcare providers, and providers of other critical services such as electric power during natural or man-made disasters. We are seeking comment on four specific areas of concern:

- Current efforts by industry to ensure continuity of communications service during major disasters;
- Existing reliability and resiliency standards for broadband communications networks;
- The FCC's role in promoting the reliability, resiliency and continuity of communications services; and
- The FCC's legal authority to act to ensure the reliability, resiliency and continuity of communications services.

The recent earthquake and tsunami in Japan are tragic reminders of the importance of maintaining reliable and resilient communications networks that can withstand significant equipment or system failures, particularly during major emergencies. Japan used broadband to mitigate the impact of these natural disasters, and their efforts offer examples for us.

For example, the Japan Meteorological Agency's earthquake early warning system relied on broadband to automatically issue alerts via cell phones and TV after the first, less harmful earthquake shock wave, providing a short window for people to prepare for the more powerful shock wave that followed. The broadband-based warning system also caused many energy plants, industrial facilities, and transportation services to shut down automatically, averting problems at these locations. High-speed trains automatically came to a safe stop in response to earthquake alerts transmitted along the rail system.

The United States does not currently have a comparable earthquake warning system. It is something we should consider.

Residents of Japan with mobile phones were able to rely on their battery-powered devices to access web-based disaster message boards, Twitter, and social networking sites to report on their status and check for updates regarding family and friends. The continued ability to use wireless devices to access the Internet was in large part due to the redundancy of Japan's wireless mesh network, which can automatically reroute signals over alternate paths if one route is destroyed.

In the United States, we have no federal rules on backup power, and we have to ask whether that situation is acceptable. Our Notice of Inquiry is intended to explore this and similar important questions.

Our ongoing efforts to ensure communications reliability include our outage reporting systems. The mandatory Network Outage Reporting System (NORS) receives reports from providers experiencing significant outages and provides the Commission with essential information to enhance network security and reliability. The FCC's Public Safety and Homeland Security Bureau analyzes data related to specific outages and uses it to work with communications providers

to improve their network reliability and resiliency. We also develop aggregate reliability statistics based on NORS data, which we review with industry on a regular basis to facilitate industry-wide improvement in network reliability and resiliency.

Through our voluntary Disaster Information Reporting System (DIRS), the Commission collects operational status and restoration information in disaster situations from communications providers, including wireless, wireline, broadcast, and cable providers, during major disasters and subsequent recovery efforts. DIRS gives communications providers a single, coordinated, consistent, and voluntary federal process to report their communications infrastructure status information during times of crisis.

Currently, the Commission's mandatory outage reporting rules cover broadband ISPs or interconnected VoIP service providers. This means that, to the extent that outages of these services occur, the Commission currently has no way of monitoring the reliability of these systems and availability of these services or working with communications

providers to improve service reliability. Frankly, we get our information on these outages from press reports.

As increasing numbers of consumers, businesses, and government agencies rely on broadband and interconnected VoIP services for everyday and emergency communications needs, both voice and data, ensuring the reliability of those networks is becoming vital to the public interest. To address this deficiency, and as recommended in the National Broadband Plan, the Commission plans to propose new rules that would extend the outage rules to interconnected VoIP service providers and Broadband ISP's.

A few minutes ago I briefly alluded to broadband technologies and NG9-1-1. I'd now like to give you some more details on that and give you a brief update on 9-1-1 and NG9-1-1 issues that we are considering at the Commission. Indeed, we have achieved a great deal in the 9-1-1 arena in the last year, but our job is not done, and our plate remains very full. The coming year will be a year of considerable activity with respect to both improving the existing 9-1-1 system and facilitating the transition to Next Generation 9-1-1.

Improving the existing 9-1-1 system remains a critical mission of the Commission. In September of last year, the Commission took action to help strengthen and improve the ability of PSAPs to quickly locate wireless 9-1-1 callers and dispatch emergency responders to assist them during emergencies. First, the Commission adopted an order requiring wireless carriers to measure their compliance with Phase II wireless E9-1-1 location accuracy and reliability standards at the county, or PSAP-level. As more and more Americans rely on their mobile handheld devices, such as cell phones and smartphones, the FCC's new rules are essential to ensuring that wireless carriers are taking the necessary steps to provide more accurate 9-1-1 caller location.

Also in September, the Commission adopted a Further Notice of Proposed Rulemaking and a Notice of Inquiry, as recommended in the National Broadband Plan, that explores how to improve the location capability of 9-1-1 and E9-1-1 services for existing and new voice communications technologies, including new broadband technologies associated with the deployment of Next Generation 9-1-1 networks.

We have received a very full comment record in the location accuracy proceeding, which we are currently evaluating. We anticipate that the Commission will be taking further action in this proceeding sometime this summer.

In December of last year, the Commission took another major step with the adoption of a broad-based Notice of Inquiry on Next Generation 9-1-1. Initiating this proceeding implemented another recommendation of the National Broadband Plan, and represents the first time that the Commission has ever taken a comprehensive look at NG9-1-1 issues.

The transition to a broadband-enabled, NG9-1-1 network is of critical importance to our Nation because it will ensure that our 9-1-1 dispatchers, first responders, and the public have the ability to take advantage of the most advanced communications tools. Unfortunately, the legacy 9-1-1 system is unable to accommodate many of the new capabilities embedded in the new generation of mobile devices, such as the ability to transmit and receive photos, text messages, and video. As a result, the nation's 9-1-1 system is in need of a significant overhaul.

NG9-1-1 will also help people with disabilities. For example, NG9-1-1 will allow a deaf or hard of hearing person to communicate with an emergency call center by sending text messages or real-time text. You can see what an important, life-saving tool this could be to those who are unable to hear or speak.

The potential of NG9-1-1 is enormous, as are the challenges to implementation, which is why it is so important that we make progress on these issues in the coming year. Just in the past few weeks, we have received numerous comments and reply comments in response to our December Notice of Inquiry on NG9-1-1. We are now working our way through those comments as we seek to develop a framework for implementing NG9-1-1, and to define the Commission's role in that framework. We anticipate that the Commission will take further steps in this proceeding later this year.

These issues are extremely important to the safety and security of our nation on a daily basis and even more so during times of natural or manmade disasters. The FCC and the Public Safety and Homeland Security Bureau are

working diligently both internally and externally to ensure that the nation has a public safety communications system that works and works well, even in times of tremendous system stressors. We have seen what happens when it doesn't and it is simply not acceptable.

Thank you for your commitment and dedication to public safety and for keeping the lines of communication open, literally and figuratively. I am honored to have been asked to be a part of your dialogue today and my promise to you is to keep the conversation going.

I am happy to take any questions you have.