

1 FEDERAL COMMUNICATIONS COMMISSION'S  
2 INDEPENDENT PANEL REVIEWING THE  
3 IMPACT OF HURRICANE KATRINA  
4 ON COMMUNICATIONS NETWORKS

5  
6 FRIDAY JUNE 9, 2006  
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8  
9 Federal Communications  
10 Commission  
11 445 12th Street SW  
12 Washington, D.C.  
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15 The committee met, pursuant to notice, at 10:00  
16 a.m. in 12th Street Level Commission Meeting Room, 445 12th  
17 Street SW, Washington, DC, chairman of the committee, Nancy  
18 J. Victory, presiding.  
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1 MS. VICTORY: Good morning, everyone. Welcome to  
2 the fifth and final meeting of the FCC's Independent Panel  
3 Reviewing the Impact of Hurricane Katrina on Communications  
4 Networks. For those who don't know me, my name is Nancy  
5 Victory, and I am the Chair of this panel.

6 A little more than nine months ago, the United  
7 States was hit by Hurricane Katrina, which had a  
8 devastating impact on the Gulf Coast region. Lives were  
9 lost, homes were destroyed, millions were displaced, and  
10 whole communities were swept away.

11 In times of emergency, communications capabilities  
12 that we routinely take for granted assume to paramount  
13 importance. They are the links for persons in distress and  
14 danger. They are the links for rescue and restoration and  
15 they are the links for loved ones and those in harm's way.

16 Katrina and the extensive flooding from the  
17 breached levees in New Orleans severely tested the  
18 reliability, and resiliency, of the communications  
19 infrastructure in the area. The size, scope, and nature of  
20 the disaster were unprecedented in nature. The hurricane  
21 and the damage in its wake provided a harsh wake up call  
22 for us all.

23 In order to learn from this horrible event and to  
24 be better prepared in the future, FCC Chairman Martin and  
25 his fellow commissioners charged this panel with studying

1 the impact of Hurricane Katrina on the telecommunication and  
2 media infrastructure, including public safety communications.

3 The panel has also been directed to review the  
4 sufficiency of the recovery effort with respect to this  
5 infrastructure. Finally, the panel has been tasked with  
6 making recommendations for improving disaster preparedness,  
7 network reliability, and communications among first  
8 responders in the future.

9 Now, over the past five months, this panel has been  
10 busily at work on this important assignment. In order to  
11 gather information to fulfill the directives of its  
12 charter, the panel has called upon the experiences of its  
13 members, many of whom were directly involved in the  
14 recovery efforts following Hurricane Katrina.

15 The panel has also solicited broad public input by  
16 providing processes by which interested parties could  
17 submit written comments and provide oral presentations.  
18 The panel has additionally invited experts to present to  
19 the panel or to demonstrate new technologies and  
20 applications.

21 Our March meeting was held in Jackson, Mississippi,  
22 where the panel was able to here oral presentations by a  
23 variety of interested parties and experts, with first hand  
24 knowledge of the hurricane's impact and the recovery  
25 effort.

1           Finally the panel has also reviewed publicly available  
2 information regarding matters under the panel's  
3 consideration. All of this information has been invaluable  
4 to our deliberations. Now, including today's meeting the  
5 Katrina Panel has met five times to hear oral  
6 presentations, to discuss draft findings and  
7 recommendations, and to finalize drafts of this report.

8           Today we will discuss the latest draft of our  
9 report, including the recommendations, debate any final  
10 substantive amendments to them and approve the report for  
11 submission to the FCC. According to our charter, the report  
12 must be submitted by June 15th.

13           Now, I would like to start today by reviewing and  
14 discussing the latest draft of the report, which has been  
15 distributed to all the panel members. After that, we can  
16 move on to any proposed amendments to the report or to the  
17 recommendations. Now I'm aware of at least three of these  
18 that have been distributed to you all as well. You should  
19 have them in front of you.

20           We're going to consider those proposed amendments  
21 individually, take up any additional amendments that are  
22 offered today, and then finally, vote on the draft report  
23 as amended. Well, that's the schedule for today.

24           Before we start in discussing the report, it's the  
25 latest draft of the report itself, are there any comments

1 to be made?

2 Steve Delahousey, I don't know if you wanted to  
3 mention at this time, you had picked up some additional  
4 information about one of our recommendations that we're  
5 apparently very forward thinking more than we knew.

6 MR. DELAHOUSEY: Yes. Just today, the National  
7 Weather Service sent the following information, which I  
8 think is in line with some of the issues that we were  
9 talking about with regard to broadcasting non-weather  
10 related messages via the EAS system. They're testing a  
11 new program this month and next month called HazCollect,  
12 which is a system developed by the National Weather  
13 Service to relay emergency messages for non-NWS sources  
14 using the Department of Homeland Security and NWS systems.

15 Some that are in categories that can be broadcast  
16 and I won't read them all but child abuse, civil emergency  
17 messages, earthquake, evacuations, fire warning, HAZMAT  
18 situations, local area emergencies, 911 outage emergencies,  
19 that's interesting, and shelter in place are just a few.  
20 The ADR administrative messages, all of our text messages  
21 may be relayed by Emergency Alert System participating  
22 stations in accordance with local and state EAS plans.

23 So it sounds like the discussions that we've had are,  
24 there's a system in place to implement some of the things

1 we've already talked about. So I thought that was good news,  
2 worth sharing with the group.

3 MS. VICTORY: Thank you very much.

4 Let's start in and discuss the latest draft of the  
5 report before we get to some of the amendments. You should  
6 have before you two items, one, the draft I sent out to you  
7 on June 7th, which is really the complete and integrated  
8 report. It has the cover, the table of contents, etcetera.  
9 There was also a previous version that went out on June  
10 1st, that was redlined to show changes to our last meeting.

11 Let me talk about sort of the both of those drafts  
12 and the changes since our last meeting because at our last  
13 meeting we did discuss a prior draft and wanted to get any  
14 comments. And I've already gotten some corrections or  
15 clarifications from you all that are reflected in this  
16 draft sent out on 6/7. I wanted to walk through a little  
17 bit what the major changes were, major substantive changes  
18 were, and just see if there were any concerns or if you  
19 were comfortable with the draft as revised.

20 The report itself, in terms of the changes from the  
21 last meeting, obviously we've added the cover and table of  
22 contents. There is a new executive summary, so somebody  
23 doesn't have to slog through the 50 pages to understand the  
24 conclusions we've reached, and the gist of the recommendations  
25 that we're making.

1           If you go through it, you'll note that the  
2 executive summary, and for the most part, lifted language  
3 and lifted whole sentences and phrases out of the back to  
4 make sure that we're not straying from the messages that we  
5 previously approved and previously discussed.

6           There's a new introduction section that essentially  
7 just describes the charter, the process we've gone through,  
8 when we've met, how we discussed our recommendations,  
9 etcetera, just detailing for the public how our process worked.  
10 The observation section, which we discussed before the  
11 additions since the last meeting draft, we've added at one  
12 of the panel member's suggestions, a road map of the  
13 discussion to make clear to the reader what we're going to  
14 discuss, and how we're going to discuss it.

15           We've added more description about the devastation  
16 of the hurricane up front to sort of set the scene as  
17 before we go into the descriptions of the effect on the  
18 individual industry sectors and public safety  
19 communications. We've added a couple of additional details  
20 in each of those sections where we've received them from  
21 the panel members. We've added a new section on amateur  
22 radio that had not previously been included.

23           There is also a new section on the issue of the  
24 issuance of inconsistent emergency information to the  
25 public that was something we discussed extensively at the

1 last meeting, and continued to discuss in working group 3.  
2 So that new section in there tries to capture that discussion.  
3 And then, obviously, we've added a tremendous amount of  
4 citation as to where we got some of these ideas based on  
5 the extensive comments to the panel, the written and oral  
6 testimony, and where available -- publicly available  
7 information such as House and Senate testimony, White House  
8 reports, etcetera.

9 Any comments, concerns, discussion, about the  
10 observation section?

11 Billy Pitts.

12 MR. PITTS: I think this is in the observation  
13 section, but I think it's a good addition, and it's the  
14 making note of what John Lawson and the Association of  
15 Public Television is attempting to do with their data  
16 casting of the EAS. It's another redundant system, along  
17 with what NOAA is doing that Steve just talked about, and  
18 I think that is a great addition.

19 MS. VICTORY: This is on page 28 of the June 7th  
20 draft. This is something we added if you recall. I guess  
21 it was our last meeting or the meeting before. I'm not  
22 quite sure. But John Lawson of the Public Television  
23 Association did provide a wonderful demonstration to us that  
24 we wanted to make sure that we referenced and noted as a  
25 different type of notification technology in the draft. So

1 that's in there.

2 Any other comments? Is it folks' view that we've  
3 accurately captured at this point in the discussion today  
4 there aren't really too many substantive changes from our  
5 last draft? Did I hear a couple people saying yes?

6 Yes. Okay. Great. Thank you.

7 All right. On the recommendations, we do have a  
8 couple of changes from the last meeting draft. Let me go  
9 through those. I'm going to note the major substantive  
10 changes. On pre-positioned, you'll note we've added some  
11 descriptive titles and labels to these to sort of  
12 thematically link them, and that is obviously new, although  
13 the text of the recommendations really has not changed.

14 Pre-positioning recommendation one adds a cache  
15 of replacement equipment to the industry checklist. This  
16 is something that we had chatted about as -- since we do  
17 have a proposed cache of equipment for public safety, we  
18 thought for the industry checklist, this is also an  
19 appropriate item to add to that as well.

20 In pre-positioning recommendation four, this is  
21 dealing with outage information gathering. It recommends  
22 that the FCC be the Federal agency to gather that information.  
23 Before, we had been silent, but indicated it would be  
24 helpful to just have one Federal agency doing that  
25 information gathering. After some further discussion, we

1 decided to propose that that would be the FCC to be the  
2 agency to do that.

3 Recovery coordination recommendation one adds more  
4 details on the credentialing process that is consistent  
5 with the discussion at our last meeting. Remember we  
6 talked a little bit about how this should work and what  
7 role the State should have. This addition attempts to  
8 capture that, as well as reference that we are supporting  
9 NSTAC's recommendation on this issue.

10 Also there's a change to recovery coordination  
11 recommendation number three. It adds as a task for the  
12 coordinating body that they should be facilitating the  
13 ability of commercial communications providers to get on  
14 priority power restoration lists, and that should be one of their  
15 tasks. And this recovery coordination recommendation has  
16 also been amended to indicate support for the formation of  
17 an industry only coordinating group for certain purposes,  
18 but that that should not take the place of the body that  
19 also includes state or regional government representatives.

20 We also have changes to emergency communications  
21 recommendation three. This essentially should not be  
22 really a substantive change, but it revises the language to  
23 track the exact wording of the NRIC recommendations.  
24 This is on the PSAPs and PSAP resiliency, and then it adds a  
25 new recommendation to allow state or local E911 commissions or

1 emergency communications districts to be able to apply for  
2 911 grants. So apparently, those bodies right now that might  
3 manage PSAPs are not currently eligible to apply for the grants.  
4 So that includes that as a recommendation.

5 And then, finally, consistent with the discussion  
6 of our last meeting, there is a new emergency  
7 communications to the public recommendation, a new number  
8 three, which essentially adds a recommendation for  
9 suggestions on how to better coordinate public emergency  
10 information, and that is an entirely new recommendation.

11 Any concerns about those changes or about the  
12 recommendations in general at this time?

13 [No response.]

14 MS. VICTORY: Okay. Billy Pitts.

15 MR. PITTS: On page 21, 2A, that you're dropping  
16 achievable, but what are you doing readily?

17 MS. VICTORY: That was a correction suggested to  
18 us. Typically, with respect to this equipment, achievable  
19 tends to be the term that is particularly used, and  
20 therefore, that was the term that we picked up. I view  
21 that to be a correction, but I'm happy to discuss whether  
22 or not that is the right term. But most of it, at least in  
23 the communications area for equipment to assist persons with  
24 disabilities, typically readily achievable is the phrase  
25 that the Commission has consistently used, and we just

1 wanted to be consistent with that term of art that have  
2 been used so far.

3 If anyone has any discussion on that, do correct  
4 me.

5 MR. PITTS: No. That's good. We obviously all  
6 want to achieve this.

7 MS. VICTORY: Okay. Anything else on that  
8 section? And obviously, I know we have some amendments to  
9 take up as well but with respect to the provisions that are  
10 there, I know we've discussed these before, but are folks  
11 comfortable with the changes? Yes, okay. Great.

12 There's also obviously with respect to this, there  
13 is a new conclusion, and I've added a very important list  
14 at the end, which is a list of all of the panel members,  
15 and I would ask you to please make sure that your name and  
16 title is correct, and appears the way you want it to  
17 appear. If not, please alert me to any changes to that immediately.  
18 A couple of folks have already corrected titles or the way  
19 we've laid out the company name, and I'd be happy to take  
20 more corrections. We certainly want to make sure we get  
21 that right. Okay? Well great.

22 Well with that why don't we turn to the amendments. I  
23 know three have already been circulated to the panel, and we'd  
24 happy to take up any others that folks want to raise  
25 today.

1           Let me turn first to Bill Smith, who I know had  
2 proposed an additional change to our pre-positioning  
3 recommendation. Is it number two, which would be the  
4 addition of the additional type of waiver that the  
5 Commission might want to consider granting to facilitate  
6 emergency preparedness?

7           MR. SMITH: Thank you, Nancy. I may not have  
8 ordered this in the best manner, but let me kind of explain  
9 what we're trying to accomplish here. Today, many of our  
10 areas around the country do not have 911 tandem diversity.  
11 Some areas do, but many still do not. And unfortunately,  
12 the current mechanism, if you put 911 tandem diversity in a  
13 given area, you require a lot of redundant equipment in  
14 order to do that.

15           We're at a phase right now, I guess, in our  
16 industry, where much of the equipment that exists today is  
17 probably at the end of its life cycle, so it would be very  
18 hard to justify spending a great deal of money to do this  
19 on equipment that you know will soon be obsolete in the  
20 next few years.

21           So one of the things that I mentioned in the last  
22 panel meeting we had and at this point, kind of, I guess,  
23 highlights it further is if we could use E911 tandems in other  
24 LATAs to back one another up, then we could provide tandem  
25 diversity without having to put redundant equipment in

1 every LATA. So it would -- in our region, for example,  
2 putting full tandem diversity, 911 LATA tandem diversity  
3 in kind of the traditional method, we've priced that at  
4 being well in excess of 200 million dollars, and I think  
5 that is probably covering just coastal areas. So I think  
6 the price tag could be substantially higher than that. And  
7 obviously, in a commercial environment, it's hard to put  
8 that kind of resource into something that has no  
9 opportunity to recover that cost.

10 By allowing companies like ours to use tandems and  
11 other LATAs to perform that back-up function, we think we  
12 could dramatically reduce the cost that it would take to  
13 provide that redundancy, and so I think that would be much  
14 like some of the other rules we've talked about, with  
15 number portability and some other things. I think that  
16 would be a way to make -- to put more resiliencies in the  
17 network and do it in a much more cost effective manner than  
18 we have traditionally done. And so that was really to the  
19 intent of this comment, was to ask the FCC to perhaps  
20 consider that. Thank you.

21 MS. VICTORY: Steve Davis.

22 MR. DAVIS: I have a question on that. I think it's  
23 a great idea to have those kind of waivers so we can be  
24 responsive and provide the tandem 911 service, but I'm  
25 questioning the language about permanent waivers. If we're

1 going to have any kind of a permanent waiver, shouldn't we  
2 consider it a rule making, to change the rules so that no waiver  
3 of the rules is needed? And why would any operation that was  
4 required during an emergency have to be a permanent  
5 operation?

6           Maybe I just don't understand that business so  
7 perhaps you can help me understand that.

8           MR. SMITH: The objective there is, I think for  
9 this to work and work properly, it's not something you can  
10 easily scramble around after the fact, and try to  
11 implement. If you lose a 911 tandem to reroute this  
12 traffic and set these capabilities up after the fact, I  
13 think in the best case, would be a matter of hours to do,  
14 more likely a couple of days.

15           So, like in much of the things we talk about here,  
16 the key is preparation, and having these capabilities  
17 in place before the fact. We could certainly come back  
18 after the fact if we lost a tandem and ask for this kind of  
19 a waiver. My concern would be for that period of time, you  
20 have no 911 coverage in an area, and I don't think you can  
21 afford even a period of hours without service capability.

22           MS. SCOTT: Nancy.

23           MS. VICTORY: Marion, let me have Steve finish his  
24 question and then I'll return to you.

25           MR. DAVIS: I'm sorry. I didn't know Marion had a

1 question. I'm just still on the permanent waiver part of  
2 it.

3 I think maybe what you mean is that there would  
4 always be a waiver granted during an emergency, should this  
5 be needed. But if it were to become a permanent mode of  
6 operation, I would think you would then go on to whatever  
7 regulatory process was needed to make that a permanent  
8 operation. Or maybe I misunderstand.

9 MS. VICTORY: If I understand your question, you're  
10 asking whether the vehicle to do this is a permanent waiver  
11 or a rulemaking? That's your question?

12 MR. DAVIS: Yes. Or -- I maybe don't understand.  
13 I mean, for instance -- because maybe it's our differences  
14 in businesses, that's why I'm having trouble understanding  
15 it. In broadcasting, we might need to do some  
16 extraordinary things during a disaster, and we would then  
17 want a waiver, and we've got the right language in here for  
18 that and that's wonderful, but we are not going to  
19 have permanent waivers. We're not going to stay on that  
20 auxiliary antenna forever and ever, at infinite item. So  
21 maybe I'm just misunderstanding the intent of the word  
22 permanent in that context.

23 MR. SMITH: Well, again, my intent there would be  
24 to make this something that we could implement and use on a  
25 routine basis. So it wouldn't be something that would have

1 to be set up in the event of an emergency, that it would  
2 automatically take control.

3           So, for example, you could take some of your  
4 emergency trunks to one tandem, some emergency trunks to  
5 another tandem, and if something happened with either one  
6 of them, flooding, fire, whatever, then the equipment would  
7 already be designed, and provisioned, and translated, as we  
8 say, to go into the back-up mode, as opposed to something  
9 where you would have to say, okay, we've had an event. Now  
10 we need to request a waiver before we can start  
11 implementing these changes. It's simply a matter of do we  
12 do something in advance or do we wait until an event occurs  
13 and then try and recover? And in the case of 911, that's  
14 something we've traditionally said we want to build that  
15 kind of redundancy and fail-safe capabilities in the -- on  
16 the front end.

17           MR. DAVIS: So in order to go in and actually build  
18 in the redundancy you need today when there is no  
19 hurricane, you would need a waiver to do that?

20           MR. SMITH: Yeah. Because if there were -- let's say,  
21 for example, you lost a facility, and those calls then suddenly  
22 started routing over the backup to the LATA tandem in the  
23 adjacent LATA. You would have violated an FCC rule.

24           MR. DAVIS: But, again, does that occur when the  
25 disaster hits or do you need a waiver today in order to do

1 the preparation you're asking to be able to do?

2 MR. SMITH: Well, if you've designed it properly,  
3 then the equipment starts doing that once you've lost the  
4 primary capability, and it is not something you turn a  
5 switch on or whatever. Now that's an alternative. My  
6 point, though, is it takes time to go implement those  
7 changes, and from my experience in our industry, it's far  
8 better to build that kind of resiliency up front than it is  
9 to try and act after the fact.

10 MR. DAVIS: Oh, I totally agree with that, and I'm  
11 not questioning that, I guess. For instance, in the case  
12 of the broadcast industry, instead a waiver would be  
13 granted immediately, we wouldn't have to apply for it in an  
14 actual emergency. And that's the only thing I was looking  
15 at, was the difference of permanent. I'm going to get off  
16 of that, though. I think that -- I belabored that point  
17 enough.

18 MS. VICTORY: I'm going to turn to Marion next. I  
19 just want to ask a clarification on Steve's question, and  
20 that is, I understand that to build in the capability, you  
21 need to do it before the hurricane would hit.

22 But in terms of when you would need the waiver, I  
23 think it would be when you would cut over to use that 911  
24 capability, and therefore, could the waiver just then be  
25 temporary in an emergency? But at least, you would know

1 you would get it, and therefore would have the -- enough  
2 comfort to build in this backup that would be activated  
3 with a waiver in an emergency.

4 MR. SMITH: You know, I'm fine. Whatever the right  
5 process is to get it done. The only thing that I want to  
6 make sure we're clear on, is if we do this right. A  
7 piece of equipment failure could cause the calls to  
8 automatically start routing to the back-up facility. That's  
9 the way we would want it to work. So if it is something  
10 that says before that happens, you have to officially  
11 request a waiver, then that's not accomplishing the degree  
12 of resiliency we're looking for.

13 MS. VICTORY: But if you know in advance that in a  
14 disaster situation, you would automatically get that waiver  
15 that might work.

16 MR. SMITH: If it were the kind of thing that we  
17 said, okay, if that happens, and calls start routing to an  
18 alternate tandem, you have to file with the FCC notice that  
19 that has happened, just like we have to file certain 911 outages  
20 today, that would be fine. My only objective is to allow  
21 engineers to design the network so it automatically starts  
22 that process, rather than having to wait on an  
23 administrative approval.

24 MR. DAVIS: I totally agree with that, and I think  
25 I have a suggestion for improvement in the language. What

1 if we talked about an automatic waiver? Waivers were  
2 automatically granted as they have on some of the other  
3 industries as opposed to permanent. Because, again, to me,  
4 permanent notes you'll be operating in some kind of  
5 abnormal mode for years to come, and that's my concern.

6 MS. VICTORY: Okay. We have Marion Scott --  
7 Marion Scott and Marty Hatfield on the phone because they  
8 were unable to make it today. Marion I know you had a comment.

9 MS. SCOTT: Yes. And Steve had pretty much covered  
10 that concern that I had on the comment, and the term  
11 permanent waiver is a concern because a permanent waiver is  
12 actually a rule change.

13 But as Bill was explaining what his intention is,  
14 and that is to have equipment standing ready, and only in  
15 event of failure would that alternate equipment be  
16 deployed, then I think that that's okay. However, we do  
17 have to be careful that it doesn't automatically deploy  
18 because the equipment isn't properly maintained or that  
19 kind of thing, but it does deploy in the event of an  
20 emergency, rather than just routine equipment  
21 failure.

22 MS. VICTORY: Well, might I propose some  
23 alternative language that I think will capture both of  
24 these or all of the intent here?

25 And Kelly, let me turn to you first.

1           MR. KIRWAN: Maybe you could help us with what the  
2 intent of the rule is. Today I'm a little confused on, if  
3 this is a benefit to the citizens that we provide 911  
4 service to, regardless of if it's an emergency or if its  
5 equipment failure, and they still have 911 which was the  
6 intent of the FCC rule to limit these tandem redundancies  
7 and backups and LATAs.

8           MR. SMITH: If I may. The rule, I don't think the  
9 FCC had an intent to limit that. The practical reality  
10 today is due to the cost of this equipment. And in much of  
11 the country, we don't have tandem diversity. It is just  
12 incredibly expensive to do. And what I'm suggesting here  
13 is, were it not for LATA boundary restrictions, you could  
14 use equipment in adjacent LATAs to back one another up,  
15 and you could do it much more cost effectively. I mean,  
16 frankly, the private industry is not going to go in and  
17 spend a billion or a billion-and-a-half dollars in  
18 this country for -- with no revenue associated with it  
19 etcetera, etcetera.

20           But what I'm trying to propose is a way we may be  
21 able to use equipment that already exists in adjacent  
22 LATAs and could provide that kind of redundancy, were it  
23 not for the restriction on LATA boundary, and I think  
24 there are many cases where the FCC has special rules for  
25 certain types of traffic, and I'm really simply suggesting

1 this might be one that would make it cost effective for us  
2 to improve our E911 tandem diversity around the country.

3 MS. VICTORY: Jim Jacot, I think you had a comment  
4 earlier.

5 MR. JACOT: Yes. The concern I had was not having  
6 a waiver that goes into effect until you have the event.  
7 If you're not able to establish a circuit and keep it  
8 running, and run some amount of traffic over it at least in  
9 a test mode, you're always running the risk that even if  
10 you said you provision equipment for the follower in the  
11 event of a disaster situation, you don't really know it's  
12 going to work. And so it seems to me that for this  
13 particular type of traffic, which is just traffic to and  
14 from PSAPs, there ought to be a relaxation of the rules to  
15 allow that traffic to flow, and even prior to an emergency  
16 situation taking effect.

17 I don't see the need to maintain the interLATA  
18 boundaries for this type of emergency event, and certainly  
19 being able to flow that traffic across would have a benefit  
20 in terms of PSAP resiliency in the event of a disaster.

21 MS. VICTORY: Thank you. John Linkous.

22 MR. LINKOUS: Is the LATA boundary the only  
23 waiver? It wasn't specified whether it's LATA waivers or  
24 other waivers.

25 MR. SMITH: That would be the only one that would

1 be required to my knowledge.

2 MR. LINKOUS: Then a question, I guess, for FCC  
3 staff: Is the commission in power to make those changes?  
4 It is not a legislative issue since we're dealing with the  
5 LATA boundaries.

6 MS. VICTORY: I'm not aware that's a legislative  
7 issue on this point, but that would be something I would  
8 need to double-check. But excellent point.

9 Steve Delahousey.

10 MR. DELAHOUSEY: From historical perspective, we  
11 did have to seek waivers during Katrina, and the FCC was  
12 very cooperative, and we did that expeditiously, but it  
13 would have been really nice if we would have had that in  
14 place prior to the then.

15 I would suggest, though, that we not limit it to  
16 equipment failures. If it's truly going to be PSAP  
17 redundancy, we may have a situation where there's a  
18 derailment with a HAZMAT situation, and there are literally  
19 hundreds of 911 calls going into one PSAP, and if this  
20 process were in place, it would allow overflow to another  
21 PSAP. And wouldn't you rather get a PSAP perhaps in a remote  
22 location, rather than a busy signal when you dial 911?

23 So I'm thinking the implications there could be  
24 much greater than just a disaster. And I agree with Jim  
25 completely. It should be in place, and it should be

1 tested. We've heard a lot of testimony on that. If it's  
2 going to work, we need to really test it and do it  
3 routinely. So I would suggest, unless there's a  
4 downside to that that we allow it to handle  
5 overflow capacity to go to an alternate PSAP as well.

6 MS. VICTORY: Okay.

7 MS. SCOTT: I have a comment.

8 MS. VICTORY: Bill Smith, and then Marion.

9 MS. SCOTT: Okay.

10 MR. SMITH: Frankly, I agree with what you said and  
11 what Jim said, and that's the reason why I had suggested  
12 that this be permanent. Because the best situation you  
13 could have in network reliability or anything else is where  
14 you've got some of your traffic going over your back-up  
15 facility in normal mode, and then you know it's working.  
16 And I think just about everything we've read in any of the  
17 information, whether it's radio system, compatibility or  
18 whatever that's the best thing to do.

19 If there's concerns about the quote, unquote,  
20 permanent nature, then I understand that something less  
21 than that may be required, but I would just like to kind of  
22 reinforce what Jim and Steve said. The best scenario, the  
23 best degree of reliability you can have is when you're  
24 splitting that traffic during normal times and then you  
25 know the back-up system is working because it is working

1 every day on some portion of your traffic.

2 MS. VICTORY: Marion.

3 MS. SCOTT: The redundant routing or the virtual  
4 routing of overflow 911 traffic may not be palatable to  
5 the counties because of staffing, training, volume, work  
6 kinds of things. It's just something that we need to keep  
7 in mind. There would have to be a lot of coordination  
8 between the individual PSAPs and their back-up PSAPs. That  
9 is not something we can dictate to them, plus these are  
10 paid by county residence. I believe then they're going to  
11 want their own served first, I would think.

12 I still have a problem with the idea of a permanent  
13 waiver because that is, in effect, a rule change, and I guess  
14 there's nothing more I need to say on that.

15 MR. HATFIELD: Marty Hatfield, if you could.

16 MS. VICTORY: Hi, Marty.

17 MR. HATFIELD. Hi. One quick note there, I think  
18 that's section three. Pre-positioning is for automatic  
19 grants, and if we took the permanent out and just made it  
20 automatic in that statement down there under five, wouldn't  
21 that resolve the stumbling here? Maybe not.

22 MS. VICTORY: Jim.

23 MR. JACOT: You want that traffic to be able to  
24 flow in a variety of incidents, and as Bill stated, if that  
25 traffic was flowing as a routine part of the business, so

1 you didn't test it the day that you had an incident.

2 MS. VICTORY: Okay. Bill, did you have another  
3 comment? Okay.

4 MR. SMITH: Well, one thing I might add is, I think  
5 Marion is exactly right. You have to have the state, local  
6 agencies, etcetera. They have to have all of the kind of  
7 coordination in place that we talked about. However,  
8 without getting some change in the rule, we wouldn't be  
9 allowed to do that in the first place.

10 So, for example, you may have a fairly large city.  
11 You can't have a very small city backing up a very large  
12 city because the PSAPs have capacity designs. So I think we  
13 need to do a much better job, and a lot of the FCC NRIC best  
14 practices outlined how you do that, and E911 back-up arrangements.

15 But we need to recognize that, practically  
16 speaking, you can't have a large city, like maybe a city of  
17 Atlanta can't transfer its traffic to a very small city  
18 that happens to be in the same LATA. It may have to have  
19 very large city backing it up simply because of the volume  
20 of the traffic.

21 And today, if the LATA boundary were involved,  
22 then again you would have to go through administrative  
23 process of getting some sort of an approval to do that.

24 MS. VICTORY: Mike Anderson you had a comment.

25 MR. ANDERSON: I had a question or clarification

1 we're only talking PSAP E911 calls about crossing LATAs  
2 is not normal phone traffic?

3 MR. SMITH: That's correct.

4 MS. VICTORY: Okay. Steve Delahousey.

5 MR. DELAHOUSEY: To Marion's concern the ridding of  
6 that traffic is always going to be left up to the local 911  
7 commissions. The PSAPs are controlled by the  
8 commission. The ESNs are assigned by the local  
9 commissions. And the way I understand it this change would  
10 not automatically say that a company like Bell South can  
11 automatically route traffic. It would be capability. It  
12 would enable the local community, if they chose to reroute that  
13 traffic in times of emergency, they could do so. So the ability  
14 would exist, but the local PSAPs and the local emergency  
15 communications districts would still have the ultimate say  
16 as to whether or not that transfer was going to take place.

17 MS. VICTORY: I want to make sure that I  
18 understand the proposed recommendation. Later on, in our  
19 recommendations under all the PSAP resiliency  
20 recommendations we did and do have in the draft the  
21 recommendation for the designation of a secondary backup  
22 that is more than 200 miles away. And we say that this  
23 requires the FCC to eliminate any regulatory prohibition  
24 against the transport of 911 traffic against LATA  
25 -- across LATA boundaries.

1           Now, Bill, is what you're talking about the same  
2 thing or are you really talking about a secondary tandem to  
3 back-up one single PSAP?

4           MR. SMITH: It is a related, but different issue  
5 because, for example, let's say that we have a PSAP that is  
6 functioning perfectly, but the E911 tandem serving it goes  
7 down. Then you can't complete calls to that E911 -- to  
8 that PSAP, and so what this proposal would say is an  
9 inbound E911 call could be taken to the E911 tandem in an  
10 adjacent LATA and route it back to the appropriate  
11 location because of a failure in the service provider network,  
12 not necessarily a failure at the PSAP.

13           MS. VICTORY: Well, given that we have this other  
14 recommendation in our package, would it make sense, instead  
15 of making the change that you propose to, maybe tweak that  
16 change and recommend that the FCC initiate a rule making to  
17 eliminate that requirement, which has the dual benefit of  
18 allowing a back-up tandem for a single PSAP, as well as  
19 allowing back-up PSAPs across LATA boundaries.

20           Would that be an approach that the group would  
21 support? And so I think what I would propose is, if you  
22 would turn to page 39 of the 6/7 draft, and look down at  
23 the bottom where it says, "In addition, the FCC should,"  
24 under A, we could say, "This requires the FCC to eliminate  
25 any regulatory prohibition against the transport of 911

1 across LATA boundaries, and the panel recommends that the  
2 FCC expeditiously initiate such a rule making."

3 MS. SCOTT: I'm better with that than having it  
4 under this provision, Nancy, just because it is less  
5 generic then.

6 MS. VICTORY: Great.

7 MS. SCOTT: It says, for example, it is specific to  
8 911.

9 MS. VICTORY: Okay. So we'll make the change  
10 instead under -- on page 39, so we'll add a sentence that  
11 reads, "The panel recommends that the FCC expeditiously initiates  
12 such a rule making."

13 And then, Bill, if you're okay, can we withdraw  
14 your proposed recommendation and have this suffice?

15 MR. SMITH: Sure. That's fine. The one thing I'm  
16 trying to make sure that that covers is the subtlety that  
17 you and I were just discussing.

18 MS. VICTORY: Okay.

19 MR. SMITH: I mean, this makes it clear that if the  
20 backup PSAP is in another LATA, then the restriction  
21 needs to be lifted. I think we might need a few words to  
22 make it clear that this would also apply for providing  
23 network resiliency even if it's to deliver calls to that  
24 same PSAP.

25 MS. VICTORY: Okay. And maybe we could say that,

1 "This rule making should also consider permitting a back-up  
2 tandem for a PSAP across a LATA boundary."

3 MR. SMITH: That would be perfect. Yes.

4 MS. VICTORY: Okay. So let me just read that  
5 again to make sure I've got it right. So we would add at  
6 the end of that existing recommendation, "That the panel  
7 recommends that the FCC expeditiously initiates such a rule  
8 making. This rule making should also consider permitting a  
9 back-up tandem for a PSAP across a LATA boundary."

10 MR. SMITH: I would just say E911 tandem to make that  
11 very clear that that is specifically what we're talking about.

12 MS. VICTORY: I can just call it back-up E911  
13 tandem across a LATA boundary?

14 MR. SMITH: Yes.

15 MS. VICTORY: Great. Thank you.

16 Any other comments on this issue? Okay. One down.

17 Dave Flessas, you had a proposal.

18 MR. FLESSAS: I would like to address a proposed  
19 recommendation for the recovery coordination recommendation  
20 number three. I think it's on page 35 of the June 7th  
21 draft, and there's also proposed language that has been  
22 distributed.

23 This recommendation number three is around creation  
24 of a state, regional coordinating body and I propose change  
25 request, rather than creating a new body to utilize

1 existing state and regional coordinating bodies. There's  
2 no question that the coordination between state entities,  
3 local entities, and the communication industries need to  
4 improve. I think everyone's in agreement with that.

5           This issue has been raised and other after  
6 action reviews, and other recommendations have been made  
7 that, in fact, recommend better utilization of existing  
8 infrastructure rather than creation of new infrastructure,  
9 specifically, those structures that are recommended in the  
10 context of the National Response Plan.

11           Those other after action reviews include the White  
12 House report that was issued, updates through the National  
13 Response Plan that came out in May, the House Committee on  
14 Homeland Security, the Senate report, and to multiple NSTAC  
15 recommendations. So all of those findings were around  
16 coordination of a better utilization of existing bodies.

17           And what we're recommending is that the proposed  
18 language that you see in front of you -- in fact, it would  
19 include a summary title change to say, rather than creation  
20 of a new body to utilize state and regional coordination  
21 that the -- rather than encouraging the formation of a new  
22 body to better utilize coordinating committees staffed at  
23 the EOC and the Joint Field Offices, that the FCC would  
24 encourage, but not require those local EOCs and Joint  
25 Field Offices to engage in the activities that are outlined

1 there, and finally, that again, that we coordinate  
2 capabilities and staffing rather than create a new. Again,  
3 the essence of the recommendation is that we be consistent  
4 with other recommendations that have come out post  
5 hurricane and after action reviews, and rather than address  
6 an issue where it's clearly that you would the creation of  
7 another overlay, to use and better utilize those  
8 organizations and structures that already exist.

9 MS. VICTORY: Okay. Any comments on that?

10 John Linkous.

11 MR. LINKOUS: Eliminating the word regional  
12 altogether, you may not want to do that. You certainly  
13 talked about existing regional, but there are some areas of  
14 the country that have regional EOCs. Just as a minor  
15 correction, when you have delete the word regional.

16 MS. VICTORY: Yeah. I think that was a question I  
17 had.

18 I know you inserted local, and I didn't know if  
19 maybe we should be keeping regional and deleting the word  
20 local.

21 MR. FLESSAS: I think regional covers it.

22 MS. VICTORY: Okay. All right. Any other  
23 comments? I would expect there would be some because I  
24 know that we've had -- I thought there was a difference of  
25 opinion among the panel as before, about whether the

1 existing organizations are the right ones in order to house  
2 these new functions. And so I'm a little surprised  
3 everyone's quiet.

4 MR. DAVIS: We finally reached an agreement. We  
5 did have arguments.

6 MS. VICTORY: Okay. So everyone's comfortable?

7 MR. ANDERSON: Oh. You think then when we had the  
8 conversation about communications industry should be inside  
9 the EOC?

10 MS. VICTORY: I'm thinking about that  
11 conversation, and I don't think this is proposing that you be  
12 physically located inside the EOCs, but that the EOCs  
13 would run this. I guess that's a question.

14 MR. FLESSAS: The EOCs would find a jest.

15 MS. VICTORY: Okay. But this would be a body that  
16 would exist apart from the EOC. It would be an EOC run  
17 body, I guess. Is that your -- is that the intent or is  
18 this going to be that the communications infrastructure  
19 providers just participate in the EOC?

20 MR. FLESSAS: The latter.

21 MS. VICTORY: Chief Dean.

22 MR. DEAN: It would be much better for coordination  
23 to be able to support the providers, and to be able to  
24 support the citizens, and the first responders. If someone  
25 is in the EOC representing, it would make it a lot easier.

1 This is a good recommendation.

2 MS. VICTORY: Great.

3 Yes. Tim Cannon.

4 MR. CANNON: I think the question was, are you  
5 planning on putting 20 or 30 or 40 people -- one person  
6 that represents each one of these industries into an EOC and  
7 into the ESF? And I think that was one of the things that we  
8 talked about the last time. I think this is what Nancy's  
9 question was. I mean, ideally, you're going to have a  
10 coordinating group or liaison other than ESF that's going  
11 to talk to them, but I don't know that you want to be as  
12 specific as saying that all of these partners -- or these  
13 private industry partners are going to have one  
14 representative in a EOC because I can tell you, most EOCs  
15 won't accommodate that many people.

16 MR. ANDERSON: I thought we had agreed that the  
17 communications industry was going to be located with the  
18 EOCs, and each EOC has someone in charge of  
19 communications, and that would be the person that walks out  
20 of that door and into the other door, and addresses all the  
21 different flavors of the industry.

22 MS. VICTORY: Yes. Steve Delahousey.

23 MR. DELAHOUSEY: It's suggested here -- and I don't  
24 think it compels all of the different representatives of  
25 the media and anybody representing communications be

1 represented at the EOC. There's another section -- the  
2 whole section we added that addresses that.

3 I think what this does is reinforce that there  
4 should be an ESF 2 individual at every EOC at the local,  
5 regional, or state level. And then if there is a separate  
6 facility that can accommodate members of the broadcast, media,  
7 print media and everything that should certainly exist. But  
8 this language here, I don't think impels that everybody be  
9 represented at the EOC. Does it?

10 MR. FLESSAS: It does not. In fact, one of the  
11 negatives or one of the things we're trying to address is  
12 limited resources, and making sure you're not part of  
13 establishing multiple entities across existing bodies.

14 MS. VICTORY: I think one benefit of this  
15 amendment and this is a point Joey Booth had raised at one of our  
16 meetings is it actually does name a group to be responsible  
17 for taking the lead and creating this body or recognizes  
18 that these other places within the state, or regional  
19 governments that should be performing this function. I  
20 think before we were a little bit vague on it, but I just  
21 wanted to make sure we had a full discussion of this point  
22 because I know we have had discussions in the past about  
23 whether or not these existing organizations were too over  
24 burdened or could handle these responsibilities.

25

1           MR. LINKOUS: I'm sorry. I'm a little dense on  
2 this, perhaps. But I'm reading this over, and I can't quite --  
3 it seems like there's a word missing. Maybe it's just the way  
4 that I'm reading it. It says the FCC should work with  
5 state and local government and communications industry to  
6 encourage the formation at the state or local level, to  
7 enable, and I don't know what they're encouraging the  
8 formation of. Am I just not reading that right?

9           MS. VICTORY: You're right. I think we would want  
10 to put back in, "Of a coordination -- of a coordination and  
11 planning body."

12          MR. DAVIS: Can I comment on that?

13          MS. VICTORY: Sure. Steve Davis.

14          MR. DAVIS: Steve Davis. I think that whoever  
15 rewrote this to name EOCs as those who would do the  
16 coordination has done a good service. I think that having  
17 a specific body responsible is a positive, but by having  
18 done that, that sort of obviates the other language. I  
19 don't think the FCC has to work with state and local  
20 government to encourage the formation. We might simply  
21 say, "To encourage the communications industry, and state  
22 and local officials to better utilize coordination  
23 capabilities, such as state or local emergency operating  
24 centers," blah, blah, blah. In other words, that we could  
25 just strike the language.

1           We could still include the parenthetical reference to  
2 wireline, wireless, WISPs, satellite in after the word -- the  
3 second usage of the term, communications industry.

4           MR. FLESSAS: To that point, I actually have a  
5 second revision of this. That the existing language that  
6 says, "To encourage the formation at the state and regional  
7 level of a coordination planning body to enable  
8 communications, state and local emergency officials, better  
9 coordinate, and prepare for response effective  
10 communications infrastructure." That part of the sentence  
11 to change that to say, "To better utilize coordinating  
12 capabilities at the Emergency Operation Centers as well as  
13 the Joint Field Office." And so that leaves in all of the  
14 wireline, wireless, satellite, cable, and broadcasting,  
15 and cleans it up to say, "Better utilize," rather than,  
16 "create a new."

17           MS. VICTORY: Would you read that first -- the  
18 revised first sentence?

19           MR. FLESSAS: The revised first sentence is, "In  
20 fact, changing the title to say rather than existing  
21 shortcomings creation" -- I'm sorry "utilization of state,  
22 regional coordinating bodies, the FCC should work with  
23 state and local government, and the communications  
24 industry, including wireline, wireless, WISPs, satellite,  
25 cable, and broadcasting, to better utilize coordinating

1 capabilities at the Emergency Operation Centers, as well as  
2 the Joint Field Office."

3 MS. VICTORY: Great.

4 MR. FLESSAS: The FCC should encourage, but not require  
5 each state or a local -- or, I guess we're saying state,  
6 regional, but could we say regional or local? Is that  
7 redundant? -- EOC and JFO to engage in the following  
8 activities. And I'll send this around.

9 MS. VICTORY: Great, I appreciate it.

10 Okay. Any further comment on that particular  
11 recommendation? Otherwise, I think we have some revised  
12 language. Then I pick up that regional, state or local in  
13 your change at the end as well. Okay. Great.

14 On to number three. Bob Dawson, you had a  
15 proposal.

16 MR. DAWSON: This proposal would go in on page 38,  
17 section 2B. And the intent of the modification is to help  
18 clear up some narrowness of what I thought was in there, to  
19 allow more interoperability to take place with technology  
20 that is out there.

21 If we limit this, we're going to sort of, in my  
22 mind, give it back to people standing around in the  
23 Stafford Act, trying to figure out whether the Stafford Act  
24 allows certain kinds of things to happen, where there's a

1 safe time report that this language is lifted from that  
2 supports the ability to, but not mandate that you allow  
3 funding to go towards the non-P25 standards.

4           So upgrade the radios, add radios, and it would  
5 just seems that a long history of talking about  
6 interoperability and not getting there, particularly for the  
7 smaller communities that don't have the money, don't get  
8 the funding, they need to leverage what they've got, and  
9 that's the intent of this.

10           MS. VICTORY: Okay. Any comments on this? Steve  
11 Delahousey.

12           MR. DELAHOUSEY: Yes. If I interpret the proposed  
13 language, I do have some concerns. The proposal, as I read  
14 it, would liberalize the grant standards to open up the  
15 grant program for funding, virtually any other type of  
16 radio systems, including 150 megahertz VHF systems, 450  
17 megahertz radios as well.

18           At previous meetings of the panel I think we  
19 reached a consensus that the funding for the 700 megahertz  
20 equipment should include not only 700, but 800 megahertz  
21 equipment as well. It seems to me this is consistent with  
22 the statutes that are currently in place, and there's been  
23 no discussion or consensus among the panel to recommend any  
24 fundamental changes in these statutes, especially since it  
25 relates to grant programs that are not under the FCC's

1 jurisdiction.

2           Limiting it to 700 megahertz, as what was first  
3 suggested, I think most people in the public safety arena  
4 agreed that this would just create yet another layer of  
5 spectrum that would be more difficult for people to obtain,  
6 but the technology exists.

7           For 800 megahertz systems to be modified, and for  
8 one radio to be able to communicate on 700 and 800  
9 megahertz systems, there are two -- I assume two national  
10 initiatives underway. There's the remanding on 800  
11 megahertz spectrum to allow more space for public safety  
12 communications to operate on 800 megahertz, and then there  
13 is also the 700 megahertz program.

14           So those two programs, it would seem it would  
15 be reasonable to make those available specifically for  
16 public safety communications, and I would suggest that our  
17 previous language be left intact, and that we not open it  
18 up to something that would allow for VHF and other  
19 spectrums to be included. Also, we're just going to be  
20 perpetuating and even exacerbating an interoperability  
21 problem.

22           MS. VICTORY: Joey Booth first.

23           MR. BOOTH: One comment regarding this change is  
24 that the billion dollars was specifically set aside, as I  
25 understand, to transition public safety authorities to a new

1 spectrum, and that the funds come from cell spectrums, again  
2 specifically to move public safety into the 700 megahertz  
3 system. We may end up supporting something that's  
4 incompatible with the intent of this law, anyway.

5           If we open it up to non-P25 or non-700, non-800  
6 compliant equipment, I believe that bridging equipment to  
7 allow interoperability between 700 and 800 and non-P25  
8 systems is already in the language controlling the expenditure  
9 of the one billion dollars in funds. And I believe, again, it  
10 would be inconsistent with the purpose of that funding if  
11 we were to recommend that they open up or expand the use to  
12 non-P25 compliant equipment.

13           MS. VICTORY: Tim Cannon.

14           MR. CANNON: Basically, the -- Colonel Booth kind  
15 of covered what I wanted to say. But I have to agree with  
16 Steve, and interoperability has been an issue for years,  
17 and years, and years, and we keep throwing money at it, and  
18 if we're going to open it up and allow a lot of other ways  
19 to communicate, then I think we're going to kind of defeat  
20 what we're trying to accomplish.

21           MS. VICTORY: What I might add -- and Billy, I'll  
22 go to you in a second. And when I got -- Bob's proposed  
23 recommendation, I did go back to take a look at the  
24 legislative language that sets the parameters on the  
25 program, and like any legislative language, you can interpret

1 it a number of ways. And I thought I would just -- I will try  
2 to read it and as to what it indicates.

3 It says that the grant program is supposed to  
4 assist public safety agencies in the acquisition of  
5 deployment of or training for the use of interoperable  
6 communication systems that utilize or enable  
7 interoperability with communication systems that can  
8 utilize, reallocated public safety spectrum for radio  
9 communications, and that reallocated spectrum is the 700  
10 megahertz band as defined under the bill.

11 So while I think there may be different ways of  
12 interrupting this, certainly I think one way is it's limited  
13 to equipment that works on 700 or is interoperable directly  
14 with 700.

15 If I could interrupt this discussion just for a  
16 second since Chairman Martin has arrived. And I appreciate  
17 you stopping by for our last meeting.

18 CHAIRMAN MARTIN: Sure. And I am hesitant to actually  
19 interrupt the discussion, but I did want to make sure I  
20 made it by before everything wrapped up today, and thank  
21 you all for your hard work in working through so many  
22 complicated issues, and trying to come forward on a very  
23 short time frame with some important recommendations. So I  
24 certainly don't mean to interrupt the flow of the discussion  
25 and in trying to get through issues, and it seemed like it was

1 going pretty fast. We were watching upstairs on TV, and it  
2 seemed like on the internal, so it seemed like that was  
3 going pretty well, and I just wanted to make sure I had a  
4 chance to come by and say thanks to everybody, and we will  
5 follow up next as well, but I do want to say thanks, and  
6 that we appreciate everyone's hard work.

7 MS. VICTORY: Well, thanks for selecting us. It's  
8 been an honor to be on this panel and to look at these very  
9 important issues. So thank you so much for forming the  
10 panel and for considering all of us and our opinions.

11 CHAIRMAN MARTIN: I appreciate it. Thank you.

12 MS. VICTORY: Thanks again.

13 Billy Pitts, I know you were going to be making a  
14 remark on this issue, and this is a very important one for  
15 us to figure out.

16 MR. PITTS: My reading was similar to yours of the  
17 language, I'm with Steve. I don't want -- I thought that  
18 we were making a good step towards trying to get towards  
19 interoperability by the language that we had there, and I  
20 also, with the Captain, oppose this proposed amendment.

21 MS. VICTORY: Steve Dean.

22 MR. DEAN: I certainly don't need -- that we need  
23 leave 800 megahertz. I think it can stay in.

24 MR. ANDERSON: Along with 700?

25 MR. DEAN: Along with 700. We certainly do not

1 need to remove 800 for those communities who have been  
2 fortunate enough to have the funding to move to 800 from a  
3 450 or a 150 system. We don't need to penalize them for  
4 being able to take advantage of that new technology.

5 MS. VICTORY: Well, I think what the original  
6 language that Bob's amendment is proposing to remove, is we  
7 had indicated that the moneys be limited -- that to the  
8 extent the moneys were going to radios, that it be limited  
9 to radios that are capable of operating on 700 and 800.  
10 And my understanding is that almost all of the 700  
11 equipment is dual band radios that are being produced.

12 Now just to remind folks a little bit, when we were  
13 originally looking at this issue, our original proposal  
14 stopped after the first sentence and was just encouraging  
15 the FCC to work with NTIA and DHS to establish appropriate  
16 criteria for the distribution of the one billion dollars.

17 What was added is the language that we've been  
18 discussing, is a suggestion that among those requirements  
19 be one that the radios all be dual band, and then Bob's  
20 proposal is to expand that further. So I guess a third  
21 option on the table is to go back to the original first  
22 language and leave it up to the FCC, but I leave that up to  
23 this panel to decide where they want to go.

24 MR. ANDERSON: Nancy, instead of saying the word  
25 radios can we say systems? Will it accomplish both sides?

1 MS. VICTORY: I'm going to defer to Kelly -- to  
2 hear on that. I would imagine we were just talking about  
3 the only limitation would be on handsets purchased, and I think  
4 that's why we're talking about radios, and we were not  
5 going to block bridging systems. So I think if you have  
6 systems that prevents you from picking up bridging  
7 technology, that could loop in one of the other bands. So  
8 I think systems might be broader than we're looking  
9 towards, but I would defer.

10 MR. KIRWAN: Well I think at least on IWG-3, we  
11 looked at the language from the legislation and tried to  
12 interpret that into this, just basically recommending the  
13 same thing that the legislation has put forth.

14 MS. VICTORY: But I think it was the intent in the  
15 discussion in IWG-3, that we did not want to prevent the  
16 money from going to a bridging technology that might loop  
17 in another band. But I think what the group said is that  
18 they do not want to fund radios on another band that they  
19 themselves couldn't talk with 700. But the funding  
20 bridging technology would be okay.

21 MR. ANDERSON: If we're going to say the money can be  
22 used for radios, now we're limiting it to radios  
23 and not bridging, correct?

24 MS. VICTORY: No. I think it says such criteria  
25 should mandate that any radios purchased. So it just said

1 to the extent that radios are purchased with this money,  
2 those radios must be dual band radios. It doesn't say that  
3 the money can only be spent on radios. It just says such  
4 criteria should mandate that any radios purchased. I think  
5 that was the intent.

6 MR. KIRWAN: Just with this particular grant?

7 MS. VICTORY: Correct. Just with this particular  
8 grant. There are other DHS grants that are out there that  
9 are not constrained.

10 Bob do you have any other comments on this? If  
11 you'd like to make a motion.

12 MR. BOOTH: Actually, let me understand. Do we  
13 need to reject the latest language? Do we need a motion or  
14 does the language that stood with the deleted portion off  
15 to the side, does that stand if we take no action on my  
16 requested amendment?

17 MS. VICTORY: I think it stands if we take no  
18 action on the corrected amendment.

19 Is it the consensus of the group that we should  
20 take no action on this amendment, and stay with the language  
21 that is in the draft you received on June 7? Yes. Okay. Any  
22 opposed?

23 [No Response.]

24 MS. VICTORY: Okay. We'll move forward. Okay.  
25 That brings us to voting on the report.

1           Actually, let me make a call. Are there any other  
2 amendments that folks want to offer at this time? Speak now or  
3 forever hold your peace.

4           [No Response.]

5           MS. VICTORY: Okay.

6           MR. ANDERSON: I will -- hopefully, this will only  
7 take a second and I will shut up if that's the consensus.  
8 The FCC has been issued last year a ruling on the 3650  
9 frequencies, and some companies filed oppositions. So it's  
10 being held up right now, and because the license exempt  
11 industry has interference issues, you know, WiFi issues,  
12 interfering with WiFi 2.4,5.8, the 3650 is really needed in  
13 both the normal commercial things, but also we used a lot  
14 of it in Katrina last year.

15           So because it's just been sitting there, and no  
16 action's been taken, I'm just wondering if we could  
17 recommend to the FCC that they expeditiously make a ruling  
18 either way. We don't care, but just make the ruling to  
19 give us that extra spectrum we need because 3650, you're not  
20 going to be able to run down to the store and buy, so there's  
21 very little interference issues that are going to happen on  
22 that frequency band.

23           MS. VICTORY: I frankly don't know anything about  
24 this proceeding, and I guess I'm a little concerned that we  
25 don't have enough information at this point to fully

1 consider that, and it may be a wonderful recommendation. I  
2 just don't know -- I don't know if anybody else knows  
3 anything about that proceeding, but it is not something  
4 where I have any understanding of what the holdup is or if  
5 it's waiting for another proceeding to be resolved.

6 MR. ANDERSON: That's fine.

7 MS. VICTORY: Does anybody have any comments on  
8 that? Yes.

9 MR. JACOT: There is one comment I would have, just  
10 a concern that I think it is best that the panel doesn't  
11 get into any broader spectrum issues here than are really  
12 mandated. And I think the spectrum issue having to do with  
13 the public safety spectrum, I think is appropriate for this  
14 panel, but I'd be reluctant for us to get into any  
15 recommendations for a spectrum beyond that.

16 MS. VICTORY: I think the other thing I'm  
17 concerned about is just a maintenance to what our  
18 observations have been with respect to Katrina, and how  
19 that sort of fits into addressing some of the observations we  
20 made. But I think that, just given the hour and the fact  
21 that we haven't had a chance to really research and learn about  
22 this and consider it, I suggest tabling that at this time.

23 Okay. Well, that brings us to voting on the  
24 report, and my understanding -- and correct me if I'm wrong  
25 -- is that we are voting on the 6/7 draft with the

1 amendment that Dave Flessas proposed and further amended  
2 today, to the remedying shortcomings or utilization of  
3 state, regional coordinating bodies, and then in addition,  
4 we made a change to the recommendation dealing with PSAP  
5 resiliency to add the two sentences we discussed to urge  
6 the FCC to expeditiously initiate a rule making to remove  
7 the LATA boundary restriction for the two purposes we've  
8 discussed? And I'm not aware of any other edits that we  
9 discussed today.

10 Okay. All in favor say aye.

11 [A chorus of ayes.]

12 MS. VICTORY: All opposed, no.

13 [No response.]

14 MS. VICTORY: Great. And if I could also ask if  
15 the panel would vote on granting me some editorial  
16 privileges to make any corrections, not substantive changes  
17 but any corrections.

18 All in favor, say aye.

19 [A chorus of ayes.]

20 MS. VICTORY: All opposed.

21 [No response.]

22 MS. VICTORY: Well terrific.

23 MR. PITTS: Madam Chairman, I think we would be  
24 remiss if we didn't make sure that the Chairman and the  
25 other Commissioners of the FCC know, how much we appreciate your

1 appointment as Chairman of this group, and your leadership,  
2 indulgence, and hard work that you've put in, and that we  
3 all really appreciate, Nancy, what you've done here. And I  
4 think we all owe you a round of applause.

5 [Applause.]

6 MS. VICTORY: Thank you. And this is my  
7 opportunity to offer some thanks as well. I would like to offer  
8 my thanks -- my sincere thanks to the members of this panel  
9 for their hard work and dedication in reviewing these  
10 issues, and drafting, and discussing the recommendations.  
11 I know that all of you have made some considerable personal  
12 and professional sacrifices in devoting the time that has  
13 been required, the considerable time, and energy, and  
14 resources to aid our efforts here today.

15 And I want to particularly recognize the Chairs and  
16 Vice Chairs of the working groups, Marion Scott, Steve  
17 Dean, Steve Davis, Joey Booth, Steve Delahousey, and Jim  
18 Jacot, for the additional contributions that you all have  
19 provided to this project.

20 This has been a really time-consuming and intense  
21 effort in the limited time that we were given, and I know  
22 that all of the members of this panel have recognized this  
23 to be an extremely critical assignment, and one that we all  
24 have appreciated having an opportunity to contribute to.  
25 And I know I've expressed to the Chairman, I personally

1 felt very honored to be a part of this.

2 I want to particularly recognize Lisa Fowlkes and  
3 Jean Ann Collins, the Designated and Alternate Designated  
4 Federal Officers for our panel. They've worked extremely  
5 hard on our behalf. They've done a fabulous job organizing  
6 our meetings, scheduling experts to come and present to us,  
7 managing and distributing the comments and other  
8 information that has been submitted to the panel, and  
9 generally ensuring that we've kept to our schedule, and  
10 operated consistently within the FACA requirements. So  
11 I would like to give them a round of applause as well.

12 [Applause.]

13 MS. VICTORY: Additionally, I wanted to give a  
14 special thanks to Mike Lewis, Tom Dombrowsky, and Brendan  
15 Carr of my firm for their tremendous assistance to me, in  
16 studying all of these issues, and in helping to draft a  
17 report and recommendations. They have a lot on their  
18 plate, and I very much appreciate how giving they have been of  
19 their time over the last five months to me.

20 And last, but not least, I'd like to commend  
21 Chairman Martin and his fellow commissioners for forming  
22 this panel. As we've all discussed, the FCC has taken a  
23 lead role during and after Hurricane Katrina to assist the  
24 communications industry and first responders to get their  
25 networks up and running. The Chairman and Commission have

1 continued that leadership in forming this panel to review  
2 the hurricane's impact on the communications  
3 infrastructure, and the effectiveness of the recovery  
4 process, as well as enabling us to make the recommendations  
5 for enhancing the sectors' preparedness for the future. So  
6 on behalf of the panel, I would like to thank Chairman  
7 Martin and the Commission again for the opportunity to  
8 contribute to this important effort.

9           And I sincerely hope that the observations and  
10 recommendations we make in our report prove useful to the  
11 Commission in helping to ensure that the communications  
12 industry, first responders, and Government at all levels  
13 are better prepared for future hurricanes and any other  
14 disasters that might lie ahead for us.

15           So with that, I want to thank you all for serving,  
16 and for your very good work, and unless there are any  
17 comments, I would say we're adjourned.

18           Congratulations for a job well done. Thank you all.

19           [Whereupon, at 11:15 p.m., the hearing was  
20 adjourned.]

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