STATEMENT OF
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On Behalf of the

National Emergency Number Association

Before the
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Subcommittee on Communications, Technology, and the Internet of the
Committee on Energy and Commerce

A National Interoperable Broadband Network For Public Safety: Recent Developments

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Mr. Chairman, Members of the Subcommittee. My Name is Brian Fontes and I am CEO of the National Emergency Number Association (NENA). NENA represents over 7000 dedicated 9-1-1 and emergency communications professionals who receive and manage nearly 250 million 9-1-1 calls annually. These public safety individuals are the first link in the emergency response chain that so many Americans rely on every day. Today I appear before the Committee representing not just a national organization, but also on behalf of the thousands of individual NENA members who work tirelessly to help those who dial 9-1-1 in times of need. I am continually impressed with our nation's 9-1-1 and emergency response leaders who always find a way to get the job done in the face of staffing, funding and technology challenges. I would like to also specifically thank the House Co-chairs of the Congressional E9-1-1 Caucus, both members of this Subcommittee, Representatives Eshoo and Shimkus, and other leaders of this Subcommittee for your commitment to advance 9-1-1 and emergency communications systems.

The Need for Broadband

On behalf of its Board and members, NENA thanks the Committee for holding today's hearing. Wireless broadband is a critical link in the overall need for broadband by 9-1-1/emergency communications centers and individual emergency responders. Unfortunately, in too many parts of the country 9-1-1 and emergency communications systems today remain largely stuck in the technology and mentality of the 20th Century at a time when 21st Century broadband-enabled technologies are being deployed throughout most other sectors of the economy. The results are responders without numerous forms of available and useful information, emergency communications systems that are often inflexible and insufficiently redundant during major disasters, and overall system inefficiencies.

Hundreds of millions of 9-1-1 calls are made every year by citizens who are increasingly capable of utilizing innovative forms of voice, video and data services. Yet, today many 9-1-1/emergency communication centers are primarily limited to voice-only communications. In the future, 9-1-1/emergency communications centers in a broadband world will be pushing and pulling data not only from the 9-1-1 caller, but also from other external data sources and sharing that information with other agencies and responders in the field. The ability to move data from the 9-1-1/emergency communication center to those responders on the scene is in large part why we are discussing public safety broadband in the 700 MHz band. This will better enable those who respond to emergencies to offer a more efficient and informed response, resulting in improved outcomes for those who rely on the 9-1-1 system for help.

Through the debate over the D Block and the larger discussion on a National Broadband Plan, Congress and the FCC have an opportunity to foster the migration from analog, voice-centric 9-1-1 and emergency communications systems into a 21st century, next generation, IP broadband-based emergency services model that embraces a wide range of voice, video, and data applications. Until all emergency response agencies and individual responders can access interoperable wired and wireless broadband networks, and utilize the services and applications enabled by such networks, the migration to the next generation of truly integrated and interoperable emergency communications will remain a mere vision.

The Challenge: Ensuring Nation-wide Availability and Recurring Funding

Ensuring access to wireless broadband networks, and the services and applications made possible by broadband, is critically important. However, as we tout the benefits of broadband for 9-1-1 and emergency communications, we must also ensure that sufficient funding is available access and utilize such broadband networks and applications. To that end, on August 12, 2009, I wrote a letter to Federal Communications Commission Chairman Julius Genachowski addressing this complicated issue - establishing a nation-wide, interoperable, public safety wireless broadband network and ensuring that sufficient funding is made available. In the letter I noted that fundamentally, NENA's objectives in this discussion are to ensure that:

- a public safety wireless broadband network, or network of networks, is built nation-wide;
- public safety agencies have priority access to that network or networks at affordable rates and on favorable terms;
- a known and recurring revenue source is available to pay for public safety access to and use of (hardware, software, applications, training) that network(s);
- public safety is able to benefit from the substantial research and development of the commercial wireless industry; and
- sufficient oversight and enforcement of agreed upon requirements for the nation-wide system is provided.

Congress, the FCC, and other Federal agencies, have focused significant attention on providing access to wireless broadband networks for public safety. Congress dedicated 24 MHz of spectrum in the 700 MHz band for public safety. The FCC further determined that 10 MHz (of the 24 MHz public safety allocation) adjacent to the 700 MHz D Block commercial allocation would be designated for public safety broadband use.

In the absence of Federal funding for a public safety broadband network, the FCC embarked on a plan to create a public safety and commercial wireless shared network. This would be done by establishing a Public Safety Broadband Licensee (PSBL), awarding 10 MHz public safety license to the Public Safety Spectrum Trust (PSST), and conditioning the auction of the adjacent 10 MHz Commercial D Block in partnership with the PSBL. Under the FCC proposal, the D Block winner would have to negotiate public safety requirements with the PSBL after the license was purchased at auction. The benefit to the D Block auction winner is access to the 10 MHz public safety block adjacent to the D Block. The benefit for public safety was that the commercial partner, in return for conditional access to 10 MHz of public safety spectrum, would finance and build a nation-wide, interoperable network, something public safety agencies throughout most of the country could not afford to do on their own. The venture also would allow public safety priority access to the commercial 10 MHz D Block during emergencies. An added benefit for public safety would be access to the significant research and development of a commercial partner that would not likely exist if the network was built solely by and for public safety. The D Block auction was held and the FCC failed to receive a minimum bid for the D Block. Thus, the D Block remains available for auction. Since that time the FCC has developed a full docket of suggested improvements to the process used for the D Block auction.

The Options

I believe it was then, and still is, a viable option to create a public safety/commercial partnership for a broadband network available to public safety. The Commission's original D Block concept appears to be the only concept that would not require congressional action. Since the failed auction, new proposals have been submitted to the Commission regarding either the D Block or access to the 10 MHz public safety broadband spectrum in the 700 MHz band by parties seeking waivers of the Commission's rules. Verizon Wireless and AT&T and several public safety organizations seek to have the D Block reallocated to public safety. This option requires congressional action. T-Mobile and some of the smaller wireless carriers oppose the reallocation of the D Block to public safety and recommends that the D Block be auctioned with the revenue of the auction going to public safety for their efforts to build broadband networks in their current 10 MHz block. This proposal also would require congressional action.

Recognizing the need for nation-wide availability and the need for funding, in NENA's August 12th letter to FCC Chairman Genachowski, we presented one alternative option that has generated significant debate. NENA's alternative proposal would combine the 10 MHz allocated for public safety broadband use with the adjacent D Block 10 MHz, thus creating a 20 MHz block to be auctioned to a commercial entity or entities. In exchange for reallocating the public safety spectrum, we would propose the following: half of the auction revenue be placed into a public safety broadband trust as a down payment on public safety access to and use of the network; public safety would be granted access to the full 20 MHz commercial block and on a priority basis when needed; public safety would have to be assured of discounted rates to access the network; and public safety would need to have guaranteed access to a renewable source of funding to access and utilize the network. Public safety also would benefit from build out requirements as part of the license requirements, in addition to benefiting from the commercial research and development in technology. In essence, this would be an exchange of 10 MHz of

public safety spectrum for something of equal or greater value – a nationwide broadband network built and paid for by commercial, private or public interests with guaranteed access and priority access for public safety and with a requirement that a long-term funding source is identified. This option would also require congressional action. NENA does not believe that this is the only option for consideration, but simply one that could meet the objectives of a nation-wide network with funding as articulated in my testimony.

While different in approach, a common thread runs through all of the suggestions: Essentially all, or most, parties who have recently filed with the FCC agree that there is significant value for public safety in a combined 20 MHz block, rather than a stand-alone 10 MHz block. All, or most, parties favor a nation-wide public safety broadband network and funding for it. For example, in an ex parte filed by Ericsson with the FCC on September 15, 2009, Ericsson states that any spectrum decision should focus on: adopting a 20 MHz bandwidth allocation, defining a Federal funding mechanism, integrating networks in terms of technology, cyber security, operational standards, roaming and interoperability. Ericsson also supports the FCC's commitment to making public-private partnership work and has noted that this arrangement provides the best opportunity for establishing an interoperable broadband public safety network. AT&T, in a July 30, 2009 ex parte filing also expressed the benefit of having a 20 MHz allocation and in a September 9, 2009 ex parte filing AT&T also suggests that government grant programs should be available for funding of a public safety broadband network, especially in rural areas. Historically, however, Federal funding has not been available to build out a nationwide public safety network which is why the FCC attempted to address the funding issue by developing a public safety/commercial entity partnership. Furthermore, reliance on government funding could vary from year-to-year, thus making it difficult to plan for network deployment, technology acquisition, applications and training.

In summary, the options to date are:

- Allow the FCC to re-auction the D Block addressing the causes for the failed initial auction to create a public safety/commercial partnership -- no congressional action required.
- Reallocate the D Block to public safety allowing public safety to have 20 MHz of contiguous spectrum in the 700 MHz band – congressional action required.
- Conduct a D Block auction and have auction revenues go to public safety for partial payment for a broadband network in the public safety 10 MHz block – congressional action necessary to redirect funding.
- Reallocate (exchange) the 10 MHz of public safety broadband spectrum for public safety's access to the 20 MHz commercial block, ensuring priority access, renewable annual funding, discounted rates for access to the network, and build out requirements – congressional action required.

In the meantime, waivers are pending before the FCC seeking access to the 10 MHz public safety 700 MHz broadband spectrum prior to the FCC's deliberation of a national public safety broadband plan.

It is important that all of these approaches be carefully reviewed without delay, especially when the issue concerns the future of 9-1-1 and emergency communications as we move into the broadband, IP-enabled, 21st century world of communications.

NENA asks that the following two overarching factors be considered in your deliberations:

First, each proposal should be weighed in terms of the proposal's ability to provide a nation-wide wireless broadband network that public safety can utilize. For the record, NENA takes no position on whether the spectrum licenses should be national, regional or state in geographic scope. For example, if Congress approves a reallocation of the D Block to public safety, what assurances will there be that a network (or network of networks) be built to serve public safety in urban, suburban and rural areas? What sources of funding will be available for this broadband network especially outside of major markets? Are the funding sources sustainable and predictable in all areas, not just major markets?

Second, Congress along with input from the FCC and other Federal agencies should address the funding needs of public safety, especially as public safety moves to broadband (wireless and wired). Funding is needed to ensure access to all forms of broadband for all 9-1-1 and emergency response organizations, including access to public safety wireless broadband networks. To date, the Federal government has not presented dedicated funding for the buildout and maintenance of public safety broadband networks or for the services, technology and applications enabled by broadband. I urge you to take the issue of funding very seriously and to address the issue with an open mind. I ask that you understand the limitations and inability to plan for the future when relying on the unpredictable nature of annual appropriations and, therefore, the need to look at more predictable and reliable sources of funding. Finally, I strongly encourage you to look at unconventional, and perhaps initially unpopular, ideas that may result in a known and recurring source of funding for public safety's broadband needs. For example, at last week's FCC oversight hearing, Chairman Genachowski referred to the E-Rate as one of the great successes of the 1996 Telecom Act, ensuring access to the Internet for our nation's schools and libraries. If access to broadband for public safety is as important as we all know and say that it is, surely we can come up with an innovate funding proposal as we did for schools and libraries over a decade ago.

In conclusion, effective resolution of this debate offers a significant opportunity to transition our nations 9-1-1 and emergency communications systems from limited, analog, voice-centric technologies into a 21st century, next generation, IP broadband-based emergency services model that embraces a wide range of voice, video, and data applications. This is a monumental opportunity for the future of emergency communications. We remain committed to working with Congress, the FCC, and all stakeholders to make this work.

Thank you.