

INTERGOVERNMENTAL ADVISORY COMMITTEE
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET, S.W.
WASHINGTON, D.C. 20554

October 21, 2005

Honorable Kevin J. Martin
OFFICE OF THE CHAIRMAN
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Tribal, State and Local government interests in Emergency Preparedness issues

Dear Chairman Martin:

Thank you for the opportunity, at your request yesterday, for the Intergovernmental Advisory Committee (IAC) to provide your office with comments and suggestions on telecommunications emergency preparedness issues that are faced by the FCC from the Country's tribal, state and local government viewpoints. Because our time frame is short, this letter contains only the highlights of our discussions over the last two days. However, while the events surrounding Hurricanes Katrina and Rita, and possibly Hurricane Wilma, have shown an amazing ability of the FCC to react and adapt to public crises, it is important that tribal, state and local governments coordinate and cooperate with the federal government and the FCC in particular in advance to prepare for such emergencies. Reaction and restoration are important, but preparation is even more critical to our Country's communication needs. In that vein, this letter is divided into two parts: (1) Reaction and Restoration to an emergency situation; (2) Preparation for future emergencies.

One overriding principle must be kept in mind: The best disaster reaction plans may be ineffective if the people fulfilling these plans cannot communicate. This maxim is why the IAC believes the FCC occupies a crucial and unique position in providing security and response protocols for the Country. To this end, the FCC should insist upon being an integral part of any major regional homeland security exercise.

REACTION & RESTORATION

1. The flexibility of the FCC to work with the involved governments during the Katrina and Rita crises should establish the norm and should not be considered extraordinary. Your direction to maintain an open Commission seven days a week, 24 hours a day, to respond to various communication needs, and to coordinate such interests, should become a standard protocol for the Commission.
 - a. This standard protocol, using various interest groups such as the National Association of Counties (NaCO), the National Conference of Mayors (NCOM), the National Governors Association (NGA), the National League of Cities (NLC), the National Association of Regulatory Utility Commissioners (NARUC) and similar

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groups, as well as a prominent FCC website link which is perhaps linked to appropriate federal departmental and agency websites, should be advertised to the tribal, state and local governments.

- b. The FCC should also compile and maintain a list of national and regional contacts with which the FCC can coordinate with tribal, state and local governments in times of emergency.
2. The FCC should publish a report of the steps that were taken during the Hurricane Katrina and Rita disasters, the lessons that were learned, and highlight the issues of particular relevance to necessary coordination with tribal, state and local governments, as they move forward with consideration and preparation of disaster plans.

PREPARATION

1. Tribal, state and local governments should be provided a template for communication contact information in the face of national, regional, or local, disaster situations, and should maintain these lists on a monthly basis at the local, state and regional level in a format that can be readily and easily accessed by appropriate federal departments and agencies.
 - a. Contact information should include names, addresses, telephone, mobile phone, satellite phone (if applicable), email, and other contact information, for key people or their backups who would be available at all times.
 - b. Persons listed in this contact information should undergo annual training reviews that emphasize:
 - i. How the contact list is compiled and maintained;
 - ii. Relevant federal, tribal, state or local governmental contacts, as well as industry contacts, that should be involved in disaster preparation and disaster reaction or restoration efforts;
 - iii. Redundant networks that are to be utilized if primary communications networks are not available, e.g., two or three deep PSAP networks to be used if the local network is temporarily or permanently inoperable;
 - iv. Identification of the lines of authority for local control of communication issues, federal control of communication issues, and the point at which federal preemption of control is asserted and verified at the local level.
 - c. Biennial or triennial review, in addition to monthly updates to assure the accuracy of contact information, of this communications information should be conducted

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in cooperation with the appropriate federal department or agency to assure that the plan incorporates the latest technologies, meets appropriate best practices, and is otherwise viable.

- d. Inclusion of a chain of command, identified by office, that will be in place for disasters that may occur whether such events qualify as national emergencies, or are limited to regional or local emergencies.
2. The federal government, in conjunction with the tribal, state and local governments, should revisit the scope of the Emergency Alert System (EAS), to decide how and when EAS and the National Communications System can be utilized for regional or local events that do not otherwise qualify as national emergencies, but which nonetheless can adversely impact area communication capabilities – e.g., a tornado or ice storm in a state's major urban area which renders communication switches for the area inoperable.
3. At a minimum, certified VoIP 911 service providers should be required to register with the FCC and applicable State regulatory commission so local PSAPs can grant testing access, or otherwise, to these entities without fear of endangerment to the integrity of the emergency communications system.
4. Review of FCC policies to assure that goals to allow access for the disabled community do not foreclose the use of viable communication alternatives for the disabled community utilized by tribal, state and local governments during a disaster situation.
5. Marketing, with the use of groups like those mentioned previously in this letter, of GETS/WSP/TSP programs and, perhaps, consideration that FCC templates for disaster programs mandate participation in these federal programs as a condition of FCC approval, or, perhaps, FCC certification of an emergency communication plan. This effort should include reference to other appropriate programs, e.g. the U.S. DOJ RISS/ATIX program, that should be considered by tribal, state and local governments
6. Establishment through the FCC, or other appropriate federal department or agency through cooperation with the FCC, of a means to identify and coordinate issue identification and resolution of aspects of tribal, state, or local government emergency communications plans that may be significantly impacted by federal laws or regulations – e.g., if wireless communication towers are located in an area near a river levee system under the purview of the U.S. Army Corps of Engineers, and the loss of these towers would adversely impact emergency communications in a disaster, the FCC could assist and coordinate efforts by the involved government to have the Corps review if compliance with basic federal laws and regulations adequately protects emergency communications and, if not, to identify remedial measures to mitigate such adverse impacts.

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7. Coordination with federal, tribal, state and local governments to identify and provide homeland security funds, or other funds, available to implement, update, or modify, components, including equipment and operations, of emergency communications systems.
8. The FCC should assert authority over communications providers and, to the extent that issues impact homeland security, or public safety, mandate the following:
 - a. The authority of tribal, state or local governments to impose override authority on providers to broadcast information as to emergency situations which do not otherwise qualify as a national emergency;
 - b. Implementation of best practices as to the location of industry facilities, and direct NRIC to develop best practices for facilities siting;
 - c. The implementation by providers of disaster recovery plans.
 - d. Access by tribal, state and local governments, to the siting of industry facilities in order to more fully develop disaster preparation plans;
9. Tribal, state and local governments with video franchises should be mandated to provide disaster information on cable access channels.

This focused initial list of suggestions meets the time frame set for IAC response, and we hope this is responsive to your request. However, we realize that this does not fully address in detail the important issues raised by your request for advice and recommendations.

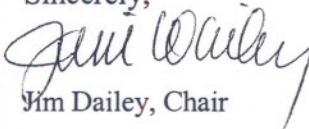
This October, 2005, meeting has been particularly invaluable to the IAC and, hopefully, to the FCC. In the future, the IAC hopes to facilitate issues important to the FCC. Just in the last two days, for example, IAC members have been able to alert FCC staff of possibilities that benefit the public. For example: (1) A suggestion that Lifeline Information be a required part of FEMA registration in disaster situations; (2) A follow up suggestion that Lifeline information be distributed to low and moderate income persons through cooperative programs with the US Department of Housing and Urban Development and local housing authorities, as well as making such information available to tribal, state or local government community program departments; (3) A suggestion that the FCC register VoIP providers so that PSAPs recognize that cooperation with a VoIP provider to comply with FCC rules will not jeopardize a 911 system; (4) A suggestion to use cable access channels to publish programs, created by the FCC, to notify the public of important issues that should be marketed to the public. These suggestions were not matters of major brainstorming sessions, but are simple reactions to FCC programs by the governments that daily interact with the intended audiences.

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The IAC will continue to consider your question and provide additional responses in the future. For now, thank you for the opportunity to share these views with you and the Commission.

Sincerely,

A handwritten signature in cursive script that reads "Jim Dailey". The signature is written in dark ink and is positioned above the printed name.

Jim Dailey, Chair