

Opening Statement of Chairman Henry Cuellar (D-TX) (as prepared)
Subcommittee on Emergency Communications, Preparedness and Response
Committee on Homeland Security

“Interoperability in the Next Administration: Assessing the Derailed 700 MHz D Block Public Safety Spectrum Auction”

Tuesday, September 16, 2008 -- 10:00 a.m.
311 Cannon House Office Building

“The need for emergency communications is not new.

Interoperable communications is “the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, through a dedicated public safety network utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.”

By way of history, the Communications Act of 1934 as enacted recognized that the regulation of communications must promote “the national defense” and “safety of life and property.”

As we know, the spectrum is managed by the Federal Communications Commission which provides a license to a private entity, local government, or public safety agency to use specific channels for communication purposes.

But since the late 1960’s the spectrum available has become increasingly crowded.

That crowding has led to interference on the channels that first responders rely on to talk during times of emergency.

In 1996, the Public Safety Wireless Advisory Committee, a blue ribbon committee created by Congress to examine the issue of emergency communications, concluded that public safety agencies did not have sufficient radio spectrum to communicate with each other when they responded to emergencies.

In fact, this blue ribbon panel released its report to Congress in 1996 and called for the congested spectrum to be cleared by September 11, 2001.

In 2002, the 9/11 Commission called on Congress to “support pending legislation which provides for the expedited and increased assignment of radio spectrum for public safety purposes.”

In 2006, Congress finally set a firm date of February 17, 2009 to set aside portions of the 700 MHz spectrum to public safety.

However, the auction of the spectrum channels earlier this year fell far short of the expected \$1.33 billion reserve price set by the FCC.

As a result, many are saying that the D Block on the 700 MHz is “dead,” “done,” “delayed” or “derailed.”

The reality of the situation is that the Nation must clear the spectrum and promote a public safety communications network.

Simply put, we must invest in communications systems that have the substantial participation of public safety. That is why the public-private partnership of the D block would truly reflect how the spectrum can be shared among commercial and public safety users on a network that meets the needs of the first responder communities.

The bottom line is that we must have the commitment of all the key players to make the public safety network build-out on the 700 MHz more than just a concept.

So to move on with this hearing, I look forward to hearing from Chief Derek Poarch of the Public Safety and Homeland Security Bureau at the FCC. Specifically, this subcommittee wants to better understand the FCC’s concrete plans for

making sure that all the key players are faithfully participating in the development of a national system; or at the very least a regional system that is built upon a national framework.

Mr. Essid (Pronounced ESS-ID), this Subcommittee wants to know how the Office of Emergency Communications and the Department of Homeland Security, through the Emergency Communications Preparedness Center (ECPC) is coordinating efforts to facilitate the D-block auction as well as its impact on the National Emergency Communications Plan.

Dr. Boyd, this Subcommittee would like to understand the technological challenges and opportunities that exist as it relates to the D-block.

On the second panel we will have Mr. Mirgon (pronounces MER-GONE) and Deputy Chief Dowd give us the public safety perspective on the status of and future implications of the 700 MHz D-block auction.

Mr. Contestabile and Mr. LeGrande will discuss the state and local government's concerns regarding a national or regional approach to building out the public safety network on the D-block of the 700 MHz.

Finally, Mr. Carson from U.S. Cellular will give us the private sector's perspective on the status of the D-block auction.

With that, I thank the witnesses for coming and I look forward to a robust discussion about how we will recommit ourselves to ensure a public-private partnership plan that promotes public safety on the 700 MHz."