WRITTEN STATEMENT OF

RICHARD MIRGON
PRESIDENT ELECT
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ON BEHALF OF THE

ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS
(APCO) INTERNATIONAL

BEFORE THE

UNITED STATES HOUSE COMMITTEE ON HOMELAND SECURITY'S
SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS,
PREPAREDNESS, AND RESPONSE

HEARING ON

"INTEROPERABILITY IN THE NEXT ADMINISTRATION: ASSESSING
THE DERAILED
700 MHZ D-BLOCK PUBLIC SAFETY SPECTRUM AUCTION"

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Thank you Chairman Cuellar, Ranking Member Dent, and members of the Subcommittee on Emergency Communications, Preparedness, and Response for this opportunity to appear before you today on behalf of the Association of Public-Safety Communications Officials (APCO) International.

My name is Richard Mirgon and I currently serve as the President Elect of APCO International. I have recently retired with over 30 years of public safety experience. Most recently I served as the Director of Technology Services/911 for Douglas County Nevada where as a department head I managed all public safety communications, information technology and emergency management. Prior to that I work as a deputy sheriff for Jefferson County Colorado which encompasses the western metropolitan area of Denver.

APCO International was established in 1935 and today it is the nation's largest public safety communications organization, representing nearly 16,000 members worldwide who build, supply, manage and operate communications systems and facilities for police, fire, emergency medical services and other state and local government public safety agencies. APCO International also serves the needs of more than 100,000 professionals in the public safety communications industry by providing training, frequency coordination, engineering, licensing, advocacy and networking opportunities. APCO International is the largest Federal Communications Commission (FCC)-certified frequency coordinator for Part 90, Public Safety Pool channels, and appears regularly before the FCC on a wide variety of public safety communications issues.

APCO International has been a major player in the Commission's numerous proceedings regarding the 700 MHz Public Safety Band, including the development of the public-private

partnership approach to the D-Block auction and the creation of a national public safety broadband licensee (PSBL) and is among the organizations that the FCC designated in the Second Report and Order for representation on the PSBL board of directors.

We applaud the committee for holding this very important and timely hearing on the auction of the 700 MHz D-Block spectrum.

Wireless broadband communications provide exciting new opportunities for improved public safety operations. Broadband video, high speed images, Internet access, and data of an endless variety would greatly enhance the ability of police, fire, EMS and other personnel to protect the public and respond to emergencies. However, many of those benefits could be lost if public safety broadband systems are deployed in a proprietary and stove pipe manner as most land mobile systems have been deployed over the last 70 years.

Guiding Principles

I would like to highlight six basic principles that guide APCO International's policies in working to build a national public safety broadband network.

1. APCO International believes that new and emerging technologies will greatly improve the way emergency services are able to protect and serve the public.

2. APCO International continues to support the development of a national, interoperable, broadband network that is designed, maintained, and operated to meet the requirements of public safety communications to the maximum extent feasible. A national broadband network would ensure that all public safety agencies, regardless of their size, location, expertise, or financial resources, would have the same opportunities to take advantage of the new world of broadband communications. Absent a national network, only those few agencies with substantial resources and expertise will be able to provide their first responders with state-of-the-art broadband communications. The result would be islands of robust, and probably incompatible, public safety broadband networks, surrounded by vast un-served areas.

3. APCO International strongly believes that this network has to be built to national standards and must be interoperable with all broadband networks built on the 700 MHz spectrum band.

4. APCO International strongly believes that the Federal Communications Commission must retain the public-private partnership model in the D-Block auction, as it is the only approach likely to lead to the deployment of a national, interoperable, public safety broadband network.

5. APCO International believes that it is unrealistic to expect that the national broadband network will be able to provide sufficient coverage or reliability to replace "mission-critical" voice communications now provided over land mobile radio systems. The voice component of a broadband network is likely to eventually reduce the need for some

public safety personnel to carry both a cell phone (generally used for routine, non-emergency communications) and a land mobile radio. However, land mobile radio will likely remain the principal means of providing mission-critical communications for the time being.

6. A successful D-Block auction requires that the FCC establish more specific network requirements and D-Block licensee obligations prior to the auction.

Where are we today?

Again, APCO International strongly supports the formation of a national, interoperable, broadband public safety communications network. We firmly believe that the most viable means of creating such a system is through a network-sharing agreement between a national public safety broadband licensee for the 700 MHz public safety broadband spectrum and the winner of the adjacent D Block of commercial spectrum. Absent extraordinary and unprecedented federal grants, no other available approach can provide the funding for a nationwide public safety broadband network.

Recent articles in the press continue to highlight the failure of the previous D-Block auction and question the potential for creating a private-public partnership that will build out a national broadband network to be used for public safety communications. It is unfortunate that the D-Block did not receive a winning bidder, but the failure of the auction provides us with a new opportunity to make sure we create a balanced plan that will provide the building blocks for a truly robust and secure national public safety broadband network.

What are the challenges?

Public Safety has specific requirements that cannot be met by a purely commercial service provider. In general, public safety agencies need priority access, comprehensive coverage, high capacity throughput levels to prevent delays in transmission of critical information, extremely low outage rates, hardened facilities, and redundancy to ensure service during emergencies. The challenge is to develop specifications for those requirements that are sufficient to meet public safety needs, but that are also economically viable for a shared, public/private network.

With more than 19,000 municipal governments, 16,000 town or township governments, 3,000 county governments, and 35,000 special district governments that have their individual public safety needs, I can assure you the task of building a national broadband network is not going to be easy and the solution is not going to be one-size-fits-all.

While I understand that at times we may appear to be divided on how the system should be built and managed, we are united in the belief that there is an immediate and dire need to establish a public safety broadband network that meets the needs of first responders during mission critical incidents.

A national network would provide users with a single technology standard, giving them the ability to acquire off-the-shelf technologies at substantially less cost than today's land mobile radios. They would also be freed of the obligation to construct a costly and duplicative broadband infrastructure. A national broadband network might also provide a common link to improve interoperability among all types of public safety communications systems.

One of the challenges in designing a broadband network is that we will not know exactly how the network will be used until it is deployed. Just as even the most visionary of technologists could not have predicted 10 years ago the extraordinary array of Internet applications available today, we cannot predict with certainty how public safety personnel will use wireless broadband capability in the future. A clear deduction would be that the network will be used to transport video input and output, high-speed data services, complex engineering and building plans, schematics for electrical and gas service, multifaceted medical information, engineering drawings, geographical data, fire hot spot locations, firefighter monitoring, undercover services, chemical analysis, robotic control, and much more. Whatever the results we believe they will not only be meaningful but amazing.

What is clear is that public safety agencies will use the network only if it provides fast, reliable coverage when and where they need it at a cost they can afford. In a shared network environment, priority access will be especially important. APCO International's comments in response to the Second Further Notice of Proposed Rulemaking describes our recommendation that 50 percent of the capacity of the shared network should be subject to "ruthless preemption" for public safety use, and that 50 percent of the capacity should be available exclusively for commercial services, absent a catastrophic event requiring additional public safety capacity. This approach should give the D-Block licensee(s) and its customers sufficient certainty regarding network availability. With careful capacity management, the network will also be able to satisfy public safety service demands.

What is being done to find solutions?

On September 25, the FCC is expected to release the Third Final Notice of Proposed Rule Making on the 700-MHz auction. APCO International believes that before the FCC issues its Order to set a new date for the D-Block auction the Commission should begin work on creating technical and operational standards for the shared network.

Let there be no doubt that there are local public safety agencies that are eager to begin deploying systems in the 700 MHz public safety spectrum. These agencies have the resources to deploy and manage their own broadband networks. The National Capitol Region has already deployed a system in the 700 MHz band and this system is in operation today. There are other states and local government that are also eager to start building out their own networks.

APCO International believes that local and state governments should be allowed to begin broadband deployment in their areas, subject to national network and data standards. All deployments of local and regional broadband networks must be able to fully integrate and become interoperable with the proposed national broadband network. Such localized efforts need to be coordinated with and approved by the FCC and the PSBL. These systems must also

comply with all network sharing agreements between the national public safety broadband licensee and auction winner(s) of the D Block.

APCO International also believes that the FCC should strengthen its formal relationship with the FCC and the PSBL.

APCO International helped to create the Public Safety Spectrum Trust (PSST) and has devoted substantial time, money and resources to its formation and activities. APCO International also greatly appreciates the tremendous dedication of the PSST board members and the organizations they represent. However, APCO International strongly supports the FCC's re-examination of the PSBL requirements and believes that fundamental changes are necessary to ensure that the PSBL is a more effective and efficient entity.

Organizations identified by the FCC have the right pursuant to the PSST's bylaws to name individuals to serve on the board. APCO International believes that the FCC needs to clarify that the organizations it names must be the actual members of the PSBL board. We hope that this minor distinction would prevent some organizations from becoming disenfranchised and encourage them to provide organizational input into matters being voted upon by the PSST Board.

APCO International believes that the PSBL would be well served by including in its Board member composition, the direct expertise needed to undertake the extraordinary tasks at hand. Such proficiency should include experience in designing or operating public safety communications systems, and expertise from the fields of business, finance, or communications technology, all of which are critical to the functions of the PSBL. We believe also that this experience will lead the PSST to rely less on the advice of its agent/advisor and improve its ability to engage in a thorough critique of all business functions.

APCO International has suggested that the FCC change the required composition of the PSBL board. We recommend a board of eight to 12 members, with approximately half of the members being diverse organizations that represent potential users of the network and those with expertise in public safety communications matters. The organizations, not their individual representatives, should be members to the extent necessary to ensure input from the relevant organizations. The remaining PSBL board members should be individuals selected by the Commission who do not represent any particular organization but who would add critical knowledge and expertise to the PSBL's decision making. Of course, the Commission must ensure that a clear majority of the board members directly or indirectly represent public safety entities. We also recommend that an FCC commissioner or high-level Commission official, such as the chief of the Public Safety and Homeland Security Bureau, should also serve as an ex-officio member of the PSBL board.

None of these recommendation should be construed as negative towards any of the current members of the PSST. As one of the three founding members who have been "at the table" from the beginning we wish to simply recognize after almost a full year of experience that there needs to be some positive and beneficial changes to the structure. This should be viewed as an opportunity for improvement.

Recent trade press has published articles that misrepresented APCO International's policies by stating that APCO International is looking to sever ties with the PSST. I want to make it very clear that in no way is APCO International looking to sever ties with the PSST. We are working to make it stronger. Our commitment to building a national broadband network stands resolute.

We believe that by continuing to work together we can make the PSST stronger and better. We would like to thank the leadership of Chief Harlin McEwen, Chairman of the PSST Board, for his hard work and attention to addressing our concerns and working with us towards a positive outcome.

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In conclusion, APCO International remains committed to working with all the interested parties to make sure that the construction, maintenance, and management of such a national broadband network in the 700 MHz spectrum meets the needs of public safety today and into distant future.