

HOUSE COMMITTEE ON HOMELAND SECURITY

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS
AND RESPONSE

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

NEW YORK CITY POLICE DEPARTMENT

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Good morning Chairman Thompson and members of the Committee. I am Deputy Chief Charles F. Dowd of the New York City Police Department and the Commanding Officer of the Communications Division. My command includes responsibility for New York City 911 as well as the police department's radio operations, which is the largest public safety radio system in our nation. On behalf of Police Commissioner Raymond W. Kelly and Mayor Michael R. Bloomberg, I would like to thank you for the opportunity to appear before you today to discuss the 700 MHz. D-block auction, and the importance of the Federal Communications Commission's actions going forward.

The City of New York and the metropolitan area public safety agencies have struggled with spectrum shortages, technology issues and interference problems for over thirty years. Public Safety agencies are still facing daunting technology challenges as they strive to meet the FCC's mandate requiring spectral efficiency. The efforts to encourage public safety to use their limited spectrum more efficiently have forced us onto a highway that only leads to limited features and functionality and to technology that is unproven in a complex environment. Public safety has always been asked to do more with less while commercial wireless carriers have been encouraged to develop feature rich systems using large blocks of clear spectrum.

For different reasons, the commercial wireless industry and the FCC share the common goal of spectrum efficiency. However, the pursuit of that goal has led the FCC and the commercial wireless industry in opposite directions. Whereas the FCC has mandated a narrowband approach, the commercial wireless industry has embraced

broadband technology. We believe that the broadband approach to spectrum efficiency is the correct approach particularly in an integrated voice and data network.

Since public safety is adopting broadband technology for critical data communications, the next logical step is to develop mission critical voice capability on the same technology platform. This is the technology that the wireless industry has embraced. It makes sense to merge voice and data communications onto a single robust public safety network rather than to maintain two separate networks, one for mission critical voice and another for broadband data. It is neither fiscally responsible nor technically feasible to continue in the current direction, we will not be able to stimulate the development of this technology if the spectrum is not made available to public safety for this purpose.

Converging voice and data applications onto a single technology platform in 700Mhz. will also allow for greater flexibility and will be inherently interoperable in much the same manner as today's ubiquitous cell phone. Public safety should embrace new technology once it has been proven to meet public safety's stringent requirements, then drive equipment manufacturers to build feature rich devices that take advantage of the economies of scale enjoyed by the commercial wireless industry. This outcome can best be achieved by licensing the 700 MHz spectrum on a regional basis, and providing local jurisdictions with the necessary control to determine the appropriate level of public/private partnership that meets their local needs.

The NYPD prefers a regional direct licensing approach of the 700MHz spectrum to allow early deployment of systems in regions that are prepared to move. This encourages the development of regional systems using common technology to build a nationwide network of networks. Indeed, if the NYPD is not granted the flexibility and control to deploy new technologies in the public safety 700 MHz in the City of New York, this spectrum will be unavailable for public safety when the DTV transition is complete in February 2009. Even if the FCC's proposed public private partnership auction plan is successful – and there is significant uncertainty on this point given the failure of the last auction to generate even a single qualifying bid – it is unlikely that the commercial partner would be prepared to provide services to public safety before 2012 at the earliest. Moreover, as I testified before the FCC at its hearing in New York City, even if this network were built it is unlikely that the NYPD would use the shared network because it would not provide us with the mission critical level of service fundamentally necessary for first responders.

In the most recent NPRM reply Comments from the PSST, they have proposed reducing the system design and priority access requirements to make the D Block spectrum more palatable to the commercial wireless industry. Public safety can not allow that to happen. Weakening of the standards, priority or coverage requirements will only serve to drive Public Safety away from the system altogether. Public Safety needs to maintain its more stringent requirements which cops and firefighters need and will expect.

If local jurisdictions are not granted direct access to 700 MHz, to deploy systems now, a unique opportunity to advance public safety communications will be lost. Rather than utilizing this spectrum in February 2009, public safety agencies will be required to wait for some uncertain date many years in the future before they can even evaluate whether the proposed service meets their needs. Seven years after 9/11, imposing this delay on jurisdictions that are ready to move now is simply unacceptable.

It is important to stress that New York is not the only jurisdiction desiring additional control and flexibility to define the terms of the public private partnership in its own geography. The Cities of San Francisco, Philadelphia, and Washington, D.C. all filed comments with the FCC seeking a greater degree of local control. Recently many other city and state public safety technology officials from around the country have voiced the same concerns to us regarding the FCC's proposal. Further, we have asked APCO International to assist us to engage this growing group in order to ensure that every public safety voice, large or small is heard on this critical issue. It is important to recognize that local control does not preclude broader public private partnerships in jurisdictions that would benefit from a relationship with a commercial provider. Such an arrangement will be particularly advantageous in jurisdictions where there is less public safety demand for spectrum. Regional licensing with local control will also enable public safety agencies to migrate their networks onto a single converged voice and data communications network at their own pace. As different regions build out next generation wireless networks capable of supporting both broadband data and mission

critical voice, public safety agencies will benefit from a single communications network that can be accessed using a low cost handset.

To this end, New York City is proposing to conduct a proof of concept using 20 MHz of 700 MHz spectrum to determine the viability of next generation wireless technology for mission critical voice broadband communications. The goal will be to demonstrate the feasibility of a converged broadband mission critical voice and data network for first responders. If successful, the results of this effort could easily be applied to other jurisdictions throughout the nation. To do so we need regulatory certainty that the public safety 700 MHz spectrum in the City of New York will not be encumbered by commercial carriers. We will be seeking this regulatory certainty from the FCC, and ask the support of this Committee for this relief. Thank You for this opportunity to address these important issues, I will be pleased to answer any questions that you may have.