

**HOUSE COMMITTEE ON ENERGY AND COMMERCE**

**SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET**

**OVERSIGHT OF THE FEDERAL COMMUNICATIONS COMMISSION**

**700 MHZ AUCTION**

**NEW YORK CITY POLICE DEPARTMENT**

**RAYMOND W. KELLY**

**COMMISSIONER**

**TESTIMONY OF**

**DEPUTY CHIEF CHARLES F. DOWD**

**COMMANDING OFFICER, NYPD COMMUNICATIONS DIVISION**

**APRIL 15, 2008**

Good Morning Chairman Markey 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 E-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 recent 700 MHz D-block auction and the importance of the Federal Communications Commission's actions going forward.

The circumstances surrounding the D Block spectrum allows the Congress and the Federal Communications Commission to reexamine how best to assist local and state public safety agencies. It affords an important opportunity to improve the response capability of police, fire, and emergency medical first responders. With the revenue projections of the 700 MHz band now realized, the focus should be how local and state public safety use of the D Block, working with the Public Safety Broadband Licensee, can bring mission critical communications to levels that parallel the needs of the citizen facing an emergency and the responding officers. We urge the Congress and the FCC to embrace a concept where D Block spectrum, in coordination with the spectrum managed by the Public Safety Broadband licensee, is primarily committed to meeting the expanding mission critical voice and data requirements of local and state public safety agencies. This premise encompasses public / private partnerships, including, where possible, commercial access to the spectrum. However, we do not

believe that the FCC should proceed with another auction before considering regional options that would benefit public safety. There is no question as to the validity of the public / private partnership moving this effort forward. But there are other options to be considered that may be more beneficial to the FCC's goal of providing nationwide interoperability on compatible platforms with common spectrum.

The greatest challenge to improved communications and broader interoperability is the lack of spectrum and financial resources to construct and deploy network infrastructure. The enormous sums of monies associated with network infrastructure makes improvements beyond the means of all but the largest of agencies and jurisdictions. The need to remedy this challenge is even more compelling as agencies face an enormous investment mandate that many cannot meet. This investment is mandated by FCC rules requiring all agencies in the 150-174 MHz and 421-512 MHz bands to transition to narrowband technologies by January 1, 2013.

First and foremost the FCC needs to consider the immediate needs of the major urban areas that are confronted with the immense task of replacing their existing land mobile radio system from the ground up. The FCC should also consider a more regional approach regarding the sale or auction of the D Block spectrum to allow for more flexible solutions to a region's specific needs. For example; narrowbanding will require New York City to replace its entire radio system at an estimated cost of over 400 million dollars. As we explore the existing technology, we are faced with a dilemma; our choices are limited to existing solutions developed over 30 years ago. The specifics of

the rules have changed but the basis still remains; design technology that fits within a limited amount of spectrum. What if a public / private partnership could be leveraged to develop a public safety radio system that can harness the advances of broadband technology to satisfy the desired narrow band end state, spectrum efficiency? The issue is not about CDMA vs. TDMA or FDMA, it is about the ability of the public safety users to determine how best to use this spectrum while maintaining focus on interoperability and new technology.

The FCC should consider allowing large metropolitan areas and regions to form public / private partnerships that would utilize the spectrum in an efficient manner, combining newer commercially available technology with public safety requirements. Unfortunately, the D Block rules were not written to foster regional solutions to satisfy the immediate needs of the large metropolitan areas. The concept of a single nationwide licensee assumes that one system will satisfy the needs of all agencies and that is not possible. The FCC was innovative by allowing public safety to leverage the value of its newly allocated 10 MHz in exchange for capital investments from the private sector. However, many large cities have already begun designing and building broadband networks in other bands thus reducing the value of the spectrum to commercial enterprises.

One potential solution would be to encourage the FCC to revise the rules on distribution of the spectrum to allow cities and regions to determine the best way to proceed. Cities would then be free to use their 10 MHz to either build their own systems

or negotiate with the private sector for an equitable exchange. As long as all 700 MHz systems, whether commercial or government-owned, are required to meet common design and interoperability standards the systems will meet current and future public safety needs. This would allow the FCC to designate spectrum to be auctioned on a regional basis to foster local partnerships with commercial entities to develop systems that will satisfy local public safety needs. Local commercial entities may be more likely to build highly adaptable systems responsive to the needs of the region.

Reconsideration of the D block allocation process will allow public safety entities to build in spectrum “green space” which will foster the development of systems based on new commercially available technology. Using clear spectrum in the 700 MHz band allows an entity to develop a new system without the need to retrofit existing sites and equipment. This “green space” approach is critical in areas such as New York City where moving from old but reliable legacy systems to new potentially cutting-edge solutions will require exhaustive testing to ensure the reliability first responders have come to, and have the right to expect. The region will be responsible to develop the system to standards that will ensure interoperability with other 700 MHz users on the regional and national level. Allocating the spectrum on a regional basis will encourage faster development of the necessary technologies by allowing the larger markets to drive the technology and standards. Emerging technologies such as CDMA and TDMA can be built to satisfy public safety requirements for resiliency and redundancy once the manufacturers embrace the public safety market.

The FCC has committed sincere and dedicated efforts to a range of areas, reflecting an agency aware of the challenges. Specifically, the rules governing the D block spectrum envisioned that the private sector would be more likely to share a large portion of prime spectrum and deliver advanced, interoperable wireless capabilities to public safety agencies across the country. By advocating a public / private partnership, the FCC recognized that public safety agencies could serve their missions better by leveraging commercial networks and services, and building and maintaining the systems to public safety requirements.

It made an important contribution in establishing the Public Safety Broadband Licensee to use the 700 MHz band to bring advanced data type services to all agencies. It allocated 700 MHz channels to voice communications for individual agencies yet the capacity falls far short of requirements faced by large metropolitan areas. We think it important that the voice and other narrowband requirements of public safety be addressed in an overall context, with advanced broadband services. The D Block can be the sources of technological incentives and public and private investment.

We urge the Congress and the FCC to move to a D Block model allowing public and private investment in the metropolitan areas, where the need and risk is highest, to work with the Public Safety Broadband Licensee, and establish a 700 MHz platform where the voice and data needs of public safety are addressed. This will create an ease of interoperability which, up until now, was not possible due to a lack of common public safety spectrum on a national level. Such an approach can promote nationwide

efficiencies yet respond to local requirements. It will also provide the financial base and accountability to build and maintain a network. Our recent discussions with agencies in other metropolitan areas indicate an embrace of this path. With one or several agencies in a region deploying the infrastructure, in coordination with the PSBL, a much more pervasive use of the 700 MHz band is possible.

The model we propose is without bias to any technology or private interest and recognizes the crucial role the private sector has in bringing the concept to reality. It is intended to broaden the commercial interests serving the public safety sector and create incentives that allow technology to service voice and data needs, narrowband and broadband, from one platform. It seeks to capitalize on commercial solutions that preserve mission critical communications.

The model also envisions public private partnerships and private access to the spectrum where it can coexist with the primary public safety use. Yet in contrast to the original D Block auction framework, the mission critical requirements of public safety will be foremost and not compromised by a private entity that must first pay an enormous minimum bid. The auction premise imposes a constraint on the private partner to reduce its costs and commitment to the public safety sector. Either the mission critical standards are diluted or, as occurred, inadequate bids are received. It is also important not to lower the standard owed to public safety, such as providing public safety only “most favored nation status.” The mission critical requirement will be abandoned.

Public safety is then reduced to a commercial customer unable to uphold its own standards.

The public private partnership we propose envisions robust private partners committed to serving public safety's mission critical needs and pursuing the efficiencies that allow others to use and coexist in the spectrum. It also includes a recognition that public safety communications networks, like other local and state resources, contribute enormously to national security and preparedness and are deserving of investment and support by the federal government.

In summary, we urge the Committee and the FCC to structure use of the D Block where the mission critical needs of public safety communications can be the foremost responsibility of the public and private interests involved. We have already spoken to the radio system managers of both Chicago and Boston, who have expressed their support for this concept. The spectrum should not default to the private sector. Nor should it default to a specific use or technology. Large metropolitan areas, in coordination with the Public Safety Broadband Licensee, and entrusted with responsibilities paralleling the challenge, are capable of bringing about communications networks that parallel public safety responsibilities and expand use of the spectrum significantly and efficiently. Thank you for the opportunity to address these important issues; I will be pleased to answer any questions you may have.