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TELECOM REGULATION

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**McEwen RAISES CONCERNS WITH EMERGENCY INTEROPERABILITY CENTER**

The chairman of the Public Safety Spectrum Trust (PSST) raised a number of concerns today with the FCC's plans to create an Emergency Response Interoperability Center (ERIC), including whether the center will duplicate public safety efforts and get bogged down in government bureaucracy - potentially delaying the deployment of a nationwide public safety broadband network.

Meanwhile, the chief of the FCC's Public Safety and Homeland Security Bureau said the agency would like to address between "early spring to late summer" pending waiver requests to build out public safety broadband networks ahead of any national network.

The comments by Harlin McEwen came at an FCC forum on the ERIC, which the FCC's national broadband plan will recommend be established to adopt technical and operational requirements and standards to ensure the successful deployment of a nationwide, interoperable public safety broadband network.

Mr. McEwen, who is also chairman of the Communications & Technology Committee of the International Association of Chiefs of Police, questioned whether the planned ERIC boards and committees will overlap with current public safety entities. For example, he said he was worried that a planned public safety advisory board to the ERIC could tax "the limited volunteer resources" of the PSST, the National Public Safety Telecommunications Council, and the SAFECOM Executive Committee, which is housed at the Department of Homeland Security.

He also noted that the public safety community and industry have already worked to establish interoperability frameworks, technical standards, roaming and priority access. "Such efforts have already been submitted for the record," he noted. "Does the current proposal undo years of preparation and essentially start from scratch?"

Noting that the FCC has said that several other government agencies - including DHS, the Justice Department, the National Telecommunications and Information Administration, and the National Institute of Standards and Technology - will be part of a coordinating committee, Mr. McEwen also wondered whether this would lead to "new bureaucratic federal requirements as each agency seeks to play a role."

"We need to do this right, but we need to start down the path with a streamlined, efficient operation and as quickly as possible," Mr. McEwen concluded.

David Furth, a deputy chief in the FCC's Public Safety Bureau, told Mr. McEwen that he had raised some "extremely good questions," adding that today's forum was held to explore such issues. "We want to avoid duplication," Mr. Furth said. "We don't want an unnecessary level of bureaucracy."

Mr. Furth added that while public safety entities will have a "critical advisory role" to the ERIC, FCC officials want to ensure that there is no duplication of efforts and that public safety resources are not burdened. Mr. McEwen replied, "We've all got to work together if this is going to work."

William Carrow, president-elect of the Association of Public-Safety Communications Officials-International, raised a number of points he asked FCC officials to consider as they launch the ERIC. For example, he stressed that the operation must have sufficient funding and "must be responsive to local public safety needs." In addition, he said critical infrastructure (CI) providers such as utilities should be represented on the public safety advisory board. He also said it was important for other federal agencies to have a coordination role, as the FCC has envisioned, including DHS, NTIA, NIST, and others. And he said the FCC should clarify the relationship the

ERIC will have with the PSST and the interaction it plans to have with state, local, and tribal public safety officials.

Finally, Mr. Carrow said APCO still believes that Congress should reallocate the 700 megahertz band D block to public safety. The national broadband plan will recommend the spectrum be reauctioned, FCC officials announced last week.

Mr. Furth said the ERIC will not "replace the licensees" but will serve "a regulatory function with a technical focus." He said the ERIC and public safety licensees will "reinforce one another" and agreed with Mr. Carrow that it is important to lay out "the lines of responsibility and lines of authority."

Steve O'Connor, first vice president of the National Emergency Number Association, said the ERIC would "provide important technical expertise," and he said the group is pleased that the center plans to address priority access, roaming, and encryption.

In a statement issued this afternoon, NENA praised the FCC's plan to launch the ERIC and also indicated its support for other expected public safety recommendations of the national broadband plan - proposals that have drawn criticism from others in the public safety community. NENA's statement is likely to raise eyebrows among some other public safety groups in light of fact that the group was not one of the organizations actively supporting reallocation early on.

"The importance of the Center is underscored by the recent comments of FCC Chairman Julius Genachowski, where he outlined the public safety components of the National Broadband Plan. During his remarks, the Chairman indicated his commitment to facilitating the establishment of a nationwide wireless broadband network for public safety and his dedication to funding for the implementation and use of the system - two priorities NENA has long championed," NENA said in its statement. "Under the Chairman's outline, public safety would have access to 70 MHz of commercial spectrum in the 700 MHz band, in addition to its own allocation. NENA sees this as a tremendous opportunity for public safety with the ERIC playing a pivotal role in the process."

Last week, FCC officials said they planned to require commercial 700 MHz band providers to offer roaming and priority access to public safety entities at reasonable rates, which could give them access to up to 80 MHz if they needed it. The broadband plan will also recommend Congress appropriate \$12 billion to \$16 billion in grants to agencies over 10 years.

NENA Chief Executive Officer Brian Fontes told TRDaily late this afternoon that the group still supports reallocation of the D block, but he noted that such a step would require congressional action. "We're focusing on what the Commission has proposed, and I think what they're proposing is very good," he said. However, some others in public safety had hoped the FCC would recommend reallocation in the broadband plan or remain neutral.

During today's forum, Stacey Black, assistant vice president-market development for AT&T, Inc., said the focus of the ERIC should be threefold. It should focus on (1) outreach to help spur public safety broadband adoption, (2) operational and coordination issues, and (3) standards and interoperability planning, he said.

Prudence Parks, a lobbyist for the Utilities Telecom Council, said utilities should be represented on the ERIC's public safety advisory board. Mr. Furth noted that a concept paper on the ERIC indicated that vendors, service providers, and others that aren't part of the board can still advise the ERIC. He seemed to indicate that CI providers such as utilities fall into this category. The concept paper said such entities "may have secondary or ex officio status on the board."

Public Safety Bureau Chief Jamie Barnett ended the event by saying the FCC hopes to have an "ongoing conversation" with interested parties on the ERIC. In opening the forum, he said that while there is "consensus on the overall ERIC concept, there are still many details to be worked out."

He said that the ERIC "would become part of the nationwide public safety communications structure" while not replacing "any agency or entity that is currently in place." He indicated, as he has in the past, that the agency hopes to launch the initiative soon, noting the more than a

dozen waiver requests from localities, states, and regions to build out public safety broadband networks using the 10 MHz currently allocated to the PSST. He said the agency hopes to address those requests by late this summer.

In other opening remarks, Chris Essid, director of DHS's Office of Emergency Communications, said that achieving interoperability is "90% coordination, 10% technology," while Dereck Orr, program manager of the Public Safety Communications Research Program, which is based in Boulder, Colo., and is run by NTIA and NIST, noted the public safety broadband demonstration network the program is planning on building to evaluate LTE (long term evolution) technologies.

In a blog entry today, Mr. Barnett defended the public safety portion of the broadband plan. "From the beginning, I have had one goal: that we incorporate the public safety community's requirements to design a truly nationwide, truly interoperable public safety broadband wireless network, one that is technologically sound, financially feasible and economically attractive to public safety's potential partners," he wrote. "It must be one that can evolve with changing technology. It must be one that offers public safety agencies choices. This is the only plan I have seen that meets these stringent criteria. We have gotten this far by an amazing consensus and focus on the goal. This must continue if we are to succeed, and I am determined that we succeed."- Paul Kirby, [paul.kirby@wolterskluwer.com](mailto:paul.kirby@wolterskluwer.com)