



Statement of Governor Jack Markell

Before the Committee on Commerce, Science, and Transportation

United States Senate

“Safeguarding Our Future: Building a Nationwide network for First Responders”

February 16, 2011

Chairman Rockefeller, Ranking Member Hutchison and distinguished members of the committee, my name is Jack Markell, Governor of the state of Delaware and a member of the National Governors Association's (NGA) Executive Committee. I appreciate the opportunity to appear before you today to discuss the importance of a nationwide broadband network for our first responders.

For more than a year governors have called for the reallocation of D block spectrum to public safety to serve as the cornerstone of efforts to develop and deploy a nationwide, interoperable broadband system. It is with great pleasure that I testify today to lend governors' support for the solutions presented by S.28, the "*Public Safety Spectrum and Wireless Innovation Act*," introduced by Senator Rockefeller.

OVERVIEW

As governor, I am responsible for the safety and security of our citizens and must ensure that our public safety agencies can respond to any and all emergencies that may arise. Whether the event is a terrorist attack, a hurricane, chemical spill or bridge collapse, Delaware's first responders must be able to communicate seamlessly with each other and with the public at a moment's notice.

To do so requires a communications network with sufficient capacity to allow firefighters, police officers and emergency medical personnel to share video, building plans, and the location of personnel and equipment in real time. In short, they must have access to the technology that today's teenagers have at their fingertips.

Almost ten years after the terrorist attacks of September 11th and despite a great deal of national attention to first responders' communications needs, we continue to lack a nationwide network that can provide these capabilities to first responders.

S.28, THE PUBLIC SAFETY SPECTRUM AND WIRELESS INNOVATION ACT

The nation's governors believe the development of an interoperable broadband network for public safety is essential to enhancing the ability of first responders to save lives and protect property.

Development of such a system is dependent upon three things: first, access to sufficient and dedicated spectrum; second, a funding mechanism to construct, manage and maintain the network; and third, clear governance guidelines to ensure nationwide coverage and interoperability. Efforts to address one issue without solving or supporting a solution for the others will only hinder progress towards reliable and interoperable communications.

Since the attacks of September 11, 2001, Delaware has worked diligently to address interoperability by installing a statewide 800 MHz narrowband radio system that is used by all Public Safety Agencies within the State. In doing so, Delaware became one of the first states to operate a truly interoperable Public Safety communications system. Unfortunately, due to narrow bandwidth, this system does not have the capability to provide for the exchange of robust broadband data.

S.28, the “*Public Safety Spectrum and Wireless Innovation Act*”, would take advantage of the unique opportunity to dedicate sufficient contiguous broadband spectrum to first responder communications by reallocating the 700 MHz D block spectrum to public safety, establishing a funding source for construction and operation of the network and addressing key governance issues necessary to ensure nationwide interoperability.

Spectrum Allocation

The chance to allocate the 700 MHz D block spectrum to public safety represents an unparalleled opportunity to develop a robust, modern and reliable nationwide interoperable broadband network.

Past efforts to develop and maintain interoperable communications across the country have been hindered by the Federal Communications Commission’s (FCC) allocation of small sections of spectrum across different frequency bands for public safety use – none of which are large enough to consolidate communications into a single segment of spectrum. Since devices operating on different frequencies cannot talk to each other, public safety agencies have sometimes been forced to install two or more radios in each response vehicle to ensure neighboring agencies can communicate.

This solution is not only cumbersome but costly. With state and local budgets that support public safety under continuing strain for the foreseeable future, it is time to improve the efficiency and cost effectiveness of critical public services, including first responder communications.

Without access to the D block, however, state and local governments will again be forced to maintain multiple communications networks to ensure the brave men and women who protect the public and respond to emergencies can talk to each other.

On the other hand, by combing the D block with the existing 10 MHz of adjacent public safety spectrum, public safety communications could eventually be migrated from other spectrum bands to allow for more streamlined, efficient and cost-effective communications systems.

While the migration of voice systems to broadband should be explored for potential future consolidation, please note that this cannot happen overnight. The narrowband spectrum is currently used by state and local governments for existing or developing interoperable voice communications systems that cannot be migrated to broadband until the technology has been further developed.

As you know, current law requires the FCC to auction the 700 MHz D block. The FCC plans to auction the D block for commercial purposes and provide public safety with roaming and priority access on other 700 MHz broadband networks for a fee. This will simply not work.

As demonstrated repeatedly during recent disasters, excessive demand can clog commercial systems and prevent users from accessing the network. First responders

require more reliable access, especially during times of emergency. It is simply unacceptable for first responders to be forced to wait for access when lives are at stake.

In contrast, S. 28 is based on the core principle that public safety communications are simply too important to be placed in other hands. By adding the D block to the existing block of 10 MHz, and by providing funding mechanisms, Congress will ensure that public safety controls the design and construction of network facilities sufficient to meet their exacting standards of performance. No commercial operator builds to meet those same standards. This is not to say that commercial providers should not be involved. Public safety should explore the real potential of working constructively with the private sector to meet its needs.

Funding

Just as sufficient spectrum is critical to the success of the nationwide network, so too is a sufficient funding source to ensure that the network is constructed in a timely manner throughout the country and that these systems can then be managed, upgraded and maintained as necessary.

Regardless of whether it is built on 10 or 20 MHz of spectrum, construction of a nationwide network will be a costly endeavor. As states continue to face budget gaps after several years of unprecedented declines, federal funding to support network construction and maintenance will help ensure its timely development and nationwide deployment.

S. 28 would address these funding challenges through the establishment of grant programs for construction and maintenance. These grants would be fully funded through future auctions of spectrum and could provide billions of dollars in financial support for a critical national public safety asset.

In addition, much like real estate, the D block is a valuable asset. If reallocated to public safety, this additional spectrum could allow state and local government greater flexibility to innovate in the development and administration of the network. For example, commercial wireless operators will continue to spend billions of dollars deploying broadband facilities that mirror those that public safety will construct and operate. Constructive and innovative partnerships with commercial operators might achieve economies of scale and allow sharing of construction and operating costs to the benefit of both parties. By putting public safety in control of the spectrum, the playing field is leveled to enable such beneficial arrangements.

Governance

Finally, in addition to the spectrum and funding issues I mentioned, establishing clear governance guidelines for the network will be critical to ensuring nationwide coverage and interoperability.

S. 28 recognizes the importance of the coordinated development of the public safety network by requiring the FCC to establish technical and operational requirements and by authorizing states to oversee the issuance of requests for proposals related to the network.

While maintaining flexibility for local areas to begin network construction ahead of the state, the legislation would ensure that any advanced network deployments are coordinated throughout the state or region. This will facilitate interoperability and coordination between existing voice communications systems, such as land mobile radio, and the public safety broadband network. It will also help ensure that rural areas are included in the nationwide network in a timely manner.

CONCLUSION

The development of an interoperable broadband network for public safety is essential for enhancing the ability of first responders to protect our citizens from harm and respond to requests for emergency assistance. The cornerstone of such a network is dedicated spectrum; specifically, the reallocation of the 700 MHz D block to public safety.

Governors greatly appreciate the support of this committee and the introduction of S. 28. We also appreciate the President's support and his commitment to reallocating the D Block to public safety.

By reallocating the D block to public safety, S.28, the "*Public Safety Spectrum and Wireless Innovation Act*", would ensure that the nation takes advantage of this one time opportunity to avoid the mistakes of the past and allocate appropriate contiguous spectrum to support the safety and security of our country.

On behalf of the National Governors Association, thank you for the opportunity to testify. I encourage this committee to work closely with governors as you consider the legislation and to report it favorably to the Senate as soon as possible.