

systems that was outlined in the White House's *National Strategy for Homeland Security*, which calls for:

“a fully integrated national emergency response system that is adaptable enough to deal with any terrorist attack, no matter how unlikely or catastrophic, as well as all manner of natural disasters”

and

“aim to ensure that leaders at all levels of government have complete incident awareness and can communicate with and command all appropriate response personnel.”

In working to identify specific initiatives designed to ensure seamless communications across responding organizations, our report identifies five elements of interoperability: coordination and partnerships, spectrum allocation, standards and technology, security, and funding. Among these five elements, the allocation and efficient use of spectrum is perhaps the critical element to ensure integrated public communications systems.

Given the importance of spectrum allocation to meeting the critical communication requirements for public safety and homeland security, CBACI wanted to comment on the reports published by the Spectrum Policy Task Force and their working groups by comparing their assessments and recommendations with those contained within our report. Because our analysis focuses on homeland security and public safety

requirements, our analysis does not reflect as much on the spectrum allocation issues as they relate to the commercial sector. While we understand the need to balance the spectrum requirements of the public sector and the private sector, we believe the Federal Communications Commission has no more important obligation than to support homeland security objectives by ensuring the nation has a national, integrated public safety communications network that can help prevent and respond to terrorism incidents within the United States.

As a whole, the report recommends shifting the process of allocating spectrum towards more flexible, more market-oriented models. We support increasing free market forces in spectrum allocation to encourage the most efficient use of private sector spectrum, including the ideas mentioned in the Spectrum Policy Task Force reports, such as allowing the owners of spectrum licenses to lease the spectrum to other interested parties. Since efficient use of spectrum by the private sector will decrease the demand of one of public safety's competitors for spectrum, efficient private sector use of spectrum is important to public safety.

While we recognize the commercial benefits of shifting towards these new models, it will be critically important for the FCC to work with the National Telecommunications and Information Administration and the Department of Homeland Security to ensure sufficient spectrum is available to meet public safety and homeland security requirements. As the report of the Spectrum Policy Task Force suggests, the allocation of public safety spectrum should be done using a command and control model.

In fact, the allocation of public safety spectrum should be insulated from market forces to the greatest extent possible. Some of the specific comments and recommendations from our report are listed below.

We support the Public Safety Wireless Advisory Committee's (PSWAC) recommendation that public safety should be allocated 145.05 MHz of spectrum by 2010. The process of allocating an additional 50 MHz to public safety communications in the 4.9GHz band to go along with the 47.55 MHz already allocated is a start in this direction. The process of reallocating 24 MHz in the 700 MHz band for analog channel broadcasts to public safety functions should be completed as soon as possible for homeland security purposes. While the transfer was originally scheduled to occur in 2007, the current scheduling schema requires 85 percent of all televisions be digital before the transfer can occur. This requirement could delay the reallocation out beyond 2013. Regardless of whether the FCC changes the regulation to remedy the situation or Congress makes this change through legislative action, this timeframe for transference should be expedited.

In reallocating 24 MHz from the 700 MHz band, we understand via discussions with government officials that the determination has been made that part of the spectrum will be for narrowband communications and part for wideband communications. **We believe the allocation of this block of spectrum provides an opportunity to improve the interoperability of public safety communications systems by setting aside a block of this spectrum specifically for interoperability purposes.** Using this segment for

interoperability may not require setting aside the entire 24 MHz block, but we believe the FCC should set aside a significant portion of the block towards this purpose. Assigning this portion of spectrum to public safety communications interoperability will provide a single, national segment of spectrum for use in establishing interoperable communications to help achieve the fully integrated national emergency response system. Importantly, public safety agencies would have a standard to use as a mark against which they can plan for hardware and system upgrades to ensure them of having equipment capable of interoperable communications.

The Spectrum Policy Task Force report mentions the possibility of public safety agencies sharing spectrum with other users – including commercial entities. Public safety could benefit from this sharing in two ways. First, proposals, such as “Warren C. Havens and Telesaurus Holdings GB, LLC regarding use of 902-928 MHz supplemented by 217-225 MHz, 4.9 MHz, & 5.9 MHz”, could get public safety access to further spectrum. Second, allowing public safety entities to lease their spectrum to commercial entities during periods of non-peak usage could provide a potential revenue stream to public safety entities. Among other priorities, generated revenues could be used to fund equipment and other purchases necessary to support homeland security communication efforts.

While we understand the rationale behind this proposal is one of needing to ensure scarce spectrum is used as efficiently as possible, our research indicates unwillingness on the part of most public safety officials to utilize this option. Based on

our communications with officials concerned about public safety, we believe most agencies would choose to forgo that option (and the possible revenue) in order to maintain control of the available public safety spectrum. This is due in part to the unpredictable nature of natural disasters or terrorism incidents. Our research noted similar concerns addressed in other official comments on this issue previously submitted, such as the comments of Bergen County, New Jersey on ET Docket No. 02-135. If public safety can be assured that sharing spectrum would not effect their communications in an emergency, they may exploit this option if made available.

We believe the Department of Homeland Security must take a lead role in the development of a fully integrated national emergency response system. To ensure decisions regarding public safety spectrum allocation meet homeland security requirements, we believe some formal coordinating structure for public safety spectrum allocation is needed between the Department of Homeland Security, the FCC, and NTIA. Previously, a Joint Public Safety Working Group was formed between the FCC and NTIA to consider public safety communications requirements. We recommend a similar working group be established with representatives from all three organizations to ensure adequate spectrum is allocated for homeland security purposes.

Concerning private sector spectrum efficiency, another option, which did not receive as much consideration in the task force reports, is to allow limited duration license instead of the currently predominant one-time fee structure. For example, companies could bid for spectrum on an annual basis. At the end of each year, a

company could decide whether they would like to renew the license for the amount of the original winning bid. If a company decides at the end of a year that their spectrum license is no longer as valuable to them, the license will be returned to the government to be auctioned again. At that point, the company could attempt to reclaim the license by making a bid at a lower price, or choose to give up the license entirely. Such an approach brings free market forces into private sector spectrum allocation to a greater extent, while keeping overall government control of the resource.

Respectfully submitted,

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