

February 6, 2007

Senate Commerce Committee
United States Senate
Washington, DC 20510

Dear Chairman Inouye and Vice-Chairman Stevens:

The members of the High Tech DTV Coalition applaud you for scheduling the upcoming February 8th hearing entitled “The Present and Future of Public Safety Communications.” Solving the challenges associated with public safety interoperability remains one of our nation’s highest priorities. We are proud of the work we did with Congress to support passage of the bi-partisan *Digital Television Transition and Public Safety Act of 2005* (the “DTV Act”), which included the provision of 24 MHz of additional spectrum for public safety and \$1 billion in funding to improve public safety interoperability.

We now need to build on the success of the DTV Act by ensuring that the timetable for conversion of the 24 MHz of spectrum for public safety remains on track and that the spectrum is used efficiently and effectively. We strongly support efforts to promote the deployment of a nationwide, interoperable, broadband public safety network in the 24 MHz of spectrum currently allocated to public safety in the 700 MHz band. We will work constructively with Congress, the Federal Communications Commission (FCC) and the Department of Homeland Security to promote solutions that will enable public safety to benefit fully from the latest advances in commercial technology.

We understand the importance of giving our nation’s public safety officials the tools they need to communicate not only in times of crisis, but in their everyday activities. We support the Department of Homeland Security’s goal of achieving nationwide interoperability as soon as possible. To achieve that goal, however, much more must be accomplished.

Accordingly, the Coalition believes that the following policy measures are essential to building the most effective public safety communications system:

- **DTV Transition Binding Date.** Congress must stick to the February 17, 2009 “hard date” to complete the national transition to digital television. Retaining this date is critical to ensuring that public safety has available for its use the 24 MHz of spectrum currently allocated to it in the 700 MHz band. By sticking to the deadline, we can achieve the 9/11 Commission recommendation of additional spectrum for interoperable communications.
- **Nationwide Public Safety Network.** Congress should ensure that the FCC implements the DTV Act promptly by issuing a single national license to a public safety licensee to build a nationwide, interoperable broadband public safety network in the 24 MHz of spectrum that Congress has made available for public safety’s use in 2009. This network should leverage the use of commercial technologies and promote partnerships with the private sector, while ensuring the availability of a dedicated network for emergency communications. By employing commercial, IP-based broadband technologies, such a network should be designed

to meet both the current voice and emerging data needs of first responders, while also allowing public safety to keep pace with future advancements in technology.

A national network will address the long-standing interoperability problems experienced by public safety and ensure that they have access to advanced communications capabilities in the future, including a robust wireless broadband network. Replacing the current fragmented approach to public safety communications with a centralized and national approach would ensure interoperability while promoting the efficient and effective use of limited public safety resources. And, by leveraging the economies of scale associated with “off-the-shelf” commercial technologies, it could be deployed at significantly lower cost. Such a plan is precisely what is needed to implement Congress’ directives and the recommendations of the 9/11 Commission of additional spectrum for public safety interoperability.

- **Broadband Technology.** At least half, if not more, of the 24 MHz of spectrum should be designated for broadband services. That step would offer first responders the latest in next-generation communications technology that would support a host of data and video applications. Public safety is on record at the FCC as supporting such a designation, and we urge you to ensure that the FCC acts promptly to adopt rules supporting deployment of broadband technology.
- **Interoperability Funding.** The Department of Commerce, working with the Department of Homeland Security, should meet the Sept. 30, 2007 Congressional deadline to award approximately \$1 billion in grants to public safety agencies to deploy interoperable communications systems. It is essential that these grants not get delayed or caught in bureaucratic red tape. In addition, the Senate should quickly follow the House and pass legislation approving additional funding for public safety agencies to meet the DHS goal of achieving interoperability.

The Coalition believes that these measures will help speed the development and deployment of effective and efficient interoperable communications for public safety.

We have serious concerns, however, about another proposal before Congress that we believe runs counter to the objective of deploying an effective interoperable system. A new company known as Cyren Call has proposed the construction of a nationwide broadband network under an extremely risky business plan and asks that it be guaranteed by the Federal Government – a plan designed to benefit Cyren Call’s owners and investors while placing American taxpayers at risk.

Cyren Call proposes the construction of a national network using 30 MHz of spectrum that Congress directed to be auctioned for commercial services. This proposal should alarm lawmakers as it is in conflict with the DTV Act and other statutes enacted by Congress. By not auctioning the commercial spectrum that will generate the monies used to fund the DTV transition, Cyren Call would derail the entire transition process. In so doing, it would place at risk public safety’s ability to obtain access to the 24 MHz that it so desperately needs for interoperability.

Congress worked for years to achieve the balance inherent in the DTV Act and to resolve the long-standing interoperability problem through a grant to public safety of an additional 24 MHz of spectrum. Congress should ensure that the FCC promptly implements this mandate by ensuring that this spectrum is used efficiently and effectively, employing the latest technologies

to provide interoperability and advanced capabilities for first responders. A plan that promotes the construction of a nationwide broadband public safety network using advanced commercial technologies is the right model for implementing Congress' plan to ensure effective and reliable emergency communications in the future, and renders moot any further consideration of the Cyren Call proposal.

In closing, the High Tech DTV Coalition pledges to work constructively with the FCC and Congress to fulfill the goals of the DTV Act and ensure the availability of interoperable emergency communications systems. In that spirit, we are enclosing for your review a report recently released by Criterion Economics, which was commissioned by the Coalition and the Consumer Electronics Association. The report, entitled "Improving Public Safety Communications: An Analysis of Alternative Approaches," highlights many of the concerns we've raised about Cyren Call, and offers strong support for the plan proposed by the FCC. We ask that you incorporate this report into the hearing's public record.

Again, thank you for bringing attention to these important issues through the upcoming hearing. We look forward to working with you and all interested parties in a constructive fashion.

Sincerely,

High Tech DTV Coalition

HIGH TECH DTV COALITION

Alcatel-Lucent • Aloha Partners • Cisco • Dell • Intel • Microsoft • Qualcomm • Texas Instruments • T-Mobile • Verizon Wireless
Information Technology Industry Council • National Association of Manufacturers • Semiconductor Industry Association
CTIA - The Wireless Association • National Telecommunications Cooperative Association • Business Software Alliance
The Rural Telecommunications Group