

Prepared statement for House Committee on Energy and Commerce, Washington DC

March 22, 2007

Good Morning, Chairman Markey, Ranking Member Upton and Members of the Committee. Thank you for providing me the opportunity to share my thoughts today on the important topic of communications interoperability and how important it is to our nations first responders.

I have been employed by the Missouri State Highway Patrol Communications Division for over 21 years and currently serve as Patrol Frequency Coordinator with its Communications Division. I also chair the Missouri Statewide Interoperability Executive Committee (SIEC), a body formed in 2001 at the recommendation of the Federal Communications Commission to promote the implementation and administration of 700 MHz interoperability channels as well as other interoperability issues. My main duty is to support the communications needs of Missouri's first responders, coordinating their use of radio spectrum, and promoting the cause of effective spectrum management and regional planning throughout Missouri. Missouri, like many other states, has diverse public safety communications needs due to sparsely populated rural areas and its heavily populated urban metropolitan areas. My position has grown to one of an overall public safety communications resource for

Missouri, sponsored by State Government and I have peers across the country providing the same service to the first responder community in their states. It is from this experience that I hope to convey to you some of the reasons public safety interoperability is so difficult to achieve, why we are where we are today with regard to interoperability and immediate cost effective steps that can be taken to further this goal. There are three points that I would like to share with you today that Missouri thinks can be important to furthering interoperability.

1. **First, flexible software driven technologies are on their way to assist in repairing some of the legacy disparate frequency band allocations that currently exist.**

Public safety radio licensing and spectrum acquisition can be a complicated process with many choices. Actually, many feel there are too many choices for local agencies when it comes to meeting their communications needs and that having the number of choices has contributed to a lack of interoperability, in some cases. While agencies may have coverage requirements that are dissimilar, if they build systems in different radio bands they would not be able to communicate with each other without additional tools. In addition, agencies strive for “operability” initially in their communications goals, which is the ability for them to communicate effectively with their own personnel before they ever consider what agencies around them are doing. With the exception of regional planning committees established by the FCC to manage locally spectrum use in the 700 and 800 MHz bands, today’s licensing and frequency coordination process requires no input from the applicant as to their long-term communications strategy or how they

intend on talking to neighboring agencies. With multiple radio frequency bands to choose from, quite often the choice for which frequency band an agency builds their communications needs on is based on cost and historical perspective and not on what band would be most technically suitable or that best promotes interoperability within a community. This process leads to the creation of independent, stand alone networks that cannot inter-communicate and “islands” of non-interoperable systems operating on disparate radio bands which lead to the inability of first responders within a community to communicate with each other. There are at least nine (9) existing public safety radio bands an agency can be licensed on today. In some instances, agencies that use the same band as another can be obstructed by a manufacturer’s proprietary protocol, blocking agencies from communicating when necessary. Hopefully, the acceleration of the Project 25 standards process ¹will eliminate these proprietary issues and result in clearly defined terms what the interoperability platform should be and new frequency agile software based radios, capable of operating on multiple public safety frequency bands, can soon be utilized as a tool to bridge existing gaps between frequency bands. While the current paradigm in which we find ourselves can be mitigated somewhat by the introduction of these flexible devices and the completion of the standards development process, there will be no rise in the interoperability quotient within communities using these devices unless they are accompanied by an overarching strategy and a regular interoperable dialogue at the Federal, State, County, and Local level

¹ Project 25 (P25) is a standard for the manufacturing of interoperable digital two-way wireless communications products. Developed in North America under state, local and federal representatives and Telecommunications Industry Association (TIA) governance, P25 is gaining acceptance as a public safety standard. The published P25 standards suite is administered by the Telecommunications Industry Association.

2. **The requirement and subsequent publication and distribution of statewide interoperable communications plans are critical to arriving at nationwide interoperability.** The Department of Homeland Security has rightly required Statewide Interoperability Plans to be developed and provided to them by the fall of this year from each state and territory. A workshop is taking place this week in Los Angeles providing representatives of states the guidelines for such plans. In 2003, the National Coordination Committee's (NCC) Interoperability Working Group on Rules, Policy and Spectrum Planning, for which I served as Chair, recommended the requirement of statewide plans and that grant funding be directed to initiatives consistent with those plans. The Department of Homeland Security requirement for such plans is a much needed move in the right direction since any nationwide interoperability plan using the "system of systems" approach will really become a "national book" with each state and territory providing and updating regularly its own "chapter". In the most optimistic scenario, this "book" will be a living document and available to users, advocates and funding sources to ensure interoperability is achieved nationally. These plans will begin to provide a snapshot of the overall national interoperability landscape that is long overdue. Submitted plans should be updated regularly by states to reflect any changes in a states "landscape". No one initiative can provide more of the information required in facilitating interoperability than the federal government requiring each state to document and make available its interoperability vision and corresponding communications initiatives.

State plans can also ensure that a responsible strategy for developing interoperable communications within each state, county and locality stays on track from a national perspective. This national architecture can have several benefits: It can require local agencies to acknowledge a states wide area strategy when applying for grant funding and also provide them information as to what communications initiatives their neighboring communities utilize. Statewide interoperability plans contributing to a national scope can also be beneficial to states and bordering regions. For example, with Missouri having eight (8) adjacent states, it is critical that Missouri's interoperability plan be shared with its neighboring states (IL, KY, TN, AR, OK, KS, NE, IA) to ensure cross border inter-state response and to acknowledge differences and consistency between bordering agencies. In many instances agencies don't have to do exactly the same thing to effectively communicate during a mission critical incident, but they cannot be unaware of what responders, from either within or outside a state, are using to meet their daily communications needs. As Hurricane Katrina showed, disasters know no state border and wide area response plans should take the capabilities of neighboring states responders into account to ensure that emergency response plans and those planning communications consider multiple states, when necessary.

The NTIA, with support from the Department of Homeland Security, should provide states spectrum management training² consistent with conclusions reached from a June 2004 NTIA report that identified the lack of prioritization on public safety spectrum planning at the state and local level. Achieving the degree of

² Spectrum Policy For the 21st Century-The Presidents Spectrum Policy Initiative: Report 2
"Recommendations from State and Local Governments and Private Sector Responders" Section 3
Recommendation 4

interoperability we all feel is necessary requires planning and long-term commitment, accompanied with responsible and realistic equipment purchases. Interoperability is as much a human problem as it is a hardware problem. In the past, NTIA provided state's spectrum management training, which is no longer offered to state and local users but remains in place to provide spectrum management to developing nations. In many areas, providing states this training will allow good, consistent interoperable "Best Practices" to be distributed across the nation and will lay the foundation necessary for interoperable communications to flourish within a long term interoperable national strategy.

3. The Public Safety Interoperable Communications Grant Program funding is dedicated to public safety interoperable communications and should be dispersed to local agencies only after it has been proven (and agreed upon by both DHS and each state producing a plan) that the application works with and recognizes the same goals and objectives consistent with the respective state interoperability plan. With public safety grant awards due by September 30, 2007 and states required to submit interoperable plans to DHS within the same time frame, there is a fear in the public safety community that there will not be sufficient time to ensure that applications submitted are consistent with the wide area plan developed in that state or region. Many feel that adhering to the September 30, 2007 date will not allow for the most effective distribution of these funds due to the time frame of the grant awards coinciding with the due date of the state plans.

If the September 30, 2007 congressional deadline must be met for the Public Safety Interoperable Communications Grant Program, perhaps having the monies held by each state for up to six (6) months before distribution to local applicants is appropriate until DHS has had sufficient time to review both the state plan and the application. Missouri feels it is important that DHS be provided a clear definition as to what the Missouri interoperable communications strategy consists of before awarding grant dollars to support communications initiatives within Missouri and that a regular dialogue should be created between each state and DHS to ensure that the interpretation of each state plan by DHS is the same as how it is envisioned at the state level. We feel the same concerns as are being voiced by other states. There is a substantial amount of ongoing dialogue regarding interoperability within and between states regarding public safety interoperability that has not gotten to Washington, D.C. yet, and it needs to in the form of these plans.

New public safety applications and capabilities involving broadband communications, IP technologies and flexible radios and spectrum sharing opportunities with commercial providers where appropriate are all in public safety's future. Without dialogue and cooperation between first responders, the ability of these new technologies to assist in achieving the degree of interoperability necessary to protect those served by first responders will always be hampered. Fortunately, the necessary "Best Practices" to promote interoperability are inexpensive and doable. It just takes commitment from all levels of government and the implementation of a long-term process aimed at improving interoperability between the nations first responder community to succeed.

In conclusion, interoperability in the public safety community starts and ends at the local level but must be a coordinated effort if it is to be successful. Currently, the freedom offered to state and local agencies to implement new communications capabilities in any fashion they deem appropriate often inhibits the very interoperability we seek due to each agency's interpretation as to how communications are best implemented in their community. Consistently promoting the use of proven, positive guidelines and requirements into the public safety community without ensuring the requirements are implemented can inhibit interoperable communications development. Public safety is looking for direction and support from policymakers and those providing funding mechanisms to accomplish these goals. Supporting the communications needs of local, county, state and federal users cannot be accomplished without an ongoing public safety interoperability dialogue in each state that includes the local, state and federal government.

Again, thank you for your time today Mr. Chairman and I look forward to answering any questions the Committee might have.

Stephen T. Devine, Missouri State Highway Patrol