

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229

Since the *Second Further Notice* adopted in May, we have received significant public input (including from the public safety community, wireless providers, and others), through filed comments, Congressional hearings, and the Commission's *en banc* hearing in New York. While parties differ on how we should get there, all agree that public safety continues to have a critical and unfulfilled need for a nationwide interoperable broadband network that will link first responders across geography, jurisdictions and departments.

Today's decision is a further notice and not a final action. It is the next step in our effort to provide our Nation's first responders with the broadband network they need and deserve. The proposals in the *Third Further Notice* provide substantial detail and specificity, including draft rules, which will allow potential bidders to fully assess what their obligations will be, and make fully informed determinations as to how the public-private partnership may fit their business plans. It attempts to strike the right balance between serving the communications needs of public safety and the need to ensure commercial viability of the partnership.

Let us be clear about what is at stake; without the partnership, there are no other viable tools for the Commission to ensure that this network can be built in a timely manner, with a maximum level of interoperability for use by all public safety entities small and large, rural and urban.

The overriding consideration in all of the proposals in the *Third Further Notice* is ensuring the maximum level of interoperability on a network that is built out to as many public safety entities as possible. In this respect, the *Further Notice* proposes to use the auction mechanism itself to select a single air interface, which is the best way to ensure full interoperability. While there is a valid use for bridges and gateways to connect disparate networks, without a single air interface full interoperability cannot be achieved.

With respect to the other commercial provisions of the item, I believe they balance the need to provide certainty and the desire to preserve sufficient flexibility. The proposal to reduce minimum opening bids during the auction for unsold regions in certain circumstances will ensure that the regional license sets have the maximum opportunity to overcome a national bid while maintaining the goal of maximizing the network's reach. The specific technical proposals add an additional layer of specificity that will allow detailed assessment by the potential commercial partners while providing enhanced network capabilities, coverage, hardening and resiliency to meet public safety's needs.

With respect to the questions and tentative conclusions related to the Public Safety Broadband Licensee, this *Third Further Notice* recognizes the critical role that the PSBL will play in the partnership while clarifying the Commission's expectations as to how the relationship with the D Block licensee should function. Further, the transparency, accountability, and

conflict of interest provisions proposed will help assure public safety community that its needs are being fully represented as well as assuring the commercial D Block licensee(s) that the PSBL is focused and ready to serve as a positive partner with complimentary goals.

I remain committed to providing the public safety community with a clear path forward to achieving a nationwide interoperable broadband network. The public safety community has expressed its desire to have rules adopted by the end of the year, and we owe it to them to do everything within our power to resolve these issues swiftly.

I recognize that the current economic climate may be challenging. I would note that this further notice establishes the rules of the auction but it will be several months before it actually begins. In this notice we do not set forth a date for the auction, in fact, today we ask what the appropriate timing for starting such auction should be.

Moreover, we - - and more importantly public safety and the American people - - cannot afford to wait. In the seven years since 9/11 we have experienced enormously destructive hurricanes and tornadoes and deadly bridge collapses. Fortunately we have not experienced another terrorist attack. Simply put, we cannot afford to wait until we do.

Finally, it remains important to make the valuable natural resource of spectrum available to the marketplace in a timely manner. Having rules adopted promptly will also provide the commercial marketplace with certainty, and allow sufficient time for potential bidders to make plans and secure financing for the auction when it occurs.

I believe we must move forward and take another step closer to reaching the goal of a truly interoperable nationwide public safety network.

I thank my colleagues and the Bureaus for their work on this item, and am looking forward to hearing specific comment on the details we have proposed.

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229

In a better world, Congress would have appropriated funding for construction of a nationwide interoperable public safety network suitable for 21st century challenges – either way back in 1997, as part of its original allocation of 24 megahertz of the 700 MHz band for public safety use; or in early 2006, as part of the DTV Act. In the absence of congressional action, the Commission last summer developed a plan to spark a public/private partnership by allocating an additional 10 megahertz of spectrum for public safety use, known as the “D Block.” We did this to try to create an incentive for the private side of the public/private partnership to invest risk capital to construct the network. We are here today because this important objective of the 700 MHz auction was not met. So here we are, trying again.

While I question certain of the tentative conclusions in today’s Further Notice, I am voting to approve because I believe that the general framework we adopt attempts to move us forward. Putting forth an admittedly imperfect proposal is much better than doing nothing. Yes, this proceeding involves complex legal, administrative and technical issues. Given the stakes, however, I am not willing to engage in a seemingly endless “analysis paralysis.” And, I thank Chairman Martin for his leadership and commitment to completing this important proceeding in the near term.

Since the conclusion of our previous auction, I have continued to meet with a large number of parties and have learned a great deal about the concerns of both potential bidders and public safety entities. We’ve spent a lot of time weighing and balancing the natural tensions between the public and private sides of this partnership. While I am hopeful that today’s proposal will help to address many of those concerns, I am not entirely confident that this Further Notice will produce a consensus solution. First, at this stage, there is no critical mass behind any commercial proposal. Further, the lack of consensus among public safety entities appears to be only getting worse. Perhaps I should not be surprised by these circumstances since there are thousands of public safety jurisdictions in the United States, each with unique personnel, deployment, topography, network, and RF propagation issues. Nonetheless, this lingering discord makes completing our task more difficult.

I remain fully committed to continuing to examine all options that may lead to the construction, and continued operation, of a nationwide interoperable public safety network. I am grateful to the FCC staff – in OET, the Wireless Bureau, and the Public Safety & Homeland Security Bureau – as well as to all of the parties that have participated in this process. Many people put a lot of time and thought into this proposal. I look forward to continuing to work with all of you.

**STATEMENT OF
COMMISSIONER DEBORAH TAYLOR TATE**

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229

Over a year ago – on July 31st, 2007 – the Commission adopted the *700 MHz Second Report and Order*. That item established rules for the most impressive spectrum auction in U.S. history, which made over 1,000 licenses available and raised \$19 billion for the U.S. Treasury, money our government desperately needs these days. The *Second Report and Order* also adopted a public/private partnership between the 700 MHz band commercial licensee in the D block and the Public Safety Broadband Licensee, with the specific goal of “making a nationwide, interoperable broadband network available to state and local public safety users.”¹ While the D block license did not sell, the Commission has been provided the opportunity to reconsider our approach in this critical matter affecting the safety and lives of all citizens.

Today we adopt the *700 MHz Third FNPRM* to better tailor our rules related to the D block and public safety spectrum. I commend Chairman Martin for his efforts to address some of the concerns previously raised. For example, with regard to the public/private partnership, there now is much greater specificity and additional transparency in the rules governing the relationship between the commercial licensee(s) and public safety.

In establishing these and all rules related to the 700 MHz band, the Commission must balance multiple and yet equally compelling public policy goals. First and foremost is the goal of access to a nationwide, interoperable broadband network for the benefit of public safety. In addition, we must promote the deployment of this network as quickly and as efficiently as possible, which means cooperative efforts on the part of the commercial licensee in the D block and its public safety partners. We also must ensure that our rules meet the specific needs of local public safety providers on the ground, such as robustness and survivability, coverage and penetration, spectrum efficiency, and operating and capital costs. The Commission must strike the right balance as it promotes all these worthy goals. This is a grave and serious responsibility.

Thus, over the past six months, I have met with, toured and sought input from public safety service providers in a number of jurisdictions across the country, including New Orleans, New York, San Francisco, and Washington, DC. These communities have invested millions of taxpayer

¹ See Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket 03-264, Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission’s Rules, WT Docket No. 06-169, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, WT Docket No. 96-86, Declaratory Ruling on Reporting Requirement under Commission’s Part 1 Anti-Collusion Rule, WT Docket No. 07-166, *Second Report and Order*, 22 FCC Rcd 1528,15428 (2007) (*700 MHz Second Report and Order*) recon. pending.

dollars and have already embarked on creating interoperable networks, and I thank them for their leadership and willingness to share their real-world experiences. In addition, other local communities have offered valuable input in the record, including Charlotte, NC; Houston, TX; and Montgomery County, MD; and we should be listening to all those who know best.

Of particular importance to me is the issue of facilitating swift deployment of public safety communications capabilities, whether by the D block licensee or by the local public safety entity. I recognize that the D block licensee potentially may not face an interim build out benchmark until 2013; at best, almost five years from now. For that reason, I have argued that there should be clear rules that not only allow but encourage public safety entities to build out their networks in the 700 MHz band in advance of deployment by the D block licensee. The Commission's rules should provide incentives, not disincentives, for early build out. Those public safety entities that already are deploying – whether funded by local, State or Federal tax dollars – should not be penalized for their efforts. I encourage both public safety communications providers, as well as potential bidders for the D block license, to offer specific and constructive comments on this matter.

With regard to the prices that will be paid by public safety entities for services offered by the D block licensee, I encourage commenters to describe in detail the various considerations our rules should address, especially given the unique operating conditions and needs of public safety communications providers and how these vary across regions. These differences include such factors as the need for hardening, in-building penetration in urban areas, extensive geographic coverage in rural areas, topography, weather, and much more. It is difficult to imagine how the Commission may set a one-size-fits-all price cap for communications services that adequately reflects these and many other relevant factors, and I therefore urge commenters to address this question in detail.

As we proceed in establishing rules for this portion of the 700 MHz band, we face an historic opportunity for the Commission, for public safety, and indeed for the citizens of this country. With this as with other issues of this magnitude, we must not make decisions in a vacuum. Given the also historic economic crisis on Wall Street that now threatens Main Street, we must make our decisions with greater prudence, and call upon those involved in the banking and financial markets to share their knowledge and experience – including any difficulties licensees may face regarding access to capital at this time.

My thanks to the best and brightest of the Commission who have worked so hard on this issue over many months, and now years. And to our public safety providers and first responders who, as we consider these issues, go about the work of protecting us 24/7.

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN
CONCURRING IN PART, DISSENTING IN PART**

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229

Our decision today to propose revised rules for the establishment of a mandatory public/private partnership in the 700 MHz band represents a compromise in large part. With this second bite at the apple, we have, in some respects, admirably provided more detail to better inform potential bidders as to the structure and specifications of a nationwide interoperable broadband network. I am pleased we are following the suggestion that I strongly advocated to proceed with a *Further Notice* before going to final rules.

Given the vagaries upon which many of the proposals here are based, it is especially critical that we put this out for comment before finalizing it. Rather than relying on much needed independent technical and financial expertise, we have handed down a host of tentative conclusions that reflect disparate comments from interested parties.

As all of us know, broadband infrastructure and broadband networks are offering unprecedented opportunities for improving and harmonizing the capabilities of our public safety community. Increasingly, law enforcement agencies are demanding real-time, wireless access to mission-critical information on the field – a vital component to improving the responsiveness of first responders. With advancements in wireless technologies and the ability to offer an increasingly wider range of services and at faster speeds, our public safety community is eager to take advantage of the expanded capabilities these technologies bring. From surveillance videos, to the transmission of photos and other critical data, broadband infrastructure and broadband networks offer unprecedented opportunities for improving and harmonizing the capabilities of our public safety community.

Yet in spite of these opportunities, our nation's public safety users remain on outdated systems that have not kept pace with the IP evolution taking place on commercial systems. Indeed, many states continue to operate under a patchwork system of incomplete technology solutions that do not enable first responders to communicate efficiently and effectively nor do they have the capabilities to transmit critical data at any time and place.

In the face of these opportunities and challenges, the Commission is charged with gathering all it can at its disposal to realize an interoperable network for public safety to ensure that we are promoting the "safety of life and property." Given our responsibilities in this regard, it was my hope this time around to generate a set of rules that provided real incentives and laid the groundwork for building the most advanced and interoperable nationwide network possible through a careful balance of flexibility and conditions that were laid out clearly and explicitly upfront.

Instead, while I believe we have taken a measured step forward by putting out this Third Further Notice, I remain concerned that our proposed rules are not buttressed by sound outside

expert advice on the myriad of highly complex technical and cost issues presented. Though I am pleased we put out detailed plans, I simply do not agree with all of them. In the end, I fear we have crafted a set of blueprints on the basis of a few interested contractors, without having solicited the expertise of architects and engineers.

Admittedly, attempting to resurrect a public/private partnership out of the ashes of the last auction is fraught with difficulty. I thank the Chairman and all of my colleagues for their good faith effort to meet that challenge. Unfortunately, this attempt falls short. It is not based on a solid economic or technical analysis that gives me sufficient confidence that we have assembled the elements for a successful auction. I am concerned that our efforts here, however well meaning, are yet another a shot in the dark.

For example, the item before us contains no analysis of the cost of building out the alternative approaches, the value of the spectrum, or revenue projections based on the prices we assume here. It would appear that some of the numbers that are suggested are based on educated guesses as opposed to solid evaluations based on independent expert analysis. We would have been better served to have followed Commissioner Copps' suggestion that we retain expert analysts, both technical and financial, which would have helped with such a monumental undertaking.

Without this basis, we have no way to determine, for example, whether such a large upfront minimum bid requirement of \$750 million permits a sustainable business model, or dooms this enterprise to failure from the outset. There is no analysis provided in the item to explain this number. We are offering for sale a valuable asset, but not one of unlimited value. And we are expecting major investments to be made by private enterprise to meet the needs of public safety. Despite these hurdles, we have not undertaken to assess whether the costs we are asking the private sector to bear have any relationship to the returns it can expect. I would have preferred to see much of the amount that will go to the minimum bid to go to building out the network rather than paying for the spectrum.

Particularly in light of the unprecedented credit crunch facing our nation's economy, it is irresponsible for an expert agency to pull numbers out of thin air that generate revenue for the Treasury but deprive the private sector of the means to accomplish our ultimate goal of a viable public safety network. Our first priority should be helping our first responders, not raising money. Some might say that such an astounding sum is necessary to ensure bidders are serious. We have done no analysis to see whether \$750 million or \$100 million or any other number would have been sufficient. If we had opted for \$100 million, to pick an example, the bidder could have put \$650 million more into the network for public safety. While I appreciate that the majority has agreed to seek comment on a lower amount, I cannot put my vote behind such a high figure arrived at so arbitrarily.

Similarly, I cannot support the tentative conclusion regarding the tiered final benchmark for performance requirements. The proposal is taken out of whole cloth from the suggestion of one interested party, with no independent analysis on our part. We are consigning Rural America to second class status based on the preferences of one commercial company that presumably wants to bid and minimize its costs to maximize its profits. While that is perfectly rational behavior for a private company, it is an abdication of its duty for a Federal agency to

adopt one company's agenda, no questions asked, when the public safety of Rural America is at stake. Knowing the benefits of public safety communications for Rural America, I would have preferred that we mandate rural areas get built out at the same pace as urban areas.

I am also concerned about the default penalty requirement that is triggered if the D block licensee chooses not to comply with an adjudication decision by the Commission or otherwise refuses to execute a Commission approved Network Sharing Agreement. That could prove yet another real disincentive to bidders. I would have preferred that we looked equally at the suggestion of some in the record that the Commission either eliminate the default payment entirely or consider basing the default payment liability on a standard of "bad faith." We also could have provided sufficient assurances through alternative means so that such a penalty might be reduced or removed.

I do want to thank the Chairman and my colleagues for agreeing to solicit additional comment on several issues I raised. These include the use of bidding credits for stimulating participation in the auction, ways in which we might rely on satellite capability to provide licensees with additional flexibility for meeting coverage requirements, and consideration of how we might incorporate non-traditional technologies into our rules.

While I appreciate that my colleagues have agreed to increase the comment and reply pleading cycle period by 16 and 3 days respectively, I would have preferred that we give commenters 45 days and 15 days for replies. If we were confident we had hit the mark with this proposal, a shorter comment period could have been warranted in the interest of speeding this along. I remain troubled that this comment period is inadequate, particularly in light of our less than cogent proposals. We should have taken pains not to give the appearance that we are going through the motions, rather than doing everything we can to get it right.

I must extend my thanks to the staff of our Wireless and Public Safety Bureaus as well as to our Office of Engineering and Technology who worked tirelessly to bring forward these proposals with the resources available to them.

Ultimately, I can only concur in part and dissent in part in this decision. In short, I do not believe we have adequately developed a foundation upon which to assess the viability of these proposals in the real world, especially under the current stress in the financial markets. It is hard to have confidence that this plan will succeed, since we did not do the analysis to see if the cost-benefits are met for any private sector partner. These barriers to a successful auction, in conjunction with a less than meaningful comment cycle, cause me considerable pause.

Because we took this interim step of issuing a *Further Notice*, it is not too late. We can still get the expert input and conduct the analysis we need. I appreciate the many helpful suggestions made in this process by public safety agencies. We need more of your input, now more than ever, to help us achieve a consensus that will work for you in the field.

Although, I cannot support today's item in full, I remain hopeful that, after a lot of hard work and further refinement, I will be able to support the final *Order* that emerges from it.

**CONCURRING STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229

The measure of success for this auction is quite simple: whether it results in a public safety network that meets the needs of our nation's first responders. How we actually get from here to there is, of course, far more complicated, and I will turn to that in a moment. But I know that all of my colleagues and I agree that the gold standard here is whether we come up with a system that *actually delivers for public safety*.

I limit myself to concurrence in today's item because I have concerns about whether the service rules we propose fully measure up to this high standard. I concur because I think we have a still-inadequate grasp of the precise contours of what it is that we propose to build; how to incent its construction and operation; how to make sure public safety can afford to use whatever is built; and how exactly, or even generally, the safety of the American people will be enhanced. Indeed, some believe the network envisioned in this item may not be substantially more robust than existing commercial networks—and for which public safety users may be asked to pay a significant fee (\$48.50 per user, per month) that many of them may be unable to afford. A network that is too expensive for first responders to use is little better than no network at all. “Let them eat cake” is simply not an acceptable answer when it comes to the public safety heroes who put their lives on the line every day to keep us safe. The system we build must *attract* users rather than shut out already cash-strapped public safety entities.

I am concerned that our item does not precisely specify what services and rights public safety users get in return for their per user, per month fee. This should be viewed as a core question, both in terms of serving public safety's needs and in making the public-private partnership financially viable. Does it allow a user to stream high-quality video? How often and how high-quality? Does it allow them to use VoIP applications (which some commercial wireless providers today do not allow)? How often and at what quality of service? Is a single police officer with a mobile device on his or her hip and a laptop computer in the police car one user or two for the purposes of the \$48.50 fee? I am also concerned that technical questions regarding speed, building penetration, and the functionalities of the network for public safety users are not precisely defined. And I am concerned that the FCC does not know how these factors and the degree of “hardening” we require compares to the standards of existing commercial—let alone public safety—networks. Ambiguities like these are essential to address up-front. If we leave them to later, uncertainties can only discourage potential bidders from participating. We've been down that uncertain road before with regard to the D Block. Once was enough.

Nor am I sure that today's item adequately deals with the question of how extensive—in terms of covering the maximum number of states—a public-private network must be in order for us to accept it as an appropriate use of public safety's spectrum. To begin with, our rules depart from the assumption in the previous auction that the network will necessarily be a 100% nationwide network. In fact, the rules we propose today specify that even if bidders appear for

as few as 11 of the country's 58 geographic regions, we will go ahead and build a network in those limited areas without any firm plan for how to create coverage in the rest of the country. So if a few big states and metro regions get "sold," all the rest of this spectrum could lie fallow.

On the other hand, we also have to deal with the reality that, in light of the failure to attract a single nation-wide bidder in the last auction, the best way to serve public safety users may be through a number of regional networks that use a common technological standard. Indeed, it is possible that regional carriers may in some areas be the best partners for public safety—with better coverage and the ability to tailor their networks to local needs. So I am also concerned that our rules allow the possibility that one company could win a single national license for a relatively low bid, even if other companies were willing to pay far more, in the aggregate, for regional licenses. That is because our proposed rules specify that we will always go with a national licensee over regional licensees if even *one* of the 58 regions (no matter how small) fails to receive a bid. This could tilt the balance too far in the other direction. While I recognize this is certainly one of the most difficult questions before us, I am not sure we've arrived at an acceptable solution.

Then there is the daunting matter of incentives for getting this network built by a commercial bidder or bidders. Building a viable model that would attract bidders and builders was always going to be a challenge, we knew that. And we failed on this score our first time out. But, many months later, we still don't have a clue about what it will take to attract the ten, fifteen or twenty billion dollars to actually deploy a public safety network. The wreck and ruin left in the wake of last week's financial melt-down only make matters worse—perhaps infinitely so. Finding money in the hallowed canyons of Wall Street or anywhere else to get this network built makes Indiana Jones' searchings look like child's play. Lack of certainty on top of lack of funding will not a public safety network make. Before we set an auction process into motion—before we even design the incentives necessary—the FCC simply must get a firm fix on what the rough costs of the public safety network are going to be. We need to know that this investment is something bidders can actually expect to recoup under the rules we establish—or else we won't get any bidders this time around either. I would just as soon take my chances passing a tin cup on Wall Street as put my faith in plunging financial markets finding a way to pony up billions for a network whose design and business case the FCC doesn't fully understand and has not, to my mind, sufficiently investigated.

Uncertainties abound. We don't know, for example, the trade-offs that would come from changing the monthly fee cap to, say, \$20 per user per month, or from adjusting the balance between regional and national bidding. We don't know how the business case would change if we said that public safety users can stream video at 200 kilobits per second for only 4 hours a day—or not at all. We don't know what would happen if we said that that police officer with a mobile device and a vehicle-based radio should count as one user rather than two. Without such granular knowledge, we are flying blind. I know we are asking questions about such things in this Further Notice, and that's good, but at this stage we should have more answers than questions. If this is really going to be the last chance for comment before final auction rules are promulgated, today's proposal should rest on a more solid foundation than it does.

Making this particular public-private partnership work is a task that goes far beyond the demands of a typical spectrum auction. I have called on many occasions for the FCC to develop

these capabilities in-house or to reach a consulting relationship with outside experts whose insights could have and should have informed the item before us. Even at this late juncture, I think it would be prudent for the FCC to engage some sort of outside consultant to assess the cost of the network specifications we propose today and the business case (or lack of a business case) for the public-private partnership described in the item. At least their insights could inform the final rules. But it does not appear this is going to happen.

Let me be clear—my purpose here is not delay. While I believe the past several months could have been used more productively, I applaud the desire of Chairman Martin to put public safety front-and-center here at the Commission. That was a long time coming at the FCC, but he is the one who did it. And I appreciate the work done by all kinds of interested parties, particularly the leading public safety organizations who have worked to move the process forward. I totally share their sense of urgency, for it has been over seven years since 9/11 and three since Hurricane Katrina, and the American people are still without a public safety wireless network capable of enhancing their safety. This *is* urgent business.

But I also believe that the only goal more pressing than doing this quickly is doing it right. I recognize, of course, that the line between moving fast and moving too fast is difficult to draw—and reasonable minds can certainly disagree about where to draw it. For my money, however, today's item falls on the wrong side of that line. And the stakes couldn't be higher: if we fall into the trap of committing public safety's 700 MHz spectrum to a public-private partnership that does not serve the needs of public safety, it's hard to envision a do-over or another bite at the apple. We will have squandered maybe our last best hope for getting it right for public safety.

The good news is that today's item gives commenters a proposal to consider that is specific in many respects. I appreciate the willingness of Chairman Martin and the Offices and Bureaus who worked on this item to create a set of proposals that tees up many of the appropriate details. I also am grateful for the willingness of my colleagues to offer proposed rules for comment. A decision with such profound implications for national security certainly demands the highest level of care and examination, especially given that our previous effort to create a public-private network was unsuccessful. I am pleased that commenters on the item will now have longer than the 14 days for initial input and 7 days for reply comments we suggested last spring. An issue so important and complicated as this one certainly warrants at least the 30 days for comment and 10 days for replies that we establish today—indeed, I would have preferred a somewhat longer period, given the many questions that remain unanswered.

The days immediately ahead are evidently going to be our only remaining opportunity to fill the many gaps I have cited. This is our last chance to insert real-world expertise and judgment into the proceeding. We need as many experts and organizations and stakeholders to step up to the plate and give us their help as we can find. I am asking, I am pleading, for this level of participation. And I am especially eager to see the reaction to our proposal from public safety users, our expert national organizations as well as the states and local jurisdictions that must decide whether to pay to use any network that is built. It is time for you to tell us what you really think—up or down, yes or no, move forward or go back to the drawing board. As I have said before, much as it would pain me to go back to the drawing board yet again, that outcome is preferable to committing ourselves to a flawed result. But if stakeholders and interested parties

really chime in over the next 40 days with their best and brightest thinking, we may just be able to get this right and move toward final auction rules in a timely fashion.

Thanks to each of my colleagues for their ongoing attention to this important matter, thanks again to the Chairman for keeping public safety front-and-center, and my deep, deep gratitude also for the hard and dedicated work of Chief Poarch, Jim Schlichting, Julie Knapp and their capable and committed FCC teams.