

MINUTES

INDEPENDENT PANEL REVIEWING THE IMPACT OF HURRICANE KATRINA ON COMMUNICATIONS NETWORKS

DATE OF MEETING: Friday, June 9, 2006 (Fifth and Final Meeting)

LOCATION: Commission Meeting Room (TW-C305), Federal Communications Commission, 445 12th Street, SW, Washington, DC.

PANEL MEMBERS PRESENT: Nancy Victory (Chair), Carson Agnew, Michael Anderson, Greg Bicket, Lt. Col. Joseph Booth, Captain Timothy Cannon, Steve Davis, Robert G. Dawson, Fire Chief Stephen A. Dean, Steve Delahousey, Dave Flessas, Martin D. Hadfield (via telephone), Jim O. Jacot, Tony Kent, Kelly Kirwan, Jonathan D. Linkous, Eduardo Pena, Billy Pitts, Marion Scott (via telephone), Sheriff Ted Sexton, Chief Edwin D. Smith, William L. Smith and Captain Patrick Yoes.

Robert G. (Gil) Bailey, Sheriff Kevin Beary, Adora Obi Nweze, Major Michael Sauter and Kay Sears were absent from the meeting. Captain Cannon attended the meeting on behalf of the Orange County, Florida Sheriff's Office in lieu of Sheriff Beary.

Mr. Bailey designated his voting proxy to Mr. Delahousey. Major Sauter designated his voting proxy to Captain Yoes. Ms. Nweze designated her voting proxy to Ms. Victory. Ms. Sears submitted an email concurring with the Report.

FCC PERSONNEL PRESENT: Chairman Kevin J. Martin, Emily Wilford, Deputy Chief of Staff, Lisa Fowlkes, Designated Federal Officer and Jean Ann Collins, Alternate Federal Designated Officer. Staff from the FCC's Office of Homeland Security also attended the meeting.

MEMBERS OF THE PUBLIC PRESENT: There were an estimated total of 30 members of the public present at the meeting. No member of the public addressed the Panel.

DOCUMENTS DISTRIBUTED TO PANELISTS AT MEETING: (1) Agenda; (2) June 7, 2006 Draft Report; (3) BellSouth Proposed Amendment; (4) Sprint-Nextel Proposed Amendment; and (5) SouthernLINC Wireless Proposed Amendment.

PURPOSE: The purpose of the meeting was to discuss and vote on a Final Report to be submitted to the Commission by June 15, 2006.

CALL OF MEETING TO ORDER AND WELCOMING REMARKS

Nancy Victory called the meeting to order at 10:00 a.m. She welcomed the panel members and gave a brief overview of the Panel's mission and the process it followed over the past five months. She then proceeded to commence discussion of the draft report. Before turning to the report, she invited Steve Delahousey to comment on recent news regarding the National Weather Service's ("NWS") test of a new system designed to relay emergency messages for non-NWS sources. Mr. Delahousey provided a brief overview of this new system.

PRESENTATION AND DISCUSSION OF DRAFT REPORT OF THE INDEPENDENT PANEL REVIEWING THE IMPACT OF HURRICANE KATRINA ON COMMUNICATIONS NETWORKS

Executive Summary, Introduction and Observation Sections

Ms. Victory provided a presentation of the June 7, 2006 draft of the report. She discussed the changes that were made to the draft since the May 12, 2006 meeting, noting, among other things, a new executive summary, a new introduction section and changes made to the observation section of the draft. Specifically, she noted the inclusion of additional details about the devastation caused by the hurricane and additional details provided by panel members. She also noted the addition of a section addressing amateur radio as well as a section addressing inconsistent emergency information to the public.

Billy Pitts praised the addition of references to the Digital Emergency Alert System demonstration provided by the Association of Public Television Stations (“APTS”) at the April 18, 2006 meeting. Ms. Victory stated that APTS provided a wonderful demonstration that they wanted to make sure was referenced and noted as a different type of notification technology in the draft.

Ms. Victory asked whether there were any other comments on the observation section and whether people were comfortable with the section. No objections or concerns were raised about that section.

Recommendations Section

Ms. Victory described the changes to the recommendation section, noting the addition of a cache of replacement equipment to the Readiness Checklist proposal which is a part of the pre-positioning recommendation. She also noted that the collection of outage information recommendation had been revised to specify that the FCC should serve as the single point of contact for such collection.

With respect to the recovery coordination recommendations, Ms. Victory noted that the draft included more details regarding the credentialing process and that the coordinating body recommendation included, as a new task, the facilitation of the ability of commercial communications providers to get on priority power restoration lists. Ms. Victory also stated that the coordinating body recommendation had been revised to indicate support for the formation of an industry-only coordinating group.

Ms. Victory next discussed the revisions to the emergency communications recommendations including the addition of a new recommendation to allow state or local E911 commissions or emergency communications districts to be able to apply for 911 grants and a recommendation regarding better coordination of public emergency information.

Ms. Victory asked whether there were any concerns with the changes or about the recommendations in general. Mr. Pitts asked about the use of the word “achievable” on page 21, 2A in the June 7th draft. Ms. Victory stated that they added this term because it is a term of art used when discussing communications equipment used to assist persons with disabilities. Mr. Pitts expressed no further concern about the use of the term and no other Panel member raised any concern about the recommendations section.

DISCUSSION OF PROPOSED AMENDMENTS TO DRAFT REPORT

Ms. Victory next turned to discussion of three amendments to the draft report that were proposed by various Panel members.

BellSouth Proposed Amendment - William Smith

William Smith proposed language to the Pre-position for FCC Regulatory Requirements section that would recommend that the FCC “consider other areas where permanent waivers could reduce the costs associated with providing enhanced resiliency. For example, E911 Tandem Diversity might be improved in a cost effective manner if hardware and software expenditures could be reduced.” Mr. Smith explained that granting a permanent waiver to allow companies such as Bell South to use tandems and other LATAs as back-up to E911 service would provide needed redundancy in the network and dramatically reduce costs.

Both Steve Davis and Marion Scott raised concerns about the use of a “permanent waiver” to accomplish this, arguing that such an approach would actually constitute a rule change and require a rulemaking. Mr. Davis questioned why a “permanent waiver” was necessary since the need for this redundancy would only occur during an emergency. Mr. Smith argued that the permanent waiver would be necessary so that companies could test this equipment before an emergency occurred in order to make sure that it was working properly. Jim Jacot expressed similar views.

After further discussion, Ms. Victory suggested that rather than amend the Pre-Positioning recommendation, that the Panel consider a change to the E911 language on page 39 of the June 7th draft that would add language that would read: “This requires the FCC to eliminate any regulatory prohibition against the transport of 911 across LATA boundaries. The Panel recommends that the FCC expeditiously initiate such a rule making. This rulemaking should also consider permitting a back-up E911 tandem for across a LATA boundary.” Mr. Smith agreed to this change.

Sprint-Nextel Proposed Amendment - Dave Flessas

Dave Flessas suggested changes to the language regarding creation of station/regional coordination bodies that would reflect the fact that such organizations already exist and that those organizations should be better utilized in facilitating coordination between public and private industries. Several panelists, including Mr. Davis and Lt. Colonel Joseph Booth expressed support for this proposal. Under the approach, the title of the recommendation would be changed to read: “Utilization of State/Regional Coordination Bodies” and the first sentence would read: “The FCC should work with state and local government and the communications industry (including wireline, wireless, WISPs, satellite, cable and broadcasting) to better utilize coordinating capabilities at regional, state and local EOCs as well as the Joint Field Office (“JFO”). The FCC should encourage, but not require, each state, regional or local EOC and JFO to engage in the following activities.”

SouthernLINC Wireless Proposed Amendment - Bob Dawson

Bob Dawson proposed changes to the draft report’s recommendation that the FCC work with the National Telecommunications and Information Administration (NTIA) and the Department of Homeland Security to establish appropriate criteria for the distribution of \$1 billion in a manner that best promotes interoperability with the 700 MHz band. He explained that the purpose of the language was to allow more interoperability to take place with technology that is already out there.

Several Panel members raised concerns about the proposed language. For example, Mr. Delahousey stated that the proposed language would liberalize the grant standard to open up the grant program for funding virtually any other type of radio systems including 150 MHz and 450 MHz radios. He stated that he thought the Panel had previously reached a consensus that the funding should include 700 MHz and 800 MHz equipment and that this consensus was consistent with the relevant statute. Lt. Colonel Booth stated that a recommendation that the grant funding be expanded to include non-P25 compliant equipment would be inconsistent with the purpose of the funding. Captain Tim Cannon stated that opening up the

funding to other ways to communicate would defeat the purpose of promoting interoperability. Ms. Victory stated that while the statutory language can be interpreted in different ways, one way is that it is limited to equipment that works on 700 MHz or is interoperable directly with 700 MHz.

GREETINGS FROM CHAIRMAN KEVIN J. MARTIN

Chairman Martin expressed his appreciation to the Panel members for their hard work in working through so many complicated issues and trying to come forward on a very short time frame with important recommendations. Ms. Victory responded that it has been an honor to serve on the Panel and thanked Chairman Martin for forming the Panel and considering the Panel members and their opinions.

RETURN TO DISCUSSION OF PROPOSED AMENDMENTS TO DRAFT REPORT

After additional discussion on the proposed language, Ms. Victory asked whether it was the consensus of the group that they should take no action on SouthernLINC Wireless's proposed language and stay with the language that is in the June 7th draft. No Panel members objected.

DISCUSSION OF ADDITIONAL PROPOSED AMENDMENTS

Ms. Victory asked whether there were any other proposed amendments. Mr. Anderson suggested that the Panel recommend that the FCC move expeditiously on a pending matter regarding 3650 frequencies. Ms. Victory expressed concern that the Panel did not have sufficient information to consider that proposal. Mr. Anderson stated that was fine.

VOTING ON THE DRAFT REPORT

Ms. Victory called for a voice vote on the June 7th draft with the amendment proposed and further amended by Mr. Flessas and the language dealing with PSAP resiliency designed to address concerns by BellSouth. There were no objections and the Report, as amended, was adopted.

Ms. Victory called for a voice vote to grant her editorial privileges to make any corrections to the draft. There were no objections to this action and the editorial privileges were granted.

OTHER BUSINESS

Mr. Pitts recognized Ms. Victory's leadership, indulgence and hard work on the Panel. Ms. Victory expressed appreciation to the Panel members, Informal Working Group officers, the Designated Federal Officer, Alternate Designated Federal Officer and Ms. Victory's staff for their hard work. She also commended Chairman Martin and the Commissioners for forming this Panel.

ADJOURNMENT

The meeting was adjourned at 11:15 a.m.

CERTIFICATION

This is to certify to the accuracy of these minutes of the June 9, 2006 Meeting of the FCC's Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks ("Hurricane Katrina Panel").¹



Nancy J. Victory

Chair

Independent Panel Reviewing the
Impact of Hurricane Katrina on
Communications Networks (defunct)

¹ The Charter for the Hurricane Katrina Panel expired on June 15, 2006. Thus the Panel is now defunct.