

Remarks of Jamie Barnett
Chief of the Public Safety & Homeland Security Bureau
to the Interoperability Board Workshop, April 23, 2012

Good morning and welcome to you all and thanks for being here. My name is Jamie Barnett and for the last 2 years and 9 months, I have been privileged to serve as Chief of the FCC's Public Safety & Homeland Security Bureau. As many of you know, I will leave that post this coming Friday and return home to the Potomac Institute for Policy Studies. I will leave my duties in the capable hands of David Furth, who will serve as Acting Bureau Chief, and Deputy Bureau Chief Jennifer Manner will continue to support the Interoperability Board.

One of my distinct privileges as Bureau Chief was to help impanel the Interoperability Board, a group of extraordinarily gifted technical experts and to address them just four weeks ago as they embarked on statutorily imposed 60-day dash to develop minimum technical interoperability requirements. My remarks today are also addressed to the Interoperability Board, though it is all right with me if the rest of you listen in.

The statute imposes a simply-stated, but terribly difficult duty on the members of the Interoperability Board: to develop for the new public safety broadband network authority, FirstNet, recommended minimum technical requirements to ensure a nationwide level of interoperability for the nationwide public safety broadband network. This is an exceptional, once-in-a-lifetime opportunity to bake interoperability into a network as a new technology is being launched.

For the last two years and nine months that I can account for, and longer than that, the FCC has focused on the technical requirements for interoperability. I have learned some key principles about interoperability from direct observation that I think you should know.

First, there is no natural law of interoperability. Indeed, it seems that the laws of nature pull away from interoperability. Market forces do not promote interoperability or we wouldn't have the problem. American ingenuity promotes product differentiation.

Second, there are a very few paths by which you can achieve interoperability, but a thousands ways to thwart it.

Third, and probably most important, since it builds on the first two principles: interoperability must be the first priority if it is to be achieved. I have learned that interoperability is high on everyone's list, a Top 5 priority, but it is almost never anyone Number One priority. Whenever something else takes precedence over interoperability, interoperability doesn't just get pushed down a little. It can be obliterated. What can take precedence over interoperability? Control of the network can. Cost of the network can. A desire for flexibility can.

While much of the work that you have done to date is excellent, the question of putting interoperability first is why I have been alarmed at some of your discussions. I have heard that it is clearly the position of at least one of you that your recommendations be non-specific and provide FirstNet with flexibility. Flexibility sounds

good until you remember your statutory duty, what the law imposes on you: you are to develop the minimum technical requirements to ensure nationwide interoperability. Not the best technical requirements, not the ones that you think would be the most effective, only the minimum requirements to ensure nationwide interoperability. Can you allow flexibility below the minimum?

Some suggest that it was the legislative intent that the Interoperability Board should provide FirstNet with flexibility, but there are no reports no legislative history that so indicate this, and such a position contradicts the plain language of Senator Rockefeller's excellent bill and the action of the Congress. The Act went into specific detail about how you were to be constituted, how your Chair and Vice Chair should be elected, how your travel should covered, how long your should deliberate and, specifically, what you are to deliver. It does not mention flexibility in regard to the Interoperability Board once.

You are technically-oriented experts. You know that the more specific you are, the less chance there is for doubt, confusion, miscalculation and even deliberate misinterpretation. Technical requirements must be expressed in technical terms with engineering precision or they are worthless. Platitudes cannot be technical requirements. Renaming interoperability as operability means nothing if jurisdictions cannot communicate.

If you are interested in what the FCC thinks that the minimum should be, we have a memorandum in the docket based on two years of work that you asked us to provide to you. You don't have to accept every part of it or any of it; that is your choice. The FCC cannot and will not impose the information in the memo on you. But know that if FirstNet ends up with interoperability problems, there may be a comparison of your recommendations against that memorandum.

I am very happy that there will be a nationwide public safety broadband network and that billions of dollars will be invested to make it a reality.

But if it turns out that FirstNet is not interoperable nationwide, the Nation will look back at you and ask “Why?” What will be your answer? “We wanted the network to have flexibility?” “We didn’t want to be too specific?” But your duty was interoperability, interoperability first, interoperability only.

I have often thought back to the lives that we lost on 9/11, including the ones that can be attributed to a lack of interoperability. And we have had disasters and calamities since then when the lack of interoperability cost lives, the lives of civilians and the lives of first responders, public safety officers responding to their duty. We cannot do anything for them now, but somewhere right now, a young firefighter, a policewoman, a deputy sheriff are going on duty, suiting up. We can do it for them so that they don’t have to die in the line of duty because we couldn’t get life-saving information to the communications device in their hands.

The Congress has given you a clear duty: minimum technical requirements for

interoperability. I know you have the expertise. I know that you are up to the task. I ask you to do your duty.