

**AS PREPARED FOR DELIVERY**

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**Federal Communications Commission**

**APCO International 78<sup>th</sup> Annual Conference**  
**FCC Regulatory Panel**

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**2:30 pm – 2:45 pm**  
**Minneapolis Convention Center**  
**Minneapolis, MN**

**Good afternoon.**

**I am happy to be here with you. I'm married to a Minnesotan and my wife tells me that Minnesota has three seasons, Winter, Mud and August. Clearly APCO made the right choice of when to come here to Minneapolis!**

**I also know that August is the right time to be here for another reason. A few years back when I was in private law practice, I ran a commercial mobile wireless business for 6 months that was based in Mankato, Minnesota, which served 4 southern Minnesota mostly rural markets. I was appointed to do that by the FCC, and by a federal court at the request of the Antitrust Division of the US Department of Justice. Those markets were required to be held separate and to be**

**run by a Management Trustee, me, until divested to preserve competition as a condition of closing Alltel's acquisition of Midwest Wireless. I remember winter well, when portions of our network and our service went down temporarily due to a severe ice storm, and that was not too many months after tornadoes came through. That winter was one of a number of experiences I had with network outages, resilience and recovery, before coming to my current job.**

**Trust me, it's much nicer to be here in August!**

**On behalf of FCC Chairman Julius Genachowski, the Commission, and the staff of the Public Safety and Homeland Security Bureau, thank you for inviting me. This is a great opportunity to speak and engage with you-- people with an interest and important stake in the**

**work of our Bureau. I also know that APCO will be hearing tomorrow from FCC Commissioner Jessica Rosenworcel, who has significant experience with public safety issues.**

**Today I will mainly be speaking about a few of the Bureau's high priority issues that are particularly active right now, and where we expect significant developments in the next few weeks and months. Our very capable Deputy Bureau Chief, David Furth, who is well known to many of you, will then address other important matters we are working on.**

**First, however, I want to congratulate APCO's incoming President, Terry Hall. He is a knowledgeable, engaged and committed leader. I'd also like to acknowledge and thank APCO's outgoing President,**

**Greg Riddle, for his hard work and dedication. I would be remiss if I did not mention a few others on the APCO team, Derek Poarch, one of my predecessors as Chief of the Public Safety and Homeland Security Bureau, Bob Gurss, APCO's regulatory counsel, and Jeff Cohen, who is also a former member of the Bureau's leadership team.**

**Now I want to turn to one of the issues that Terry and I discussed when he came to the FCC, and APCO filed comments about on Friday. That is the serious impact on 911 emergency services of the recent derecho storm that blew through the Midwest and Mid-Atlantic area in June, and related issues of the reliability and resiliency of 911 systems.**

**This is one of two issues concerning 911 that are occupying a great deal of our time right now (the other being Next Generation 911, which I will discuss shortly). The Bureau is vigorously pursuing its inquiry into 9-1-1 system outages caused by the June 29th derecho storm in Central, Mid-Atlantic, and the Northeastern United States.**

**In some areas, 911 service was hit especially hard. While in some of those instances, the disruptions were isolated and of relatively short duration, in other areas, more systemic failures occurred. Most notably, in Northern Virginia and West Virginia, as a result of carrier network failures, a significant number of Public Safety Answering Points couldn't receive 911 calls at all, or didn't receive E911 location information to**

**enable proper dispatch. In some PSAPs, 911 service was partially down for several days.**

**Given the severity of the 911 service disruptions, the Bureau began an inquiry immediately after the impact of the derecho dissipated. We have been holding a series of meetings and obtaining information from carriers — 6 so far; from PSAPs— about 25 so far; and from others, and are continuing to gather information. We have spoken multiple times with some of these entities. Our focus is learning all the facts, circumstances and causes of the outages and disruptions in service. We are not only looking at the PSAPs, but also cell sites, interconnection, switches, and other facilities that prevented consumers from using wireless and wired, and broadband communications, to reach**

**emergency providers at a time when consumers most need to do so.**

**We also issued a Public Notice seeking broader input not only on the derecho but on other outages where 911 service has been similarly affected. We will review carefully all of the information that is submitted in response to the Public Notice – and there is still time, until September 4, to submit Reply Comments on the issues that we identified. You can find the Notice containing the questions we asked, and instructions on how to file responses, on the Bureau’s web page. We expect to produce a public report later this year.**

**Our goal is simple— it is to use this information to make people safer. We want to enhance public safety by identifying and applying the lessons learned in order**

**to help make communications more reliable and resilient, and to reduce the chances that 911 outages of this type will be repeated.**

**And here is the bottom line: We should not-- and do not-- find it acceptable for 9-1-1 to be available reliably in the normal circumstances where a range of emergencies take place, but not available reliably when a natural disaster occurs. Our networks need to be just as reliable or resilient when there is an enhanced need for emergency assistance, as when there is not.**

**We welcome the continued input of APCO and its members in this effort. Your vantage point on the front lines of public safety gives you a unique perspective on both the problems we face, and the potential solutions.**

**The second 9-1-1 issue I want to highlight is our Next Generation 911 initiative.**

**The public safety technology landscape has not kept pace with what consumers do everyday. Widely available smart phones today are capable of collecting and sending large amounts and diverse kinds of information that could make us safer and assist first responders— such as text, data, photos and videos.**

**So when we talk about bringing IP-based networks and multi-media enabled operations to the public safety community, as Chairman Genachowski aptly put it - it “can’t be about if, but about when and how.”**

**Indeed, at last year’s APCO conference, the Chairman announced a five-step action plan to further the development and deployment of NG911. The plan**

**includes actions for the FCC to take, and a roadmap for FCC partnerships with state, local, and tribal 9-1-1 authorities, other federal agencies, and the private sector.**

**In the last 12 months, we've made a lot of progress on all five elements of the plan. Congress has also helped the cause by passing the Next Generation 911 Advancement Act of 2012.**

**We'll be talking more about NG911 later in the conference. On Wednesday, Patrick Donovan, our Bureau's NG911 team leader, will give a presentation on our progress to date and upcoming initiatives. And you'll also be hearing from Minnesota's own Senator Amy Klobuchar at the close of the conference. As you well know, Senator Klobuchar is one of the leaders of**

**the Congressional NG911 Caucus and is a trailblazer on NG911 issues.**

**Let me take a moment to talk about one element of our NG911 initiative that we expect to be acting on soon.**

**It's the Commission's NG911 rulemaking proceeding as it pertains to allowing consumers to text-to-911. In our Notice of Proposed Rulemaking last September, we sought comment on near-term and long-term options for developing text-to-911 capability. In response, we received a variety of ideas on how to support text-to-911 and other applications.**

**The record compiled in the proceeding tells us that while only a fully deployed NG911 system – which is still some years away -- will support the full range of**

**multimedia-to-911 communications (text, photos, video, data), it's feasible to quickly and cost-effectively implement an interim version of text-to-911, using Short Message Service, or SMS-to-911. We have seen a series of successful SMS-to-911 trials, in Iowa; Durham, North Carolina; and Vermont. And in the last few months, both Verizon and AT&T have announced plans to deploy SMS-to-911 capability throughout their networks next year. We hope and expect that other carriers may soon follow Verizon's and AT&T's example.**

**Why is this move towards SMS-to-911 important?**

**We know that SMS has certain limitations as a platform for 911: it was not designed for emergency communications, and it cannot match the features of the**

**voice 911 system in terms of providing automatic location information.**

**But, SMS also can offer significant public safety benefits and serve as a first step in the migration to full Next Generation 911. Most notably, SMS-to-911 can take advantage of SMS's widespread consumer availability and ease of use. Equally important, it can provide enhanced accessibility to 911 for over 40 million Americans people with hearing or speech disabilities. It also provides an alternative means of communication when 911 voice service is impaired or voice calling could endanger the caller, such as in a Virginia Tech situation.**

**Given these benefits, we are now preparing an item for consideration on the Commission's agenda that will**

**propose a regulatory framework and timetable for deployment of text-to-911 by all wireless carriers.**

**We recognize that implementing text-to-911 as an interim step poses challenges for carriers and PSAPs alike. Our goal is to provide both carriers and PSAPs with flexibility about how to handle text messages, including options that do not require spending scarce resources on system upgrades. At the same time, we want to provide a clear path and incentives for migration to full Next Generation text-to-911 capability when stakeholders are ready.**

**We also intend to place a great deal of focus on educating consumers about both the benefits and limitations of text-to-911. Communicating by text may take more time and provide more limited information to**

**the call taker then a voice 911 call. So as text-to-911 is deployed, it will be important to educate the public that while text is an alternative to voice, it is not a substitute, and text may best be used in circumstances where voice communication is not possible or could endanger the caller.**

**As we move forward with this proceeding, we welcome APCO's input to meet these transitional challenges.**

**I also want to touch on another topic-- public safety wireless spectrum — and note two particular areas that are engaging the Bureau. First-- the issues relating to the Public Safety Spectrum Act which became law in February, 2012, including facilitating the establishment by FirstNet of a nationwide 700 MHz public safety**

**broadband network which I will discuss; and second--  
the issues relating to the upcoming January 1, 2013  
narrowbanding deadline for VHF and UHF spectrum  
which David will discuss in his presentation.**

**As to the creation of a nationwide 700 MHz public  
safety broadband network, I hardly need to tell all of  
you how important this new law is, since APCO and its  
members were a driving force in its development and  
passage. As a result of this groundbreaking legislation,  
we're on the threshold of a once-in-a-lifetime  
opportunity to bring state-of-the art broadband  
technology to public safety, and make that technology  
fully interoperable nationwide.**

**The Commission and the Bureau are committed to implementing the Act and taking on the specific challenges assigned to us.**

**First, as the Act required, within 30 days of its passage the FCC established the Technical Advisory Board for First Responder Interoperability to develop recommended minimum interoperability requirements for the nationwide network. The Board then met intensively and prepared a report detailing those recommendations, thus complying with the Act's requirement that it do so within 90 days of passage. In June, the FCC approved and transmitted the recommendations to FirstNet, within 120 days of passage of the Act as required.**

**I am pleased that the Commission met those aggressive deadlines, and I'm also very impressed by the efforts of the Board that produced this important report. The members worked tirelessly for 60 days to sift through the many complex technical issues and provide a solid technical foundation for FirstNet to begin its work.**

**Second, in its recent July 31 Order, the Commission advanced the important transition process pursuant to the Public Safety Spectrum Act by developing a clear path forward via Special Temporary Authority – or STA -- in limited circumstances for state and local jurisdictions seeking early deployment. An STA may be granted where an applicant can demonstrate extraordinary need, and the Bureau will**

**evaluate that need under specific criteria, including: whether there was substantial deployment of its network, particularly prior to the passage of the Act; whether its service can be delivered in a timely manner, including whether there is funding support; whether there is a specific public safety need for the system; whether the system can adhere to minimum technical interoperability requirements, and lastly, where systems are smaller than statewide, whether they have the support of the state government. There may be very few applications that can satisfy these criteria, and the Bureau is committed to acting on STA requests in 30 days or less.**

**The July 31 Order won't permit projects to proceed that may harm the Act's goals or could**

**jeopardize FirstNet’s mandate to deploy a nationwide interoperable public safety broadband network. In light of the changes from the Public Safety Spectrum Act, the Order ends existing waivers effective September 2, and dismisses all pending waiver requests. We believe that this approach charts a transition that harmonizes the prior state and local waiver deployments, and the nationwide network envisioned by the Act. In reaching this result, we greatly appreciate the input that APCO and its members have provided to help craft a solution that is consistent with the statute and serves public safety.**

**We are also working on other transition steps called for by the Public Safety Spectrum Act. In particular, we are preparing to reallocate the 700 MHz**

**D Block spectrum for public safety services, and to grant a license to FirstNet for the combined 22 megahertz of public safety spectrum now dedicated to broadband use. We also will initiate a proceeding in the coming months to update our technical and service rules for the 700 MHz band to ensure that all licensees in that band can operate compatibly and without interference.**

**The Act also assigns the FCC a role with respect to any efforts by states to “opt out.” At a future time, states may elect to opt out and do certain network deployment on their own, provided they satisfy various requirements. States that seek to opt-out must submit their alternative deployment plans to the FCC for approval.**

**Because the opt-out process is still some time off, it's unlikely that the Commission will propose specific rules and procedures for this process before sometime next year. However, considering the complexity of the opt-out mechanism, we're already beginning to examine the FCC's role in the process, and we're committed to keeping the lines of communication open as our efforts progress.**

**Changing gears, I want to note quickly the importance of cybersecurity and mobile security concerns. There are real and growing threats to consumers. These issues must be taken seriously and while I won't go into the details now, at the FCC we've been working with a wide range of stakeholders on a voluntary basis to combat these threats. In the mobile**

**area, consumers can take some relatively simple steps to improve security, such as employing a password to access your phone, learning how to lock and wipe your phone or mobile device remotely through widely available security apps if lost or stolen, and downloading apps only from credible sources.**

**Thanks to APCO and its members for all that you do to advance the cause of public safety. We look forward to working with you.**

**Now, David Furth will address some additional issues that we are working on.**