

UNITED STATE OF AMERICA

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FEDERAL COMMUNICATIONS COMMISSION

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PUBLIC SAFETY NATIONAL COORDINATING COMMITTEE

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INTEROPERABILITY SUBCOMMITTEE

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THURSDAY

FEBRUARY 20, 2003

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The Subcommittee was called to order at 9:11 a.m. in Conference Room 7-B516 of the Federal Communications Commission, 445 12th Street, Southwest, Washington, D.C., John Powell, Chairman, presiding.

PRESENT:

JOHN POWELL	Subcommittee Chairman
DAVE BUCHANON	Member
STEVE DEVINE	Member
DON ROOT	Member
MICHAEL WILHELM	Designated Federal Official

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1 P-R-O-C-E-E-D-I-N-G-S

2 (9:11 a.m.)

3 MR. WILHELM: Just a couple of things. I
4 want to thank all of you for coming through this bad
5 weather and a slice of Washington, and John, if you
6 are ready.

7 CHAIRMAN POWELL: Yes. There are a number
8 of documents over on the side, and we did not plan on
9 there being quite this many people here this morning.

10 Hopefully there is enough to go around. And Joy
11 indicated that she would make some additional copies
12 if they were needed.

13 What should be over there that will be of
14 importance to the meeting this morning is, first, the
15 agenda, and the minutes from the New York meeting.
16 Then there are two letters from Kathleen Wallman to
17 Chairman Michael Powell, both dated December 19th.

18 You can tell that two of them -- well, the
19 bottom of the first page is loaded with footnotes, and
20 the other has no footnotes. If you could all pull
21 your agendas out and take a quick look at that, and if
22 there is any additions --

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1 MR. BUCHANON: There is a correction.

2 CHAIRMAN POWELL: Well, yes, we have a
3 correction.

4 MR. WILHELM: To number four.

5 CHAIRMAN POWELL: Number 4 should be
6 minutes from New York. The document number is right,
7 but the city isn't.

8 And also those of you who have access to
9 the server, this information has been e-mailed, and so
10 you will have a electronic copy of it also. There are
11 some other documents that we left up there, and it
12 looks like most of that stack is gone that we will
13 talk about under new business.

14 That is this one right here, which is why
15 can't we talk, which is the new NPSTC document that
16 was released here in Washington a couple of weeks ago.

17 And we will discuss that briefly. Any initial items
18 for the agenda? Do I have a motion to accept the
19 agenda then?

20 MR. BUCHANON: So moved.

21 MR. DEVINE: I will second.

22 CHAIRMAN POWELL: As always there is a

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1 membership roster available if you are interested in
2 joining one of the working groups, and if you take a
3 quick look at the meeting minutes from New York City,
4 document number 105, and we will address any
5 corrections or additions that need to be made to that
6 document.

7 I will entertain a motion for approval if
8 there are no changes.

9 MR. ROOT: So moved.

10 MR. DEVINE: I second.

11 CHAIRMAN POWELL: Document update, which
12 is Revision R, was also e-mailed out and you should be
13 able to pull that in. This morning, Bob Schlieman was
14 not able to join us, and I have asked Don Root from
15 California OES to step in and be our reporting
16 secretary.

17 And he has graciously accepted and is
18 sitting at the end of the table. He is also going to
19 be an active participant in the SIEC discussion when
20 we get to that. Do you have any update from PSWN on
21 our personal requirements, and issue any changes?

22 Again, please identify yourself when you

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1 are speaking.

2 MR. PICKERAL: David Pickeral, health and
3 program support. As far as my understanding, we had
4 some discussion with Kyle Sinclair, who has not left
5 the Federal Government, but merely has gone from PSWN
6 to TSA.

7 And Kyle has indicated, and I can't speak
8 for him directly, but he has indicated that he
9 essentially is going to continue in that capacity.
10 Obviously he is not here today, because it wasn't
11 really a PSWN specific position. It was just a member
12 of the government.

13 So Kyle -- and at some point we can reach
14 out, and if anyone needs contact information for Kyle
15 to talk to him, I have it, and I can give it to you.
16 But that is the general sense that we have, is that he
17 is going to continue in that case.

18 CHAIRMAN POWELL: So we won't have any
19 update to that operational requirement document?

20 MR. PICKERAL: We have not talked to him
21 on that issue, but he is still around.

22 CHAIRMAN POWELL: Okay. Steve.

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1 MR. DEVINE: I would like to bring to your
2 attention that the two letters that John mentioned,
3 one dated December 19th, from Kathy Wallman to the
4 Chair, addressed some of the interoperability issues
5 that have been brought up in previous meetings
6 regarding wide band media channel, and the dedication
7 of some of those channels and limits to aggregation,
8 and the PTCF first cone (phonetic) 156.7 for all-band
9 interoperability.

10 And one of the issues that was addressed
11 that was put forth and has been sent back to the
12 steering committee is the expansion of the State
13 interoperability executive committee.

14 I guess one of the things is that they are
15 looking for some clarification; is that fair to say,
16 Michael? That issue requires some additional input
17 for the Commission?

18 CHAIRMAN POWELL: Yes. My understanding
19 is that they were looking for some specific language,
20 for example, for identifying the interoperability
21 channels and for recommendations in that area.

22 MR. WILHELM: No, they are really looking

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1 more for a justification of why the SIED should
2 undertake this role, and how this is a work in
3 progress. The channel designation issue is something
4 else, and is something that I would like to talk about
5 today when we reach that.

6 CHAIRMAN POWELL: We will kind of roll all
7 of that into one.

8 MR. WILHELM: Well, then let me address
9 both. We drafted a letter that incorporated the list
10 of channel designations, and after reviewing the
11 draft, Kathy and I spoke about it, and it seemed that
12 there are some questions that were not addressed
13 either in that letter or in the discussions about the
14 use of this list.

15 One of the questions is why it should be
16 codified, and why the list should appear in the FCC
17 rules. The reason that this is of concern is two-
18 fold. The first is the question of how the commission
19 would enforce such a rule, and what the penalty would
20 be for a violation.

21 And those of us who deal with the rules
22 see that as a problem because there is really no point

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1 in putting a toothless rule in the Code of Federal
2 Regulations. It just does not serve any purpose and
3 just generates additional paperwork.

4 The second reason we question whether it
5 should be codified is the difficulty in changing a
6 rule. If you change one of those designations on the
7 list, and if you add a frequency and you delete a
8 frequency, that change can only be reflected in the
9 rules by the FCC undergoing a formal ruling, which
10 means drafting those rule makings, and having it
11 reviewed at the bureau level.

12 And it goes up to the Commission, and the
13 Commission has to consider to put it out for notice,
14 and comments come in, and we have to draft an order.
15 By that time several of us will have retired.

16 So the amendment process is very
17 difficult. Kathy also questioned why the list might
18 not better be maintained by one of the organizations,
19 such as NPSTC, or whether it be maintained and
20 administered by the regional planning committees
21 rather than the Commission.

22 In looking over the list, I think one of

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1 the immediate questions was how people are going to
2 memorize these channel designations. How an officer,
3 for example, in a tactical situation, when instructed
4 to tune to 7TAC43D, is going to know how to operate
5 his radio to reach that particular frequency.

6 And even if he is instructed or she is
7 instructed to tune to that frequency, there seems to
8 be a great opportunity for error in a noisy
9 communications channel, in which a T could be confused
10 with a B, a C with a B, and so forth, and just leave
11 the operator with the need to ask for clarification.

12 Or if we use phonetics, and it turns out
13 to be Or, Tango, Alpha, Charlie, 32 Delta, that takes
14 us an awful lot of air time, and the incident might be
15 over by the time that people straighten things out.

16 So those are the questions that we had and
17 we have deferred sending that letter until we can give
18 the subcommittee some opportunity to address those
19 questions. And preferably in writing, or
20 formally in the transcript of this proceeding.

21 CHAIRMAN POWELL: Okay. Before we go to
22 comments from the floor, Glen had one more comment, as

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1 will several other people.

2 MR. NASH: Glen Nash with the State of
3 California. Michael, I guess one question or one
4 comment that I would have to make relative to the
5 comments that you have just made, you know, is there a
6 way within the rules that the Commission can say that
7 the designations shall be established by some other
8 group, then they have an easier process to maintain
9 them.

10 But nonetheless the rules require users to
11 actually follow those guidelines. And the problem is,
12 you know, that if it is not set in the rules, and it
13 becomes sort of, if you will, a voluntary standard,
14 voluntary is exactly that.

15 And you open the door for somebody to
16 decide, well, I believe that the -- and as you have
17 said, that the designation is too complicated for my
18 people to deal with. So I am going to invent my own.

19 And the guy in the next community says
20 that they are too complicated, and I am going to
21 invent my own, and they are different than what my
22 neighbor is, because he and I don't get along. So we

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1 can't do things the same way, and that is exactly the
2 problem that we are trying to solve here.

3 So we do need a way for common
4 designations at least region-wide, if not nationwide,
5 so that people coming in from foreign areas are able
6 to participate in the event, and communicate, and
7 everybody knows what is going on.

8 So that is why we have been looking for it
9 to be in the rules, is that it becomes mandatory then
10 and not voluntary, and so I think that we are open to
11 finding a middle ground if there is a way that we can
12 do that.

13 MR. WILHELM: Well, first of all, let me
14 say that I appreciate the problem. John pointed it
15 out months ago when we first started talking about
16 this, and giving an example of somebody coming up to
17 an incident in California and being told to switch to
18 TAC3, which is a different frequency than the incident
19 commander's TAC3.

20 it is a real problem and there needs to be
21 an answer. Unfortunately, the FCC by law cannot enact
22 a rule that says that a licensee, for example, shall

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1 conform to the list maintained by X-organization.

2 The reason for this is the Administrative
3 Procedures Act, and every time there is a substantive
4 change of an FCC rule, we have to go through a rule
5 making. So if we incorporate something by reference
6 as we have done, for example, with the Project 25
7 standard, and if we were to incorporate the channel by
8 reference, it would be frozen in time.

9 It would be the list as it existed at the
10 time that the rule became effective, and in order to
11 make any changes in that rule, we would have to go
12 through the rule making process. It is awkward, and I
13 wish we didn't have to do that.

14 Yet, it results in a lot of our technical
15 standards being obsolete. It results, for example, in
16 some instances in our using data from the 1980 census
17 as an estimate update.

18 It is something that has been imposed on
19 us by Congress, and something unfortunately we can't
20 change. So it would be basically legally impractical
21 to incorporate the list by reference, or tell people
22 that they had to conform to a list of the standard

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1 names in there and other organizations.

2 And this is principally a legal problem,
3 and for that reason we thought it would introduce or
4 create a inflexibility inconsistent with the intention
5 of the parties in coming up with this list.

6 CHAIRMAN POWELL: Let me start, and this
7 is an exasperation. We started on this two years ago,
8 and since that time we have got 100 percent support
9 resolutions from police chiefs, and from the fire
10 chiefs. So we have representations from the entire
11 first responder community wanting this, and
12 resolutions to their national associations.

13 The Commission has already mandated
14 certain names for the VTEC and the UTEC channels. So
15 it started. We have never taken away channels. We
16 have added channels, which we are proposing to do
17 again here.

18 With regards to the complexity of giving a
19 name over the air, it is no different than it is today
20 telling someone to go to one of the FAT channels,
21 especially as Gwen said if they say go to CAP-1 and
22 one on my radio is different than it is on yours, and

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1 now we can't talk to each other anyway.

2 Typically today's radios have displays on
3 them, and they are going to be tuning it to the
4 display, and the simple reason that we added an unique
5 number at the end of the channel was that if all they
6 caught was that number, 43, that number is not
7 duplicated in any band, any other assignment.

8 And 43 is 43, and if that happens to be a
9 VHF channel, it is a VHF channel, and if that is all
10 that they catch, that is unique. And I believe that
11 we have addressed this over and over again, and I
12 thought that we had resolved it with this last go
13 around.

14 The steering committee supported it
15 unanimously the first time, and then asked that we
16 take a look at simplifying it, which we did. And I
17 thought that the steering committee had supported it
18 this last time, and that if we need to add some
19 justifications to it.

20 The point is that these channels should
21 not be changing. If there is anything in the rules
22 that don't change, it should be these interoperability

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1 channels, because of the simple reason that we are
2 going to have them in millions of radios across the
3 country potentially, and you don't want them to
4 change.

5 MR. ROOT: John, if I could ask a
6 question. 155 to 475 is currently designated as the
7 national Law Enforcement Mutual Aid Channels, and I
8 have not checked the current version of Part 90, but
9 prior versions of Part 90 specified that usage of that
10 frequency was in compliance with a State plan filed
11 with the Commission.

12 What is to prevent as a middle ground that
13 a State interoperability executive committee adopts in
14 much the same way that the regional plans are adopted
15 by the Commission, a State interoperability emergency
16 communications plan covering the use of the
17 interoperability channels in all bands.

18 And in the same way that the regional
19 plans are revised by putting the amendments on public
20 notice with the Commission for a period of time, and
21 comments, and the Commission adopts it, and that
22 becomes the standardization for that State. And if

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1 there is no State plan, then there is no standard in
2 that State or that planning region. But rather than
3 it be --

4 MR. BUCHANON: Maybe we can go back to the
5 planning region.

6 MR. ROOT: Pardon me?

7 MR. BUCHANON: It would still be a
8 mechanism --

9 MR. ROOT: In the planning region, yes.

10 MR. BUCHANON: -- for it nationally.

11 MR. ROOT: But at least there would be
12 some consistency and some public record as to what is
13 going on in Rhode Island, as compared to what is going
14 on in California.

15 CHAIRMAN POWELL: The critical issue here,
16 and there is actually a petition pending before the
17 Commission right now filed by Fleetwood, is that this
18 is one of the specific cases and that it needs to be
19 standardized nationally.

20 And in fact we went as far with the 800
21 channels as to work with Canada, and recommended
22 naming them internationally for those channels.

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1 MR. DEVINE: And 87112 refers to ITEC and
2 ICAL (phonetic), and that was a recommendation. But
3 the thing about this is the 700 interoperability
4 channels have the authority that we are talking about
5 here. The SIECs have been delegated that authority,
6 and that authority has already been established.

7 And that authority has not been designated
8 to anybody in any of the other established, previously
9 designated commission interoperability channels, and
10 that is what we are looking to address here. Glen.

11 MR. NASH: Glen Nash, and I will make a
12 couple of comments. One is that I would also point
13 out that the rules currently designate MED-1 through -
14 - I think it is 21 or something like that now, which
15 are designated in the rules with specific names.

16 So there is precedent for the Commission
17 putting names in the rules. And again looking for a
18 compromise, you know, and to sort of key on what Don
19 has made, we say that the SIECs shall establish names
20 in cooperation with the neighboring SIECs.

21 It is sort of a back door way of saying
22 that they will get together and all come up with a

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1 single name. So, that might be a way out of it, and
2 again put the burden on the SIECs.

3 MR. DEVINE: Right, and then what we get
4 is the SIECs not being mandatory, and then there is a
5 possibility that you will have consistency vacancy
6 consistency (sic). So that lack of requirement is
7 going to provide --

8 MR. NASH: As I recall, if no SIEC was
9 established, then that function fell back to the
10 regional planning committee.

11 MR. DEVINE: Right. But you have existing
12 agencies in some States, regardless of what they call
13 themselves, they are going to take the SIEC role. But
14 they have their own methods of operation, and the
15 agenda that they operate under, they are going to
16 administer those channels. But they are not
17 necessarily declared SIECs.

18 CHAIRMAN POWELL: I want to go back to
19 what Michael asked for on this, and that was
20 justification. This committee and the steering
21 committee has already voted to move -- we recommended
22 to the steering committee, and the steering committee

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1 approved adopting these on a national basis.

2 What we need to do today is to develop the
3 answers to the questions that Michael said, so that
4 they can move forward in doing that. I would prefer
5 not to revisit the decision that we already made, and
6 that the steering committee already made.

7 We need to provide additional
8 justification and that is what we should be doing
9 today, is providing the additional language and
10 justification that Kathy thinks that she needs to get
11 that letter to the Chairman.

12 MR. WILHELM: And that is really Kathy's
13 intent in referring this matter back to the committee,
14 and that is a judgment on her part as to what the
15 Commission will find acceptable by way of a
16 recommendation, and she brings to that position her
17 experience at the Commission as a bureau chief dealing
18 with recommendations from the outside.

19 And she just believed that with respect to
20 this recommendation that it was insufficiently
21 supported, and that it was unlikely that the
22 Commission would adopt it. And that's why she

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1 exercised preoperative and sent it back.

2 Informally, I have discussed in the
3 hallways with Commission staff and they really are of
4 the same view. That if we are to do this, that we
5 have to do it on a better record, and I guess that is
6 what we are here to do today.

7 MR. OBLAK: My suggestion would be this.
8 We have already talked about the precedence that is
9 already set in the rules with MED-12A and UTEC and
10 VTEC, and ITEC.

11 There are certain ones -- the Med channels
12 were, and the VTEC and UTEC.

13 MR. BUCHANON: Further, it gives them
14 practical. The one practical example is the Orange
15 County fire where L.A. City came in, but they were
16 named the ITECs different than ITEC, and so they never
17 realized that they could talk.

18 So the whole fire, they were hampered, and
19 the L.A. city units talking to the Orange County
20 units.

21 MR. ROOT: And there is similar stories in
22 the Bay Area.

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1 MR. BUCHANON: And I just had
2 conversations with the L.A. County Sheriff, and they
3 are talking about naming the ITEC something different
4 in their plan in doing some interoperability planning
5 within the county.

6 So that means that anybody coming in there
7 isn't going to know.

8 MR. ROOT: Exactly. Well, this is where
9 my concern for flexibility at the State level needs to
10 be there a little bit, in that where you have a cross-
11 band system in place, where if you are taking, for
12 example, the 800 meg calling channel, and one of the
13 duplex carriers at high band, for example, 150, and
14 those are an in-place cross-patch between the two, how
15 do you refer to that, and that is what L.A. County is
16 talking about.

17 MR. BUCHANON: Well, you see, they are
18 still listing the channel, and so I am not sure it is
19 a matter that you can give each channel a channel
20 name, and tell people that you go to this channel and
21 you will be linked together.

22 MR. ROOT: Okay. I think they are looking

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1 to simplify the operation from the standpoint of is
2 being Interop-one in all bands. If you are an 800
3 user, it still is interop-one, and if you are a high-
4 band user, it is interop-one.

5 And I realize that it is frustration from
6 our standpoint, but this is what the operational need,
7 you know, the operational people are looking at and
8 seeing.

9 CHAIRMAN POWELL: Yes, but that is a radio
10 specific issue by band, and so if you tell people that
11 your incident commander is going to have to say that
12 if you are on VHF, if go this channel, and if you are
13 on UHF, you go to this channel.

14 And if you are on 800, then you go to this
15 channel. The fact that they are all tied together is
16 going to establish that link, but you can't -- to keep
17 uniformity, you can't have different names.

18 MR. ROOT: Yes, that is the real issue.

19 MR. NASH: Glen Nash, and again, I guess I
20 would argue that the inflexibility of the rules is
21 exactly what we need in this situation. And I go back
22 and relate it to the technical issues. You know, the

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1 technology issues, to come into it.

2 We have the requirement in the rules that
3 every radio be capable of operating on these
4 interoperability channels. And to the extent that at
5 any time in the future somebody wants to change that,
6 we need to take under consideration all of the Legacy
7 systems and equipment that are already out there that
8 are in-place and working under the existing set of
9 technology standards that might be in place.

10 Or in this case the naming convention for
11 the channel that is in place. You don't just change
12 that wantonly. You have to do it with foresight and
13 thought, and having made the decisions that we need to
14 go through, if you will, the pain of changing,
15 everybody that is involved must be made aware of the
16 fact that they are going to have to have to
17 participate in that pain.

18 And so you do want to make it very
19 difficult to change the names. You do want to make it
20 a very public process if you are going to go through
21 and do it. So that is exactly why putting it in the
22 rules is the most desirable way, because that is

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1 painful, and it is very public.

2 CHAIRMAN POWELL: And in addition the
3 timing I think is very good for this right now because
4 we have two major actions happening. One is the roll
5 out of 700, which is starting to hit the street now,
6 and the second is the potential requirement for the
7 rechanneling of the 800 band if that docket is acted
8 upon favorably by the Commission.

9 Which means that virtually every radio out
10 there is going to have to be touched, and what better
11 time
12 -- and with the two bands that have the big majority
13 of the interoperability channels, what better time to
14 address the issue and bring everybody to a national
15 standard.

16 You are going to have to hit every 800
17 radio, and let's do the change then.

18 MR. DEVINE: And in addition to that,
19 there has been consistent interoperable
20 characteristics that have been at least accepted, and
21 have not been returned, with regard to the network
22 access code, or the CPCSS code.

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1 So it is not that the channel nomenclature
2 is the first initial volley here. We have got some
3 consistent parameters that seem to have -- that the
4 Commission seems to be okay with and consistent with.

5 So we are just trying to continue that and fill in
6 some gaps.

7 CHAIRMAN POWELL: This is the basic
8 minimums on the operational side of the house, as
9 compared to the basic minimums on the technical side
10 of the house. Sean.

11 MR. O'HARA: Yes, Sean O'Hara. I just
12 want to add that by codifying this kind of thing, I
13 know that from discussions with Industry Canada, and
14 the Canadian Public Safety community, their use of the
15 700 megahertz band by almost major consensus is to
16 adopt to the same band plan as the United States, as
17 well as the same common interfaces as the United
18 States.

19 And if we had designations codified on
20 these interoperability channels, then that would also
21 be another recommendation that I am sure that they
22 would follow through on.

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1 And that would also enable the
2 international interoperability issue to be resolved
3 almost before any formal international negotiations
4 are undertaken.

5 MR. BUCHANON: Well, it seems to me that
6 what we need to do is write these things down in some
7 paragraphs.

8 MR. O'HARA: We need to develop some
9 language.

10 MR. BUCHANON: And with Michael and Kathy,
11 and if they can have that for the justification, I
12 think we have enough justification here. It is just a
13 matter of writing it down.

14 CHAIRMAN POWELL: My suggestion is this.
15 That we put together a small group, and I know that
16 there is a couple up here at the table that will help
17 this afternoon after we are done to do just that

18 And with the blessing of the larger
19 committee and any of you that are interested in
20 joining us to do that, I would advise you to do that.

21 Is that acceptable to the group that we do that?

22 I would also really like to have one of

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1 the Federal folks participate because of the 03-1
2 petition that is still sitting there that has this
3 same issue in that petition. So if one of you would
4 be familiar that is familiar with that document or
5 that petition.

6 MR. DEVINE: And some of the comments --
7 the 03-1 petition addresses consistency, interoperable
8 consistencies and the like that might be applicable
9 here, which is one of the reasons why we mentioned it.

10 The petition indicates that some
11 consistency would be beneficial to some Federal and
12 local interaction with regard to first response, et
13 cetera, homeland security, and the like.

14 So we probably need to review that
15 petition as well. I know that it is before the
16 Commission and so I don't know if there has been any
17 movement on it or not.

18 MR. WILHELM: Before you leave this
19 subject, let me make three comments on what you said.

20 It's true that the Commission has for example
21 designated certain frequencies as Med-1 through Med-
22 10.

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1 What it has not done is mandate that those
2 channel designations be used in an operational
3 context. The Commission is not telling the licensee
4 if they use these channels that they must use those
5 channel designators.

6 I think that the designators were in the
7 rules for purposes of convenience. The Commission is
8 always reluctant to try to impose its judgment on what
9 somebody may do in an operational context, because
10 that is very often the situation.

11 We also I think should bear in mind that
12 in the NCC's first report to the FCC, we made a
13 similar recommendation that displays on radios be
14 capable of specific -- as I recall -- eight character
15 display, and the Commission considered and rejected
16 that recommendation for the reasons that were set out
17 in the order.

18 And the last thing -- and I guess it is
19 due to the fact that I tend to think of it as a
20 lawyer, that what are the liability issues associated
21 with this. What happens if in an operational context
22 an incident commander does not use the proper

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1 terminology, and for that reason harm is done to
2 someone.

3 If you are representing the person that
4 was injured in that incident, you can say that there
5 was negligence on the part of the incident commander
6 for not obeying an FCC rule.

7 Now, that is not a technical matter, and
8 maybe it is not something that the NCC wants to
9 consider in making this recommendation, but as people
10 responsible for the communications in local and state
11 agencies, you might want to get an opinion from your
12 legal counsel as to the liability implications of
13 this.

14 But with that in mind, John, I think it is
15 an excellent idea if we put something together, and if
16 we can help in formatting it and getting it out to the
17 group, we would be available.

18 CHAIRMAN POWELL: I would just suggest in
19 response to your last comment, Michael, that the
20 losses that have already been suffered because of the
21 fact that people couldn't talk far outweigh any
22 potential liability.

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1 I mean, that one fire in Southern
2 California, they lost half of the community, and one
3 of the key issues that was identified was the fact
4 that they couldn't talk to each other.

5 The same thing in the Oakland Hills fire.

6 People came in and they all had VHF radios, and they
7 could not talk to each other. How many lives have
8 lost, and how many billions of dollars in property did
9 we lost out of that one incident because people could
10 not talk to each other. So we can address all of
11 that.

12 MR. SMITH: Ray Smith, State of Ohio. The
13 liability thing is kind of interesting to me, is that
14 I think we have identified the liability already in
15 this meeting, and it has been recorded for what, two
16 years now?

17 The potential liability is there if it is
18 identified by some smart attorney in a situation where
19 you have a problem like that, and they are going to
20 take the record of this meeting and -- I mean, we are
21 on record that there is a problem there. And so the
22 liability is there, no matter what you do.

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1 MR. DEVINE: Are you saying that it goes
2 both ways?

3 MR. SMITH: I am just saying that it has
4 been identified and it is a matter of operations
5 consistency, and what I see here is that the grass
6 roots that we would like to have this, and we have got
7 the administration saying that we don't want to get
8 involved.

9 MR. DEVINE: And my point is in this is
10 that we have already designated the authority of
11 Commission designated interoperability channels in
12 one-bands, and so all we are trying to do here is to
13 be consistent, because all of the people that we are
14 trying to address to support their operations is in
15 multiple bands.

16 So if we have done this in one, and there
17 are channels already designated -- some Legacy and
18 some relatively new in other bands -- it is just a
19 matter of completing the circle from where is see it.

20 MR. SMITH: That is my point.

21 MR. BUCHANON: I would propose that if the
22 FCC would accept the names at least, at least all the

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1 names would be in the rules and everybody would at
2 least get that going for you. I think that we should
3 try for the whole shot of getting it mandated to be
4 used operationally.

5 But if not used operationally, then at
6 least naming them consistently in the rules, and we
7 can put peer pressure on people to use them, and if we
8 get even that half-a-loaf, it would be better than
9 getting none.

10 CHAIRMAN POWELL: I will tell you that
11 peer pressure on an elected sheriff in some county in
12 South Texas may not carry much weight after you have
13 talked to a few of them. I had one of the other --
14 what is that, Wayne?

15 MR. LELAND: I just said that you just
16 have not found the right peer.

17 CHAIRMAN POWELL: We haven't found the
18 right peer. But I do have a question with the
19 manufacturer's representatives here, that one of the
20 things that we talked about -- and we talked about
21 this in Project 25 -- was actually as software
22 revisions come out, setting up the software for

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1 programming so that when a particular frequency was
2 selected that it would automatically bring up the
3 Commission mandated nomenclature and load it in so
4 that there would be no choice for the user in that
5 situation if it was in the rules.

6 And can I get some of the manufacturers to
7 comment on that? Ernie.

8 MR. HOFMEISTER: Ernie Hofmeister, MACOM.
9 Yes, certainly from the manufacturing and the
10 capability of the radios going forward, that is
11 clearly possible, and I don't think it is very much of
12 an impact to radio design, or features, or functions,
13 or costs.

14 MR. OBLAK: John Oblak, from the E. F.
15 Johnson Company, and again I would agree with Ernie.
16 If this were a requirement, this is something that
17 could be done normally in radio programming software,
18 and probably not even impact the radio itself, more or
19 less the computer programming programs. So I think it
20 is an achievable thing.

21 CHAIRMAN POWELL: Dave.

22 MR. EIRMAN: David Eirman, Motorola. Yes,

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1 I basically agree with E.F. Johnson. It is basically
2 a programming issue in the programming software, and
3 the radio is pretty much a blank slate. So it can
4 readily be done in the field.

5 CHAIRMAN POWELL: Any final comments on
6 this? Let's see. I drew a list of names for folks
7 who are interested to get in a working group to get
8 together this afternoon. I assume you?

9 MR. WILHELM: Yes.

10 CHAIRMAN POWELL: And Steve, as he has no
11 choice and --

12 (Simultaneous conversations.)

13 CHAIRMAN POWELL: Is that sufficient,
14 Michael, to the degree that you can do that?

15 MR. WILHELM: Yes, I think so, and I think
16 you should also address the enforcement issue. In
17 other words, what does the FCC do to the West Texas
18 Sheriff who likes to call it Channel 42 instead of
19 1VETC7.

20 MR. DEVINE: And if I could interject.
21 That is the incident where I think the SIEC governance
22 or oversight -- and quite frankly the West Texas

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1 Sheriff's Department usually in this particular
2 instance will look to the SIEC to see what patterns
3 have been developed, and how they can be consistent
4 with their communities around them.

5 So that oversight practice again becomes
6 the important part of the enforcement, because barring
7 any unusual Hatfield versus McCoys, which in Missouri
8 we are not completely removed from, we have -- and
9 those personnel relationships that people who don't
10 want -- and most everybody wants to be able to talk to
11 everybody else.

12 So the governance of the SIEC looking as a
13 body, somebody can look to find out information as to
14 what this CTCS tone should be, or what this Med
15 (inaudible) is supposed to be is really a benefit just
16 from what I see, and not necessarily being an
17 enforcement, but more information dissemination.

18 CHAIRMAN POWELL: And actually if you
19 carry this forward to the way that some of the
20 discussion has gone with regards to licensing of some
21 of these channels, especially for bay stations,
22 certainly if we look at what California has set up

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1 with the State holding the license, you have that
2 renegade Sheriff's Office out there, and the State
3 simply withdraws his authority to use the channels.

4 MR. WILHELM: Right, and we found the same
5 thing with regard to --

6 CHAIRMAN POWELL: And we used to do that
7 in the past.

8 MR. ROOT: Well, let me ask you back,
9 Michael. What happens when the Commission violates
10 its own rules and assigns a mutual aid frequency
11 designated in the Commission's rules for use by a
12 system by a law enforcement agency as to day to day
13 operations? I can cite to you an example right now.

14 MR. WILHELM: The licensing people do make
15 mistakes, and they process literally millions of
16 applications a year. I don't think the FCC has
17 changed a rule without notice and comment if that is
18 what you are trying to imply.

19 And, Steve, I agree with you on the SIECs
20 having influence over the West Texas Sheriff. My
21 concern, and Kathy's concern, and I think the concern
22 of the people at the FCC who are going to review this

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1 recommendation, is what does the FCC do when it has
2 made a rule that you must use this channel
3 nomenclature and somebody violates the rule.

4 Do we revoke their license? Do we fine
5 them? Do we refer to investigations and send an
6 enforcement person out? Exactly how do we enforce
7 this rule, and if we can't enforce it, it really does
8 not belong in a rule.

9 MR. DEVINE: I would like to think that 90
10 percent of it can be accomplished through peer
11 pressure, and his ability and his desire to want to
12 talk to his neighbors.

13 But you are right, it is the 10 percent
14 that we are talking about here, or maybe it is the 4
15 percent, but it is going to be the wrench in the
16 wheel, and so you can't disregard that 96 percent
17 success rate that you had with those people looking --
18 and not as much authority over, because I think that
19 kind of almost approaches enforcing.

20 I think guidance is what the SIEC is going
21 to provide them with, because what they want is
22 information, and if they can't get it, they are going

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1 to just make it up, because we have seen that happen
2 before.

3 CHAIRMAN POWELL: Michael, what is the
4 difference in the rules of this versus the rule that
5 says that the national law enforcement channel is
6 155.475, but I decide I am going to program 155.470 on
7 my radio?

8 MR. BUCHANON: I think what that is --

9 CHAIRMAN POWELL: Well, but it is
10 certainly possible to -- I just decide that for my
11 system that i want --

12 MR. BUCHANON: I think what Mike is
13 getting at is that we need to say what route should
14 they go to enforce the rule.

15 CHAIRMAN POWELL: The route action?

16 MR. BUCHANON: Yes, it is either the same
17 route, and the enforcement bureau sends you a letter,
18 and notice of violation and are you going to fix it
19 and quit doing it, or are we going to have to keep
20 going and fine you, and things like that.

21 MR. DEVINE: What teeth does the SIEC
22 going to have if somebody is operating 700

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1 interoperability channels operates outside the
2 designated parameters. The SIEC is not going to have
3 any more authority under that VHF and VTEC channel
4 than they are going to have at the 700 channel if they
5 are given the same authority.

6 It is going to come to a point where the
7 SIEC is going to say that you just are not going to be
8 able to talk to your neighbors, and --

9 MR. BUCHANON: If it be --

10 CHAIRMAN POWELL: Well, we can do that,
11 and I have that written down.

12 (Simultaneous conversation.)

13 CHAIRMAN POWELL: Can you explain for a
14 couple of the other channels.

15 MR. DEVINE: Well, our original discussion
16 centered on the one issue in the two Kathy Wallman
17 letters that have been returned was the SIEC
18 expansion. The SIEC authority at 700 expanded to VHF
19 and UHF, and that was where we started with this.

20 And we did divert to channel nomenclature,
21 but the issue again, and as I have indicated, is that
22 I think we have already established some of these

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1 authorities in the 700 band, and what we are talking
2 about is expanding it to VHF and UHF.

3 But we are addressing some of the issues
4 just like we have with nomenclature.

5 CHAIRMAN POWELL: Is this the same
6 situation as with the channels that she needs more
7 justification for the expansion to the SIECs to take
8 up?

9 MR. WILHELM: Yes, I think the thought was
10 that the SIECs idea was appropriate for the 700
11 megahertz spectrum, because it was basically virgin
12 spectrum. Here we are dealing below 512, and we are
13 dealing with frequencies which are already
14 administered in one way or another.

15 And I think there was concern about
16 imposing another layer of the administration on these
17 frequencies. So if in a response, you could make a
18 distinction between the use of SIECs at 700 with this
19 virgin spectrum, and imposing SIECs on --

20 CHAIRMAN POWELL: Well, we have to get the
21 right people together. We have had some discussion
22 again with the police and fire, and that generally

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1 there is a lack of administration across the country
2 in the lower channels.

3 It is laissez-faire and every man for
4 himself, and Steve mentioned, or Don mentioned earlier
5 the plan requirements for 475, which no one has been
6 abiding by that I am aware of for years, and if we can
7 get together with the right people, because we have
8 already talked about that, and maybe we can get some
9 background in it.

10 And that while the Commission may think
11 there is an embedded basic rule, the reality is that
12 everybody is doing their own thing.

13 MR. DEVINE: There is an embedded base of
14 use, and there is not an embedded base of rules, per
15 se. It has pretty much washed down to everybody doing
16 their own thing for the most part.

17 CHAIRMAN POWELL: And actually it is very
18 much a desire on the part of again police and fire
19 that there be some --

20 MR. ROOT: And there is also issues of
21 when ULS was adopted, some things that were codified
22 as far as waivers, and State plans existing for a

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1 State frequency to be used as a mutual aid channel
2 disappeared in the importation of the ULS database.

3 And so it is a way to get it reestablished
4 if you will, and we have had coordinators who look at
5 a particular channel that we are using in California
6 as a statewide fire mutual aid channel, and have
7 started putting local fire departments on it, because
8 there is no longer any flag there saying this is a
9 mutual aid channel.

10 It is not a Commission designated mutual
11 aid channel. It is the California Fire Chiefs
12 Association, and the State, and all the fire
13 departments got together in the 1960s, and said these
14 two channels we are going to use for interagency
15 operations, in addition to the three national fire
16 mutual aid frequencies.

17 And so we have portable repeaters that we
18 haul into a wildfire area, and now all of a sudden we
19 have got areas that the local fire departments are
20 operating on those mutual aid channels.

21 So, I mean, it is the kind of thing where
22 it is impeding our ability to continue on with crisis

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1 management and interoperability, and emergency
2 management. So it is just a way to get everything
3 back into a comprehensive plan.

4 And instead of having one set of rules for
5 the 150 band, and a separate group that is doing 450,
6 and SIEC doing 700, and regional planning doing 800,
7 it is a way to get everything together in one cohesive
8 true interoperability form.

9 CHAIRMAN POWELL: And that is the critical
10 point, is that there needs to be one group. If
11 anything, I think we are looking forward to enabling
12 and not restrictive, and I think it is more than an
13 enabling mechanism, instead of a codification
14 mechanism.

15 MR. DEVINE: And when the Agency buys new
16 radios, and they need to look someplace to find out
17 the information they need to be able to talk to their
18 neighbors, and they need to have a resource and a
19 place to go in order to get that information.

20 MR. WILHELM: Well, I think that both of
21 those points are well made, and I want to explain my
22 position on this, and Kathy's position on this. We

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1 are not, nor are we or nor should be arguing whether
2 this should go forward to the Commission or not.

3 What we want to do is have a sufficient
4 document that we can basically sell it to the
5 Commission, and fully document it and say here is why
6 you should adopt this, rather than just saying, yes,
7 the SIEC should administer the channels for the
8 worldwide 12 because of the inevitable question that
9 comes up is fine.

10 CHAIRMAN POWELL: Let me just say that
11 yesterday at the NPSTC meeting in Alexandria, we again
12 discussed the subject of the ps.gov domain name that
13 NPSTC agreed that they would look at, and attempting
14 to move forward I guess is the best way to put it.

15 And at the meeting yesterday, we directed
16 NIJ to use their resources or the NPSTC support office
17 to use their resources within the Justice Department
18 to go to the Justice CIO, and request that that ps.gov
19 domain name be assigned for the purposes that we
20 requested.

21 So they should be moving forward on that,
22 and that is the single item that they are going to

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1 deal with within the area of assigning IP addresses,
2 and they are going to go ahead and get that domain
3 name reserved. And we will have to take it from
4 there.

5 MR. BUCHANON: Well, that is a first good
6 step, and that is where we need to go.

7 CHAIRMAN POWELL: John, do you have any
8 update on the standards that you can give us at this
9 meeting for the wideband?

10 MR. OBLAK: John Oblak, representing TIA
11 at the moment. Tomorrow at the general session, I
12 will update us all on the standards for wideband data,
13 but I can give you just a brief summary here.

14 As we have mentioned in the past, we have
15 defined nine documents that are required for defining
16 interoperability in the wideband standards, and I
17 think at the last time that four of those documents
18 had been published.

19 Since then we have had two additional
20 documents, the method of measurements and the
21 technical performance requirements, that have been
22 published, leaving three documents still in process,

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1 two of which have been balloted according to the
2 normal process, should be available as standards by
3 the April-May time frame.

4 We have one document that is still in
5 progress and in the drafting stage, and we are
6 projecting that to be around the June time frame to
7 finally be completed.

8 MR. BUCHANON: Is there any of this that
9 we should consider today to give a recommendation to
10 the steering committee? Is there anything that you
11 think that we might need to consider as a
12 subcommittee?

13 MR. OBLAK: I think the only thing that
14 perhaps you can, we do have four -- I'm sorry, but 6
15 of the 9 documents completed, available, published,
16 and could be adopted and recommended. There are three
17 others yet that are still in the process.

18 MR. BUCHANON: Okay. Is that basically
19 technical stuff?

20 MR. OBLAK: That's correct.

21 MR. BUCHANON: Okay. Then that should go
22 to -- and we should do that in Glen's then when we

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1 bring it up then. It really just looks like there is
2 really not anything for our subcommittee.

3 And then I don't know of anything more
4 that or I mean new information that we have had on
5 wideband loading standards. Glen made up his -- Glen
6 Nash's formula, and what we are calling that, but we
7 really don't have any other information that we can
8 give input to.

9 CHAIRMAN POWELL: Well, it was Glen Nash's
10 best guess, but I know that there was a lot of
11 exchange that went back and forth between several
12 people. Sean I don't know if you have got any
13 comments that you want to make. You were involved in
14 that, and --

15 MR. O'HARA: Oh wideband loading, I was
16 going to do a presentation.

17 CHAIRMAN POWELL: Oh, are you going to do
18 that now, or are you going to do it in Glenn's?

19 MR. O'HARA: I can do it in Glenn's.

20 CHAIRMAN POWELL: Okay. We will defer
21 that. I know that Sean has put a lot of work into
22 that issue, and I think back on to a long time ago,

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1 where a friend of mine with the California Highway
2 Patrol that said that with regards to any channels
3 that we get, fear not, we have no empty closets.

4 We will figure out something to do with
5 the spectrum. So we end up getting it loaded, and I
6 think our charge here is to make sure that it gets
7 loaded in the most efficient way that we can promote.

8 That is a new business issue, and we will bring that
9 up under new business, because I have a couple of
10 questions there.

11 Any other old business to be discussed,
12 keeping in mind that this will probably be the last
13 meeting for at least a while?

14 (No audible response.)

15 CHAIRMAN POWELL: Michael, under new
16 business, Steve and I were just discussing it. We
17 have these reserve channels, wideband reserves sitting
18 out a big chunk of spectrum. Has there been any
19 discussion within the commission about releasing those
20 at some point, or what or how they feel that may
21 progress?

22 MR. WILHELM: None that I am aware of. I

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1 think that the Commission is waiting to see how these
2 channels are used before they release the -- I mean,
3 there is no immediate demand for them, and rather than
4 have --

5 CHAIRMAN POWELL: Well, I don't know.
6 Dave might disagree with you on having a plan
7 together.

8 MR. BUCHANON: There will be demand, and
9 it probably comes more under the implementation, and
10 so maybe I can give an update there of what we are
11 going to try and do in Southern California with the
12 way that we are going to approach that.

13 MR. DEVINE: Have the States proven to
14 have the propensity to develop wide area regional
15 systems and the geographic license being in many ways
16 that it is going to assist local agencies, and build
17 outs as kind of a standard, and as systems are
18 evolving and are regions are growing, I am wondering
19 if a portion of that with regard -- and the reason
20 that I brought it up to John in this committee is some
21 interoperability aspects.

22 And if a portion of a couple of those

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1 channels were dedicated to State Government to kind of
2 interact with locals as they build things in under the
3 geographic license, of course --

4 MR. BUCHANON: You mean the
5 interoperability?

6 MR. DEVINE: No, I mean some reserve
7 channels be dedicated for kind of a, quote, State -- a
8 portion of them for State license to provide that
9 flexibility in the development of -- you know,
10 interaction with local systems, and the development of
11 local systems from a wideband data perspective.

12 MR. BUCHANON: I don't know. We have not
13 tried to discuss that in California. So, I am not
14 sure. I think that our position there would be that
15 it is going to be needed for local resources, and
16 there is plenty of these for interoperability.

17 MR. DEVINE: Right.

18 MR. BUCHANON: I mean, the States are
19 going to need some, but for State business and not for
20 interoperability.

21 MR. DEVINE: Right, but they won't have
22 the geographic tag that the current State allocation

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1 does. In other words, it is a wideband parallel to
2 that is what I am looking for.

3 MR. BUCHANON: For the State?

4 MR. DEVINE: Yes.

5 MR. BUCHANON: And getting the license on
6 those channels: is that what you are advocating?

7 MR. DEVINE: Just getting certain numbers
8 of data channels allocated to the State geographic
9 license to enable to build out with that flexibility
10 that the geographic provides.

11 MR. BUCHANON: Oh, that is probably going
12 to come under another rule making.

13 MR. DEVINE: Yes, it probably will. Just
14 throwing it out.

15 CHAIRMAN POWELL: Okay. The next issue
16 under new business, and I know that a number of you
17 got these, and we will be giving copies to the
18 steering committee tomorrow with a letter.

19 The National Institute of Justice under
20 the Agile (phonetic) Program for the last -- almost
21 two years, they formed a group called the National
22 Task Force on Interoperability, and the sole purpose

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1 of that group was to put together documents to educate
2 State and local elected and appointed officials on
3 interoperability, and the problem, and potential
4 solutions, et cetera.

5 And they came up with three documents, and
6 probably some of the best out there on
7 interoperability right now from a very basic point of
8 view. And these are designed to educate the general
9 public and the elected and appointed officials who are
10 unfamiliar with the problem.

11 And starting with the premise that
12 everyone watches t.v. just assumes that because they
13 can do it on t.v., you pick the microphone up and you
14 can talk to anybody that you need to talk to
15 instantly, and we all know that the reality is exactly
16 the opposite of that.

17 And they actually talk about this in the
18 opening paragraphs of this book. There are lots of
19 copies of this particular one up here, and actually I
20 think we are out now. We brought a bunch over, and i
21 will have copies of all three of these for the
22 steering committee tomorrow for those of you on the

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1 steering committee that have not gotten them already.

2 And I think that they are excellent
3 documents, and the plan, Michael, is to pass those on
4 to the steering committee, with a recommendation that
5 they go on to the Commission as reference documents.

6 And they might actually be very good for
7 educating some of the Commission staff, too, and
8 getting up on the value of the details.

9 MR. WILHELM: Are they available in
10 electronic form?

11 CHAIRMAN POWELL: Yes. And in fact, if
12 you want to write the address down, they are available
13 at PDF. It is [www.agileprogram -- A-G-I-L-E P-R-O-G-](http://www.agileprogram.org/ntfi)
14 [R-A-M, all one word -- .org/ntfi, N-T-F-I.](http://www.agileprogram.org/ntfi) And the
15 three documents are in the PDF there.

16 MR. WILHELM: I think it would be a good
17 idea if the NCC put a link to that.

18 CHAIRMAN POWELL: This is kind of like an
19 overview document, a little brochure, and this is in
20 much more detail on the problems and potential
21 solutions, and then this supplemental resource book is
22 primarily case studies, and a number of people in this

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1 room have articles that they contributed into this
2 supplemental resources, which is kind of a state-of-
3 the-art of how we got to where we are today, and how
4 people are dealing with it in the real world with
5 resolving some of the interoperability problems.

6 I wanted to mention one other item just as
7 information. At the NPSTC meeting yesterday, we had a
8 very interesting presentation on the 4.9 gigahertz
9 band, and a potential Cox equipment that is available
10 for that band, and would work on one of the band
11 frames that was proposed for that.

12 It is actually -- they call it 802.11(j),
13 which is the Japanese implementation that happens to
14 follow exactly the channeling plan that the 510
15 megahertz slots. The equipment is available today is
16 my understanding.

17 It is going to be very inexpensive because
18 the Japanese population is very in to doing everything
19 wireless, and that is basically the same as our
20 802.11(j) that kept operating in that vain.

21 MR. WILHELM: 11(a).

22 CHAIRMAN POWELL: Oh, 11(a). but I think

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1 that a bunch of us are going to be looking at that as
2 a potential for that band. The suggestion was also
3 made that we add some networking, a networking layer
4 over the top of it so that we could build it out, and
5 have a really robust network.

6 Again, a number of you here were at that
7 meeting yesterday, and just information, and it was
8 very interesting. Any other new business? Glen, are
9 you ready? If we have nothing further, I will accept
10 the motion that we adjourn.

11 MR. ROOT: So moved.

12 CHAIRMAN POWELL: And Glen will start his
13 meeting at 10:30 and give people a chance to stretch.

14 (Whereupon, the Subcommittee meeting was
15 concluded at 10:16 a.m.)

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