

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Recommendations of the Independent) EB Docket No. 06-119
Panel Reviewing the Impact of Hurricane)
Katrina on Communications Networks)

To: The Commission

**COMMENTS
OF
THE USMSS, INC.**

The USMSS, Inc. (“USMSS”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its comments in the above-entitled proceeding.¹ In this proceeding, the Commission is seeking comment on the recommendations of the Independent Panel convened by the FCC to investigate the impact of Hurricane Katrina on all segments of the telecommunications and media industries.² The Panel also was charged with reviewing the sufficiency and effectiveness of the recovery effort as it related to communications infrastructure.³ Finally, the Panel was directed to report its findings to the Commission and to make recommendations for future improvement in disaster preparedness, network reliability and communications among first responders.⁴

The USMSS is a national membership of authorized Motorola Service stations that own and operate sales and service businesses throughout the country. Its members are directly and intimately involved in the construction, maintenance and restoration of telecommunications facilities for a broad variety of users. Their customers include operators of public safety,

¹ *Notice of Proposed Rulemaking*, EB Docket No. 06-119, FCC 06-83 (rel. June 19, 2006) (“*NPR*” or “*Notice*”).

² *NPR* at ¶ 3.

³ *Id.*

⁴ *Id.* Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks: Report and Recommendation to the Federal Communications Commission (June 12, 2006) (“*Katrina Report*”).

commercial and private internal systems, all of which face urgent problems if service is disrupted because of natural or man-made disasters. The USMSS represents those who are “on the ground” as second, third and fourth responders whenever there are incidents that impact telecommunications facilities. As such, it is pleased to provide the following comments in response to the NPR and the associated Katrina Report in respect to the specific areas in which the USMSS has expertise; in particular preparedness (pre-positioning) and recovery coordination. It also will share with the Commission information about how certain USMSS members responded to the catastrophic Hurricane Katrina.

The Katrina Report identified “pre-positioning” for disasters as a key area in which improvements would produce tangible benefits in terms of faster and more effective emergency relief.⁵ The USMSS agrees: preparedness has the potential for saving not only lives and property, but even money. Many of the maintenance contracts between Motorola and certain categories of its customers, contracts that USMSS members fulfill, explicitly define disaster preparedness capabilities, priorities of restoration, back-up equipment availability and other such factors. These pre-determined plans are invaluable during emergencies as they eliminate the need to do ad hoc prioritizations among user groups and activities and ensure the availability of needed equipment.

Of course, that level of preparedness comes with a price tag. If money were no object, the USMSS assumes that all users would prepare fully for every worse case scenario. Since that is not an economically viable approach, it is even more important that industry segments at least develop the types of “Readiness Checklists” suggested in the *Notice*.⁶ The USMSS believes that its members have significant expertise in this area as it relates to the needs of public safety and private

⁵ *NPR* at ¶¶ 8-10.

⁶ *Id.* at ¶ 8.

internal and small commercial wireless systems.⁷ It would be pleased to designate individual members to work with the FCC or other organizations to establish checklists for these types of operations. Their historical involvement with local government entities, hospitals, utilities and other communications users in their particular geographic areas will ensure that these checklists represent a broad perspective on and input from affected parties.

The USMSS also endorses the Commission's proposal to establish a "prioritized system of automatically waiving regulatory requirements, or of granting automatic Special Temporary Authority (STA) in certain instances...."⁸ This is particularly important for users whose business is not communications, and who often have important responsibilities in emergency situations. The limited time and resources of police and fire departments, EMS teams, utilities, transportation providers and others who play vital roles when disasters strike is better used in fulfilling their primary functions than in preparing STA requests or other submissions for FCC approval. The USMSS also would be pleased to work with the FCC in developing a prioritized system for addressing these filing requirements as suggested in the *Notice*.⁹

The USMSS has broad expertise in certain of the issues raised in the Katrina Report and in the *NPR* regarding recovery coordination. Its members are not themselves first responders, but reliable communications are essential if emergency responders are to do their jobs and USMSS members often are responsible for the restoration of those telecommunications systems. One key problem identified by the Independent Panel is the lack of a fast and effective credentialing

⁷ USMSS members also work on a variety of large commercial systems, but such systems typically have internal staff responsible for developing plans for emergency situations.

⁸ *Id.* at ¶ 9.

⁹ This effort should be expanded to include agencies such as the FAA that also have reporting requirements when telecommunications infrastructure is affected. All such reporting should be eliminated for a certain period or at least streamlined. The worse situation is when parties are required to make separate reports to different government agencies for the same situation. At a minimum, a single Federal Government point of contact should be established when certain criteria are satisfied that categorize an event as an emergency situation.

process.¹⁰ Katrina, of course, was not just a disaster, but a catastrophe, yet this same problem has arisen in even less extreme situations. It is understandable that law enforcement personnel must maintain the security of impacted areas, but consistent protocols should be established for issuing credentials to those such as USMSS member repair crews that need access to these areas to undertake the restoration process. The Report also is correct in reporting that this situation is even more difficult for smaller companies, like the typical USMSS member, that do not have nationally recognized names.¹¹

There is no question that this problem played a role in the Katrina recovery effort. The solution is less obvious since so many organizations and agencies are involved and the regulation of credentialing does not fall clearly within the Commission's statutory authority. However, because the issue is so important, the USMSS recommends that the FCC at least convene a task force to focus on this matter specifically. Whether or not it is practical to issue identification cards on a national or regional basis¹² or to organize identification through entities such as Motorola or other equipment manufacturers is uncertain, but any improvements in this area certainly will facilitate recovery activities during the next disaster situation.

Finally, the USMSS wishes to describe to the FCC how the efforts of individual USMSS members played an important role in communications infrastructure restoration post-Katrina. First, members from around the country volunteered equipment, personnel and financial support to USMSS companies located in the devastated areas. These contributions were immediate and substantial.

Additionally, teams in reasonable proximity to the Gulf Coast were organized by Motorola in a disaster relief effort. For example, P&R Communications in Dayton, OH dispatched two teams

¹⁰ Katrina Report at 15-7.

¹¹ *Id.* at 16.

¹² The Independent Panel recommended expanding the National Security Telecommunications Advisory Committee's proposal for a national standard for credentialing telecommunications repair workers. *NPR* at ¶ 11.

to assist another MSS in the Baton Rouge, LA area. It sent people, a portable tower, a mobile command center and all other equipment needed to replace a dispatch center for operation either as a stand-alone facility or for integration into an existing system. The equipment was staged at that location before being transported to a site in Jefferson Parish in New Orleans where a 300' tower had been destroyed in the storm. P&R sent a third team to a Motorola factory to pick up and deliver to Pascagoula, MS a complete trunked system, as well as water and other supplies for people already on site. These teams stayed in the area for days and assisted in the relief effort.

This experience also has prompted the USMSS to work on a more formal disaster response protocol to organize and leverage the capabilities of the collective membership. That effort is underway and the results will be provided to the Commission at its request.

The USMSS applauds the Commission for undertaking this proactive and comprehensive investigation into how telecommunications facilities fare during and after disasters, whether natural or man-made. The organization is committed to working with the Commission and other interested parties to promote improvement in our emergency preparedness and recovery coordination activities.

Respectfully submitted,

USMSS, Inc.

/s/David J. Robison
Chairman
216 Haywood Street
Asheville, North Carolina 28801
(828) 254-1947

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