

December 9, 2005

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

In Re: The Establishment of a Homeland Security Bureau

Dear Mr. Chairman:

The undersigned associations commend you for your leadership in addressing the need for improvement in our ability to communicate during times of emergency. This issue affects not just first responders, which have been the focus of national attention during the last several years, but also the nation's economic, business, industrial and critical infrastructure sectors. In this regard, your proposal for a new Homeland Security Bureau is a positive step. However, as you consider creation of this Bureau, we urge that the needs and interests of these other critical industries be kept in mind.

By way of background, the undersigned parties represent America's leading economic, business and critical infrastructure industry sectors in spectrum policy, licensing and related matters before the FCC, other Federal Government agencies and Congress. Collectively, our members operate as utilities, pipeline operators, petroleum and chemical companies, airlines, railroads, manufacturers, infrastructure maintenance and construction companies, delivery companies, emergency road services, logistics providers, agricultural interests and virtually every other sector of the American economy. These industries and government entities depend on wireless communications to improve their operational efficiency and productivity, and to enhance the safety of their employees and customers, including emergency response services, all of which contributes to the national economy and public welfare. As FCC licensees operating in the private land mobile radio services (PLMRS), these companies operate more than 15 million wireless devices in support of these critical activities, and as such, deserve the considered attention of the FCC.

Since at least the 1940's, the FCC has closely aligned the interests of these sectors of the communications industry with public safety. For as long as any of us can recall, public safety and the business/industrial wireless communications users have been regulated by the same organizational unit within the FCC, which has resulted in the two groups sharing frequency allocations and operating under consistent licensing and coordination policies. This common regulatory approach has largely proven effective and has facilitated the ability of many of our members to interoperate with public safety organizations during times of emergency. While our members may not always be viewed as "first responders" in times of crisis, they are often depended on to be the second or third responders in order to restore basic energy and water services, contain oil or chemical spills, repair downed power lines, transport and distribute

emergency supplies to disaster areas and quickly establish emergency dispatch communications networks to replace those lost due to natural or intentional forces. Several of these industries are a major part of the emergency response community, with large numbers of personnel on the ground in any disaster situation. Many larger industrial plants and refineries, for example, function as emergency responders pursuant to mutual aid agreements with nearby communities. In addition, these industries are among those deeply engaged in critical infrastructure protection efforts being carried out in the Department of Homeland Security and elsewhere.

It is with this background that we have considered with great interest your initiative to create a new Homeland Security Bureau in order to provide greater focus on the regulatory oversight of public safety and homeland security measures relating to communications networks. First and foremost, the undersigned parties support the creation of this new bureau. We believe that the issues facing all economic sectors of this country today and in the near future warrant the creation of a new Bureau, dedicated to homeland security issues. We look forward to assisting your staff in any way possible to making this a seamless transition.

In so doing, however, we also ask that you and your staff give careful attention to the resulting impact on the economic, business, industrial and critical infrastructure communications sectors. Currently, our issues are principally addressed by the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau (WTB). If that organization is relocated to the new Homeland Security Bureau, there is no existing division within the WTB, or the FCC as a whole, with the expertise and experience to address our communications policy and licensing issues.

Therefore, as part of this repurposing of FCC staff, we ask that sufficient Commission resources be assigned and dedicated to efficiently regulate the estimated hundreds of thousands of licensees that our organizations directly and indirectly represent. Ideally, a separate division, distinct from public safety, would be created, which division would be delegated responsibility to implement the Commission's decisions on operational rules and to license the thousands of applications submitted each year for business and industrial enterprise communications systems. While such a division could function from within either Bureau, we do see advantages to being located within the Homeland Security Bureau given that our members share frequency allocations with public safety users. Experience has shown that these spectrum users benefit from a common regulatory philosophy.

We would like to meet with you and your staff to discuss these details and the goals for the new bureau, as our respective constituencies are significant contributors to those objectives. We look forward to working with your staff to address and accomplish this critical requirement. Please do not hesitate to contact any of the undersigned organizations should you or your staff have further questions or comments in the interim.

Sincerely,

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