



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

AUG 22 2006

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

RE: NTIA Comments to the Notice of Proposed Rulemaking, Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, EB Docket No. 06-119

Dear Chairman Martin:

The National Telecommunications and Information Administration (NTIA) commends the Federal Communications Commission (Commission) for initiating the Notice of Proposed Rulemaking to address and implement the recommendations presented by the Commission's Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks.¹

In this proceeding, the Commission seeks comment on the recommendations presented in the Independent Panel's Final Report.² One of the recommendations of the Independent Panel is for the Commission to work with NTIA and the Department of Homeland Security (DHS) to develop strategies and policies to promote increased sharing opportunities, particularly with regard to interoperability and the Federal incident response channels.³ Currently, NTIA and the Interdepartment Radio Advisory Committee (IRAC), on which the Commission serves in a liaison capacity, are considering a proposal to revise the current rules and procedures to allow more flexible use by State and local governments and simplify the regulations governing the use of these Federal interoperability channels.⁴ This proposal seeks to facilitate use of these frequencies by State and local governments, in coordination and conjunction with Federal agencies, during disasters.

¹ Notice of Proposed Rulemaking, Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, EB Docket No. 06-119, July 7, 2006. (Katrina NPRM)

² Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, Report and Recommendations to the Federal Communications Commission, June 12, 2006.

³ *Id.*, at 39.

⁴ Rules and procedures governing the use of the Federal incident response channels are contained in the Manual of Regulations and Procedures for Federal Radio Frequency Management, January 2006, Section 4.3.16, available at <http://www.ntia.doc.gov/osmhome/redbook/redbook.html>

In addition, the Commission seeks additional measures beyond the Independent Panel's recommendations.⁵ NTIA, on behalf of the Federal agencies with public safety responsibilities, requests that the Commission examine its current rules with regard to Federal access for interoperability/mutual aid and determine if these rules could be revised to allow easier access to those channels by Federal agencies during disasters. Such reciprocity would facilitate interoperability between all levels of government and further enhance response and recovery efforts.

The Commission also seeks comment on "automatically waiving regulatory requirements, or of granting automatic Special Temporary Authority (STA) in certain instances...."⁶ NTIA believes that waiving regulatory requirements or granting STAs during times of crisis requires close coordination with NTIA, in particular in shared Federal/non-federal bands, so as to prevent potential interference to vital Federal Government operations taking place during the same incident. Both NTIA and the Commission have a spectrum management responsibility as outlined in the National Response Plan.⁷ Together, NTIA and the Commission will staff the Joint Field Office (JFO) as part of the frequency management section of Emergency Support Function #2 (ESF #2) to coordinate spectrum use within their respective statutory authorities. It is important that appropriate requests for waivers of regulatory requirements or any STAs be coordinated through the JFO when activated and/or through the normal NTIA/FCC coordination process.⁸

Finally, the Commission seeks comment on the Independent Panel's recommendation that "the Commission coordinate all federal outage and infrastructure reporting requirements in times of crisis."⁹ NTIA seeks clarification on this recommendation since NTIA believes that this recommendation is intended to focus on industry reporting their system outages to a single Federal repository or point of contact and that it was designed to streamline collection of industry outage information, and not Federal communication system outages. If this is the case, NTIA believes that such a repository has merit and this database should be maintained by the Commission representative to the JFO.

⁵ Katrina NPRM at page 3.

⁶ Katrina NPRM at page 4.

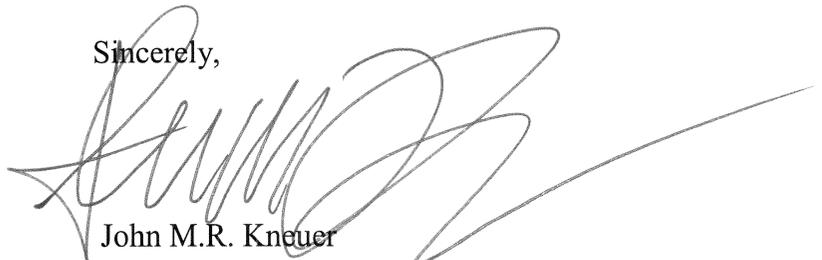
⁷ See Department of Homeland Security National Response Plan, Tab 4 to Annex K, April 2006, available at http://www.dhs.gov/interweb/assetlibrary/NRP_JFO_SOPAnnexes.pdf

⁸ During Hurricane Katrina, NTIA and the FCC temporarily authorized the use of private sector satellite, ultrawideband, and microwave communication services to assist in rescue and recovery efforts and restoration of communications in the disaster area. See *The Federal Response to Hurricane Katrina – Lessons Learned*, February 2006, Appendix B – What Went Right, at 138, available at <http://www.whitehouse.gov/reports/katrina-lessons-learned>

⁹ Katrina NPRM at page 4.

NTIA applauds the Commission for undertaking this Rulemaking. The work of the Independent Panel and outcome of this proceeding will undoubtedly better equip our Nation's emergency response providers in times of crisis. NTIA will continue to work closely with DHS through the National Communications System (NCS), the National Coordinating Center for Telecommunications (NCC), and the President's National Security Telecommunications Advisory Committee (NSTAC) in addressing and implementing many of the recommendations contained in the Independent Panel's Final Report. Further, NTIA is committed to working with the Commission to ensure that our Nation's Federal, State, and local public safety officials can provide a faster and more effective response to disasters and emergencies.

Sincerely,

A handwritten signature in black ink, appearing to read 'John M.R. Kneuer', with a long horizontal flourish extending to the right.

John M.R. Kneuer
Acting Assistant Secretary for
Communications and Information