

**Separate Statement of
Commissioner James H. Quello
Dissenting in Part and Concurring in Part**

Re: Development and Implementation of a Public Safety National Plan, an Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Service.

I am dissenting in part to the majority's decision in this proceeding based on the fact that the public has not had the opportunity to comment on the Commission's determination of what the national plan for public safety should be. I would have preferred releasing this Report and Order as an interim or tentative decision available for public comment. Due to the significant and far reaching implications of today's decision on the future of public safety, I think it would be both wise and prudent to seek a final round of public comment in this proceeding.

My colleagues believe that the public has had ample opportunity to comment during this proceeding and that a further comment cycle would create an unnecessary delay. While I do agree that public input has been sought in all phases of the National Public Safety Planning Advisory Committee's (NPSPAC) development of a national plan, I believe that to exclude public input at this decisive point when the Commission has developed its national public safety plan seems illogical. Whatever minor delays a final comment cycle may create must be weighed against the possible benefit public input may have on the Commission's

national public safety plan. Furthermore, a final comment cycle would not delay the process of formulating regional plans, since such processes are currently underway, and public safety services will not have access to the 6 MHz until regional plans are approved.

Those who oppose a final comment cycle argue that if the public is concerned about the Commission's decision in this proceeding, then the public has the right to file Petitions for Reconsideration. Certainly, the public has the right to file such petitions, however, the criteria for granting reconsideration is rather specific (See, Section 1.429 of the Commission's rules). Parties who may have constructive comments to make on the Commission's national public safety plan, may not be able to justify filing a Petition for Reconsideration in light of the Commission's rules. When attempting to develop the best possible national public safety plan, I believe that it is essential to allow public comment without requiring the more onerous burden of filing Petitions for Reconsideration.

I concur with the rest of the national public safety plan. The national public safety plan is a beginning; a good beginning. The real proof of the national plan will be the individual plans developed and coordinated by the regions and to the extent these regional plans incorporate efficient use of spectrum and maximize interoperability.

I am most concerned with the plan's failure to specify technical standards that would provide for interoperability among radios produced by the various equipment manufacturers. To avoid the issue of standards altogether, the national plan reduces interoperability among non-compatible equipment to five interoperable conventional channels. In essence, these five interoperable channels represent the "national" aspect of the national public safety plan. It is essential that the Commission foster the development of interoperable technology for the public safety services. As the world of public safety currently exists, public safety services often cannot communicate with each other. With the national plan, communication between and among non-compatible trunked systems will exist only on the five conventional interoperable channels. Beyond these interoperable channels, many public safety entities still will be unable to communicate with each other, unless they are using trunked radios produced by the same manufacturer. Since trunked radio systems currently produced by different manufacturers are incompatible, one way to assure interoperability would be to assure that only one manufacturer's equipment be used -- a situation I deem unthinkable. Nonetheless, without establishing standards providing for interoperability for future technology, we may be forcing public safety services which place a high value on interoperability to deal with only one equipment manufacturer. If public safety

entities do not place high value on interoperability especially in highly congested areas, then the Commission's efforts in establishing a nation public safety plan is in vain. The item should have stressed that the Commission, regional planners, and others fully address the issues of interoperability.