

# CongressDailyPM

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## HOMELAND SECURITY

### McCain Aims For Public Safety Spectrum; Foes Cry Earmark

As he ramps up his 2008 presidential campaign and courts support from public safety groups, Sen. **John McCain**, R-Ariz., plans to introduce legislation next week to create a nationwide communications network for police officers, firefighters and other first responders. The move coincides with Senate floor debate on a bill to implement the 9/11 Commission's recommendations, and McCain argues his measure would address other deficiencies the panel identified. His bill would carve out a swath of radio spectrum that is scheduled for auction next January, and license it to a "public safety broadband trust" to provide advanced wireless services for first responders to communicate during crises. "It is now time to think big and bold and solve the interoperability crisis once and for all," McCain said in a statement announcing his plan. Public safety groups back his approach. But it has caused alarm among wireless service providers and equipment manufacturers, in part because the idea is similar to a proposal by McLean, Va.-based Cyren Call Communications -- an idea they say would cripple the upcoming auction and delay the transition to digital television.

Under the firm's plan, the FCC would award 30 megahertz of spectrum outside the auction process, or roughly half the amount scheduled for auction, to administer the network. The winner, presumably Cyren Call, would lease spectrum to commercial operators to provide to public safety agencies and to offer consumer wireless services. At a hearing this month, Senate **Commerce Chairman Inouye** was noncommittal, although he expressed support for better first-responder communications. Commerce ranking member **Ted Stevens**, R-Alaska, who helped write the law governing spectrum auctions, was opposed.

Companies such as Cisco Systems and Verizon Wireless want the full range of spectrum available for auction and argue current law already sets aside 24 megahertz of spectrum for public safety. As part of the 2005 deficit reduction law, the January auction proceeds -- estimated at up to \$12.5 billion -- are to be used first to pay down the deficit and then to subsidize the purchase of converter boxes to ease the DTV transition, for which the law set a deadline of February 2009. Remaining funds are to be used for other items such as \$1 billion for emergency communications grants to public safety agencies.

Removing half of that spectrum from auction could jeopardize funding for such priorities and hinder the digital transition, critics argue. "The DTV spectrum promises to boost critical communications capabilities for public safety and for consumers. America's first responders have waited long enough," said Wireless Broadband Coalition Executive Director David Taylor. But public safety groups argue the wireless industry has been stonewalling their efforts for years. "We still don't have the spectrum we need," said Charles Werner, spokesman for the International Association of Fire Chiefs. "It's the same old story. It's really frustrating."

CBO has not scored Cyren Call's proposal. Taylor called it an "earmark" that would

violate budget rules. The draft bill would cap the price of the spectrum license at \$5 billion -- well below market value, critics say -- to be financed through government-backed loan guarantees. Once the firm begins leasing spectrum to commercial operators, it would repay the government. A Cyren Call spokesman said that would ensure the plan is budget-neutral. Taylor said it could amount to a taxpayer rip-off akin to the NextWave debacle of several years ago, which McCain bitterly criticized. "Our proposal is not Cyren Call's," said a McCain aide, who emphasized that the bill reflects the senator's own approach. Asserting that the measure would ensure taxpayers are protected, the aide added, "We're anti-earmark here."

-- by *Peter Cohn*