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The wireless auction didn't turn out as well we thought it might

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As long ago as the immediate aftermath of Sept. 11, public safety officials and civilians alike learned there was no mechanism in place to provide emergency notification in the event of a disaster.

The aftermath of Hurricanes Katrina and Rita only served to exacerbate this point when families were split up with no means of communicating with public safety officials, let alone with each other. Most are frightfully familiar with the horrible images of desperate people looking for their loved ones in the Astrodome in Houston, as well as on the streets of New Orleans and, earlier, in New York City.

Despite a lot of public foot stomping and screaming, there has been little action. In the recent auction of wireless spectrum which ended in March, the bidding was — um — disappointing. Specifically, the reserve price for a section of the spectrum, which will be freed with the discontinuance of analog television in February 2009, and which was largely allocated on the drawing board for public safety use, was not met. As such, the spectrum will remain, at least for the time being, fallow once it becomes available.

The plan was that this section of spectrum, known as the D-Block, would be used to build a nationwide voice and data network to be shared between commercial users and public safety agencies. The FCC attached certain conditions to how the winner of this section of spectrum would be required to use it, including possible forfeiture of multi-million dollar deposits in the event the winning bidder could not develop the network as required. The technical requirements (which are technically feasible to implement but costly in terms of both time and money) as well as the possible loss of bid funds in the event the network was not built as proposed, likely limited the number of bidders. In fact, a rock star heavy (at least in the techie-sense) Frontline Wireless, with former FCC Chairman Reed Hundt at the helm along with investors that included, among others, John Doerr of Silicon Valley's Kleiner Perkins and Jim Barksdale of Netscape, closed its doors before the auction even began because it was unable to muster the \$128 million required to participate.

Frontline's goal was to save the government — or anyone else — the expense of building a new network to support these essential users, by utilizing, to the extent possible, existing infrastructure (with some major tweaks), which could be harnessed for use by public safety and commercial wireless providers. At least conceivably, it would have benefited all. In any case, seeing the writing on the wall, Frontline didn't enter the bidding fray.

The second recent development occurred on April 10, when the

FCC approved a plan for the creation of a voluntary program — that's a favorite word of mine meaning, as best as I can tell, "go ahead if you want to, but you're under no obligation" — that would enable wireless carriers to notify subscribers by text messages in the event of an emergency.

This is a great idea and is, in fact, in use at a number of college campuses as a result of recent violence. However, the "voluntary" nature of these rules — isn't that an oxymoron? — makes them somewhat less enforceable.

As announced, the rules are to be based on technical standards developed by an advisory committee that includes both public safety officials and industry representatives. The FCC's action came in response to a law enacted in 2006 requiring the agency to implement a nationwide alert system (See Warning, Alert and Response Network Act, or WARN Act, as part of the Safe Accountability for Every Port Act of 2006.)

Specifically, consumers would be notified in the event of a "Presidential Alert," when national emergency information would be delivered to the American public. This is the highest level alert. A second category, "Imminent

Threat Alert," would notify individuals in events "that may pose an imminent risk to people's lives or well being."

The third, and the one with which we're most familiar, is the Child Abduction Emergency or AMBER alert.

As written, carriers that choose to participate in the program will be able to transmit text messages to customers under these conditions; however, no timetable is now in place for compliance, other than a requirement for participating carriers to comply once a federal agency is designated to collect and transmit these alerts to wireless subscribers. (The FCC release states "participating carriers will be required to comply." My question is, if participation is voluntary, how can carriers be required to comply?) A call to the FCC on this issue was not returned.

It's unfortunate that as a nation we have weathered several severe events, of the natural and manmade kind, yet those who are in the critical positions as public safety officials still are unable to communicate over a standardized system.

I say this more than I'd like, but "Stay tuned."

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