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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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APR 28 2010

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FCC Mail Room

In the Matter of	)	
	)	
Establishment of an Emergency Response	)	GN Docket No. 09-51
Interoperability Center	)	PS Docket No. <u>06-229</u>
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	)	
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ORDER

Adopted: April 22, 2010

Released: April 23, 2010

By the Commission: Commissioner Baker issuing a statement.

1. On March 16, 2010, the Commission submitted a report to Congress entitled "The National Broadband Plan (Plan)."<sup>1</sup> As part of its national broadband strategy, the Plan recommends the establishment of an Emergency Response Interoperability Center (ERIC) tasked with ensuring that the 700 MHz public safety broadband wireless network will be fully operable and interoperable on a nationwide basis, both day-to-day as well as during times of emergency.<sup>2</sup>

2. To ensure a baseline of operability and interoperability from the start of the network's development, the Commission has concluded that the public interest will be served by establishing ERIC within the Public Safety and Homeland Security Bureau (PSHSB). Accordingly, we are assigning to ERIC responsibilities consistent with those currently assigned to PSHSB under Section 0.191 of the FCC's Rules. More specifically, ERIC will be tasked with implementing national interoperability standards and developing technical and operational procedures for the 700 MHz public safety broadband wireless network. We also anticipate that over time, ERIC may perform similar functions with respect to other public safety communications systems.

3. In this Order, we amend Part 0 of our rules to establish rules governing ERIC. We further delegate authority to the Chief of the Public Safety and Homeland Security Bureau to establish advisory bodies and select appropriate representatives from federal agencies, the public safety community, and industry to advise ERIC.<sup>3</sup>

4. Authority for the adoption of the foregoing revisions is contained in Sections 1, 4(i), 4(j), 5(b), 5(c), 201(b) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§151, 154(i),

<sup>1</sup> Connecting America: The National Broadband Plan (Mar. 16, 2010), available at <http://download.broadband.gov/plan/national-broadband-plan.pdf>.

<sup>2</sup> *Id.* at 317.

<sup>3</sup> We note that our consideration of final rules for the 700 MHz public safety broadband network remains pending in our 700 MHz proceeding, *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, PS Docket No. 06-229. Our actions in this order do not constitute prejudgment of these issues, and the authority we delegate to the Chief of the Public Safety and Homeland Security Bureau in this order remains subject to the outcome of this proceeding.

154(j), 155(b), 155(c), 201(b) and 303 (r).

5. The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedures Act contained in 5 U.S.C. § 553(b) are inapplicable.

6. ACCORDINGLY, IT IS ORDERED that Part 0 of the Commission Rules, set forth in Title 47 of the Code of Federal Regulations, ARE AMENDED as set forth in the Appendix attached to this Order, TO BE EFFECTIVE, after necessary clearances have been obtained, on the date that will be established through publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

**APPENDIX**

1. Section 0.191 is amended by adding a new subsection (q) which reads:

(q) Oversees the Emergency Response Interoperability Center, establishes the intergovernmental advisory committees described under Section 0.192(b), and administers the agency's responsibilities in connection with such committees.

2. Part 0, Subpart A is amended by adding section 0.192 as follows:

**§ 0.192 Emergency Response Interoperability Center**

(a) The Emergency Response Interoperability Center acts under the general direction of the Chief of the Public Safety and Homeland Security Bureau to develop, recommend, and administer policy goals, objectives, rules, regulations, programs, and plans for the Commission in matters pertaining to the implementation of national interoperability standards and the development of technical and operational requirements and procedures for the 700 MHz public safety broadband wireless network and other public safety communications systems. These requirements and procedures may involve such issues as interoperability, roaming, priority access, gateway functions and interfaces, interconnectivity of public safety broadband networks, authentication and encryption, and requirements for common public safety broadband applications.

(b) To the extent permitted by applicable law, the Chief of the Public Safety and Homeland Security Bureau shall have delegated authority to establish one or more advisory bodies, consistent with the Federal Advisory Committee Act or other applicable law, to advise the Emergency Response Interoperability Center in the performance of its responsibilities. Such advisory bodies may include representatives from relevant federal public safety and homeland security entities, representatives from state and local public safety entities, industry representatives, and service providers.

3. Section 0.392 is amended by adding new language to the preamble to read:

The Chief, Public Safety and Homeland Security Bureau, is hereby delegated authority to perform all functions of the Bureau, described in Sections 0.191 and 0.192, subject to the following exceptions and limitations in paragraphs (a) through (e) of this section.

\* \* \*

**STATEMENT OF  
COMMISSIONER MEREDITH ATTWELL BAKER**

Re: *In the Matter of Establishment of an Emergency Response Interoperability Center*

I support the creation of the Emergency Response Interoperability Center (ERIC) within the Federal Communications Commission. ERIC will complement the work of the public safety community and other federal resources as together we advance the goal of national interoperable communications.

I expect that once in place, ERIC's leadership will move quickly to build upon the groundwork of successful collaboration on interoperability issues that have already been laid. I also expect that ERIC's leaders will maintain and improve the strong working relationships that already exist between federal agencies and the members of the public safety community, whose work on interoperability has to date been invaluable and shows support in the future will be vital.

In particular, I will be looking to ERIC to leverage, and not duplicate or overtake, the working relationships between federal agencies like the Department of Commerce/NTIA Institute for Telecommunications Services, the National Institute for Standards and Technology, the Department of Homeland Security and many others that already exist. I also hope that ERIC can find new ways to increase the involvement of state and local experts.

To this end, it is my expectation that appropriate steps will be taken quickly to form a representative advisory council for ERIC to ensure state and local public safety perspectives are adequately heard and that a formal working relationships will promptly be established with relevant federal partners.

In addition to maintaining and improving these working relationships, ERIC will need to define its role in technology development. It is imperative that ERIC not supplant the work of the industry-led standards bodies in this regard. There is no substitute for collaborative standards development if we seek to have a truly interoperable national communications infrastructure.

By promoting active broad-based collaboration on interoperability issues and the development standards-based solutions to meet the needs of public safety and perform a valuable leadership role in achieving national interoperable public safety communications.