

## **Update on the Public Safety Spectrum Trust Corporation (PSST) December 19, 2007**

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### **What is the PSST?**

The PSST is a non-profit corporation organized under the laws of the District of Columbia in June 2007. It was formed to provide an organizational structure through which decisions of the national public safety leadership can guide the construction and operation of an interoperable public safety-grade wireless broadband network. This network is to be built and operated pursuant to a public safety/commercial partnership authorized by the Federal Communications Commission (FCC). On November 19, 2007, the FCC selected the PSST to be the Public Safety Broadband Licensee (PSBL) of 10 MHz of 700 MHz broadband public safety spectrum.<sup>1</sup> At the completion of the FCC's 700 MHz auction scheduled to begin on January 24, 2008, the PSST will commence negotiations with the D Block auction winner on a Network Sharing Agreement (NSA). The NSA will define, among other things, the rights and obligations of the parties in that public safety/commercial partnership, public safety service fees, and a detailed build-out schedule—all subject to the parameters set forth by the FCC in its Second Report and Order released August 10, 2007.<sup>2</sup>

As specified by the FCC, the PSST Board of Directors is comprised of representatives of the following organizations:

- American Association of State Highway and Transportation Officials (AASHTO)
- American Hospital Association (AHA)
- Association of Public-Safety Communications Officials-International (APCO)
- Forestry Conservation Communications Association (FCCA)
- International Association of Chiefs of Police (IACP)

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<sup>1</sup> See, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, Released November 19, 2007.

<sup>2</sup> See, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) at ¶¶ 444-454 (Second Report and Order).

- International Association of Fire Chiefs (IAFC)
- International City/County Management Association (ICMA)
- International Municipal Signal Association (IMSA)
- National Association of State Emergency Medical Services Officials (NASEMSO)
- National Association of State 9-1-1 Administrators (NASNA)
- National Emergency Management Association (NEMA)
- National Emergency Number Association (NENA)
- National Fraternal Order of Police (NFOP)
- National Governors Association (NGA)
- National Sheriffs' Association (NSA)

**What are some of the PSST's recent activities and future responsibilities?**

The PSST faced many challenging and resource-intensive tasks even prior to becoming the PSBL licensee including: extensive analysis of broadband technologies, detailing the needs of the public safety network, meeting with numerous representatives of public safety associations, developing the PSST's Bidder Information Document, conducting meetings with potential bidders in the FCC's D Block auction (prior to the commencement of the FCC's auction "quiet period" on December 3, 2007) and completing many other tasks.

The PSST faces even more challenging and resource-intensive tasks in the future as part of its very substantial responsibilities on behalf of the public safety community.<sup>3</sup> These tasks include: negotiating the Network Sharing Agreement with the D Block auction winner to form the public safety/commercial partnership, administering access to the public safety broadband network by public safety entities, identifying the opportunity on the network to public safety users, approving public safety equipment and applications for use on the network, coordinating stations operating on public safety narrowband stations, overseeing and implementing relocation of narrowband operations on some channels, and facilitating negotiations between the D Block licensee and local/state entities to build out facilities on local and state-owned lands.

**How does the PSST plan to meet those responsibilities?**

Since inception, the PSST has only had a Board of Directors (and officers selected from the Board members) comprised entirely of volunteers from the public safety community in accordance with FCC requirements. The PSST itself currently has no revenue or funding, governmental or otherwise, and, therefore, no paid staff at this time. Nonetheless the tasks already undertaken by the PSST, consistent with its obligations as the PSBL, have required hundreds of hours by professionals with a broad range of expertise in business, engineering, legal matters, public relations and other areas, as well as hundreds of hours by its volunteer officers.

The PSST recognized from the outset that it would need professional assistance to help it fulfill its many responsibilities, including the FCC-imposed duties it would assume if it became the PSBL. To that end, the PSST issued a Request for Proposal (RFP) on July 9, 2007, in an

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<sup>3</sup> See, Second Report and Order at ¶1383.

open and transparent process, seeking responses from all parties interested in serving in an advisor and support role to the PSST. Issuance of the RFP and reports on its status were covered in the communications trade press. The PSST received ten responses to its RFP. A PSST review committee narrowed its focus to three responses and conducted follow up interviews with the remaining candidates. At the end of this competitive process, on October 5, 2007, the PSST selected Cyren Call Communications Corporation (Cyren Call)<sup>4</sup> as its advisor, subject to completion of a professional services agreement.

One of the factors in favor of the selection of Cyren Call, although not the deciding factor, was Cyren Call's willingness to find financing for the PSST that will provide operational funds for the PSST until long term funding is secured.

Other private companies serve as advisors to the PSST. Although the PSST is a small and new organization, it has major responsibilities requiring significant resources and a wide range of skills. When the PSST chose Cyren Call following the competitive RFP process, it also approved the retention by Cyren Call of three entities to assist in various technology matters.<sup>5</sup> Those three companies, RCC Consultants, Inc.,<sup>6</sup> 4DK Technologies, Inc.<sup>7</sup> and RACOM Corporation,<sup>8</sup> are not direct advisors to, or contractors with, the PSST, but were chosen by Cyren Call to work as part of its team. The PSST selected Keller and Heckman to assist in developing its articles of incorporation and original bylaws. The PSST has also selected Hogan & Hartson<sup>9</sup> to provide it with ongoing legal advice and representation. Mr. John E. Logan has been retained to provide ongoing regulatory legal advice. Cyren Call also relies on legal counsel and other advisors for its work for the PSST.

The PSST Board of Directors is aware of its responsibility as the PBSL licensee to remain in control of the PSST's business and mission. Neither Cyren Call nor any other entity, for-profit or otherwise, whose counsel or support is drawn upon by the PSST in fulfilling those

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<sup>4</sup> Incorporated in March 2006, Cyren Call is led by veterans of the wireless industry and public safety communications. On April 27, 2006, Cyren Call filed a Petition for Rule Making at the FCC proposing that a nationwide broadband interoperable wireless public safety system be created in the 700 MHz band through a public safety/commercial partnership. Cyren Call advocated for the concepts of that proposal. Its Chairman testified before the U.S. Senate Committee on Commerce, Science and Transportation and the U.S. House of Representatives Subcommittee on Telecommunications in 2007 in support of its proposal. The FCC in the Second Report and Order adopted many features of that Cyren Call proposal. Cyren Call has provided professional services to the PSST, including assistance with the development of the PSST's Bidder Information Document, identification of funding to meet the PSST's needs, assistance with scheduling and conducting meetings with potential bidders in the FCC's D Block auction (prior to the commencement of the FCC's auction "quiet period" on December 3, 2007).

<sup>5</sup> See, "Cyren Call Announces Team to Assist Public Safety" (Oct. 11, 2007) (online at [www.cyrencall.com](http://www.cyrencall.com)).

<sup>6</sup> RCC Consultants, Inc. (RCC) is the largest engineering consulting firm in the country with a practice exclusively dedicated to the needs of public safety communications users. RCC has been engaged by hundreds of public safety agencies to assess their communications requirements and provide design specification, procurement, optimization and testing support for their public safety communications networks.

<sup>7</sup> 4DK Technologies, Inc. is an industry-leading innovator developing interoperability solutions for seamless connectivity across wireless networks, devices and applications.

<sup>8</sup> RACOM Corporation serves the wireless voice, data and video communications needs of the public safety industry and has consistently been an innovator in deploying advanced, mission-critical wireless technologies and networks.

<sup>9</sup> Hogan & Hartson is the oldest major law firm headquartered in Washington, DC. With more than 1000 lawyers, the firm is consistently ranked among the top global law firms in industry surveys and major publications.

obligations will be permitted to act in a manner that is not consistent with all FCC requirements relating to the PSST's retention of control in its status as the PSBL.

**What is the FCC's oversight authority of the PSST?**

To help ensure the success of the public safety/commercial partnership, and the delivery of advanced communications capabilities to the public safety community, the FCC has created an extensive oversight system for the PSBL. The FCC specified the precise Board of Director member organizations of the PSBL, mandated elements of the PSBL's articles of incorporation or bylaws, provided for direct FCC presence in and supervision of the negotiation of the Network Sharing Agreement, and established a quarterly full financial accounting reporting requirement for the PSBL to the FCC. This oversight authority is in addition to the normal FCC oversight of any of its licensees including to ensure that the licensee maintains control over its license. The FCC has in place the tools necessary to ensure that the PSST, in its role as the PSBL, will serve the public interest and to take appropriate measures should it ever determine that the PSST had not fulfilled that obligation.

For additional information on the PSST, please visit the PSST's web site at [www.psst.org](http://www.psst.org).