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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

JOINT COMMITTEES ON PUBLIC SAFETY

5

and TECHNOLOGY AND INFORMATION

6

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, September 30, 2004
2:10 p.m.

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RESOLUTION 040655 - authorizing a joint
hearing for both City Council's Committee on
Public Safety and City Council's Committee
on Technology and Information Systems to
hold public hearings to investigate the
malfunction of the City of Philadelphia's
digital radio system...

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PRESENT:

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COUNCILWOMAN DONNA REED MILLER, Chair
COUNCILMAN BRIAN O'NEILL, Chair
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK RIZZO
COUNCILMAN RICHARD MARIANO
COUNCILMAN DAVID COHEN
COUNCILMAN MICHAEL NUTTER

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V A R A L L O Incorporated
Litigation Support Services
Eleven Penn Center
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
215.561.2220 215.567.2670

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1 09/30/04 - PUBLIC SAFETY - RES. 040655

2 COUNCILWOMAN MILLER: Good
3 afternoon. I'm Councilwoman Donna Reed
4 Miller, Chair of the Public Safety Committee

5 Today we are reconvening the
6 recessed meeting of the Public Safety and
7 Technology and Information Services Committee.
8 We will restate the number of the resolution
9 and also restate the goals of the resolutions
10 by our Clerk.

11 THE CLERK: Resolution 040655,
12 authorizing a joint hearing for both City
13 Council's Committee on Public Safety and City
14 Council's Committee on Technology and
15 Information Systems to hold public hearings to
16 investigate the malfunction of the City of
17 Philadelphia's digital radio system, which
18 occurred twice; once on March 25, 2004, at
19 8:59 p.m., and then on May 18, 2004, at
20 9:04 p.m.; and, in furtherance of such
21 investigation, authorizing the issuance of
22 subpoenas to compel the attendance of
23 witnesses and the production of documents to
24 the full extent authorized under Section 2-401
25 of the Home Rule Charter.

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2 COUNCILWOMAN MILLER: Thank you.

3 In attendance for this meeting is
4 Councilman Mariano to my left; Councilman
5 Rizzo, sponsor of the resolution; and, myself,
6 Councilwoman Miller. We're just going to go
7 on and proceed with the first panel of
8 witnesses.

9 COUNCILMAN RIZZO: I'd just like to
10 make sure when the Clerk read the resolution
11 -- that was the original resolution. And
12 since the resolution, there's been another
13 incident, August 18th, 2004, at approximately
14 7:26 p.m., so we're adding that to the
15 resolution.

16 COUNCILWOMAN MILLER: Thank you,
17 Councilman Rizzo.

18 Will the Clerk please call up the
19 first panel of witnesses?

20 THE CLERK: Police Commissioner
21 Sylvester Johnson; First Deputy Police
22 Commissioner of Operations, Patricia Giorgio
23 Fox; Deputy Police Commissioner of Science and
24 Technology, Charles Brennan; Sergeant in
25 Police Radio, Greg Masi.

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2 COUNCILWOMAN MILLER: Thank you.

3 I know many of you have been here in
4 the past. We just want to remind you to
5 identify yourself for the record, speak into
6 the mike, and proceed with your testimony.

7 Also in attendance is Councilwoman
8 Blondell Reynolds Brown.

9 COMMISSIONER JOHNSON: I'm Police
10 Commissioner Sylvester Johnson, Police
11 Commissioner of Philadelphia. We welcome
12 these hearings again.

13 We're well aware of the problem, and
14 have been aware of the problem and have been
15 working with the FOP to solve these problems.
16 I'm very confident that everything that can be
17 done is being done by Deputy Commissioner
18 Brennan and his staff. We will stay in
19 communication and have stayed in communication
20 with the FOP about this problem. Until this
21 problem is solved, we will continue to work
22 along with it.

23 That's basically my testimony, that
24 I'm aware of the problem. We're working with
25 the problem. We're working on the problem and

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2 we'll continue to do that.

3 COUNCILMAN RIZZO: Commissioner, we
4 appreciate you being here. I know that you've
5 been dealing with this problem, and I know you
6 have a similar concern that I do because this
7 could affect the safety of your officers. We
8 hope that this is resolved as promptly as
9 possible.

10 Commissioner, at this point we
11 appreciate your coming. That, to me, says a
12 lot in your busy day to be here. And I know
13 that Commissioner Brennan will be able to deal
14 with the issues that we have today. I
15 appreciate you coming to at least start this
16 hearing today.

17 COMMISSIONER JOHNSON: I thank you
18 very much.

19 COUNCILWOMAN MILLER: Also in
20 attendance is the Chair of the Information and
21 Technology Committee, Councilman Brian
22 O'Neill.

23 COUNCILMAN RIZZO: Commissioner
24 Brennan, you heard the resolution. We've
25 added the 28th of August to the list of

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2 incidents that occurred with the malfunctions.
3 I know that a lot has gone on to work on the
4 various issues. For the record, I would like
5 you to, from the last hearing date forward,
6 talk a little bit about what you've been
7 experiencing and what's been occurring to try
8 to get this problem resolved.

9 MR. BRENNAN: My name is Charles
10 Brennan. I'm a Deputy Police Commissioner.

11 Since the last hearing, which I
12 believe was July 14th, we've had two major
13 incidents and a number of tests that have
14 provided fixes to some of the problems that we
15 have.

16 On July 20th we got a loss of
17 communications at one of our consoles, and we
18 traced that actually not to Motorola, but to a
19 Verizon problem. Verizon was testing one of
20 our communications lines, left it in a test
21 mode, and that caused a problem with one of
22 the consoles. That was fixed by Verizon
23 virtually the same day.

24 The big problem we had was August
25 28th. We had an assist officer in East

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2 Division. We had a running gun battle going
3 on on the 200 block of Orleans Street. Much
4 of the same problem that happened in August
5 has happened back in March. A piece of
6 communications equipment was overloaded and
7 switched to a back-up, causing a temporary
8 loss of communications for the officers in the
9 street. It was a controller switched from one
10 to the other.

11 Motorola looked at that and they
12 determined what the cause was. They
13 determined the cause to be what they call
14 affiliation. For some reason -- and Motorola
15 still doesn't know the reason -- a lot of our
16 radios would leave our system. They would
17 just leave and try to go to the other system,
18 and then they would all pop back at once.
19 That would cause an overload to one of the
20 controllers and it caused the other controller
21 to pop. So Motorola knew what caused it,
22 although they're not sure why this is
23 happening.

24 Since we were last here, we've
25 addressed a number of issues that were brought

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2 up to the Committee when we first met back in
3 July. On July 20th, we had a test of what we
4 called an announcement group function.

5 I know, Councilman, you were here
6 and Councilman O'Neill was here.

7 For the benefit of the other
8 Councilmembers, police radio uses a function
9 called announcement group, and it is a way
10 that one dispatcher can talk to all the cops
11 on the street at the same time. Really,
12 that's the only way they can do that. We use
13 it for a very big incident. We may use it
14 just to inform them of something. But if you
15 want to talk to everybody at once, it's the
16 only way to do it. Otherwise, you really have
17 to break it up into two distinct transmissions
18 The announcement group function, we had
19 stopped using it because we had problems with
20 it. So Motorola believed they had a fix for
21 it. They put it in and we tested it on July
22 20th.

23 The announcement group seemed to
24 work okay, but something else occurred. The
25 controller again switched. So we decided not

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2 to use the announcement group until we could
3 do some further looking at what had happened.
4 Although we tested July 20th, we didn't do
5 anything at that point in time. We went to
6 Motorola to get some data.

7 On September 13th, Motorola believed
8 that they had come up with a fix for this
9 affiliation issue, the fact that all the
10 radios seemed to leave suddenly and then they
11 come back. Motorola brought in some of the
12 their engineers from Shamburg, Illinois and we
13 discussed the problem. Motorola had been
14 working on it for quite a while without any
15 luck.

16 After the engineers left, Motorola
17 came back to us and said, "You know, we think
18 we have an idea how to fix this." It required
19 them to go out and reprogram all 3,400 radios
20 in the Police Department. We looked at their
21 fix and it seemed to make sense, so in fact we
22 did that.

23 Motorola went out. Over a period of
24 about a week or so, we went and we had to
25 touch all 3,400 radios and reprogram them to

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2 fix this issue of why the radios leave our
3 system and why they come back.

4 Programmatically, there's a timer in
5 the radio. The longer the police officer
6 would talk, the more likely the radio would
7 leave and try to go somewhere else. So what
8 they did is they essentially took the timer
9 out. We tested this fix that Motorola had put
10 in. It seems to have worked. And I want to
11 qualify with "seems to have worked," because
12 this affiliation issue comes up rarely, but
13 when it comes up, it hurts us.

14 Last time it happened, we actually
15 thought it was fixed way back months ago and
16 we didn't see anything. Months went by.
17 Motorola even thought it was fixed. And it
18 pops back up again. So we've tried to
19 replicate this. After Motorola put the fix
20 in, it seems that this is working now. It
21 seems that they, hopefully, have solved this
22 problem. But we are going to look at this
23 with Motorola long-term before we agree that
24 this is fixed. Since September 13th, we have
25 not had another affiliation issue in the

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2 police radio system.

3 The second test we did was on
4 September 22nd. We wanted to test that
5 announcement group function again; again, the
6 way that we can talk to all the police on the
7 street at the same time. We tested it on
8 September 22nd. Again, in order to fix that,
9 we had to go around and touch all the radios,
10 and we did. We did a programming change.
11 That seems to work fine now. The police are,
12 in fact, using the announcement group, and we
13 have not had a problem since we've been using
14 it again.

15 The last test we did was on
16 September 23rd. And we did, actually, a
17 couple of tests that day. There was one
18 rather serious problem with using a digital
19 radio system that, again, had befuddled
20 Motorola. They couldn't figure out how to
21 solve it. But it was a tremendous operational
22 issue for us. We called it tailgating. I
23 don't think Motorola calls it that. It sounds
24 like a Philly term. I think we probably
25 invented it. But what it does is, when we

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2 bring a lot of police together, talking on one
3 incident -- for example, we might have a
4 double or triple assist where we're bringing
5 officers in from Center City, from South
6 Philly, from North Philly. When an officer is
7 in trouble, we bring a lot of officers in. We
8 have a lot of radios and talking at one time.
9 The radios actually could all lock together
10 when we don't want them to. You might have an
11 officer in South Philly who still hears the
12 officer in North Philadelphia. He's not
13 supposed to. And that could go on and tie us
14 up for minutes at a time. Actually, we've had
15 that happen.

16 Again, Motorola put a fix in. We
17 tested that on September 23rd. And, again,
18 we're very optimistic that it seems to have
19 worked and mitigated the tailgating. The
20 tailgating is not solved, but it only lasts a
21 second or two now. Before, it could last as
22 many as minutes. We believe that that, in
23 fact, looks real good.

24 So over the last couple months we
25 think we've made a lot of progress addressing

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2 a lot of serious issues that we had. I would
3 tell you that we think we have a long way to
4 go. There are many other things that we're
5 concerned about. But from the Police
6 Department's point of view, we've turned a
7 corner. We're not far away from the corner,
8 but we think we turned one.

9 COUNCILMAN RIZZO: Commissioner, for
10 the record, could you comment, since you're
11 talking about tailgating, what occurred on the
12 28th of this month?

13 MR. BRENNAN: On September 28th?

14 On September 28th, radio put in a
15 trouble ticket for a tailgating incident,
16 which you will notice happened, of course,
17 after I told you that the fix was in.

18 If you remember what I said,
19 Councilman, Motorola never said tailgating was
20 going to go away. They said it was severely
21 limited. It was mitigated. And that trouble
22 ticket was put in -- actually, it was a
23 confusion on the part of the people in Radio.
24 Radio was told -- and we've told them should
25 the radio system even burp, you're going to

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2 call Motorola. We want a trouble ticket put
3 in.

4 So what happened is they got a
5 couple seconds of tailgating, really just a
6 couple seconds in South. That is normal now.
7 Those couple seconds in the past would have
8 been a long tailgating incident and would have
9 tied us up for a long time. We believe that
10 in the worst case scenario -- and it would be
11 unlikely to happen -- we would have this
12 tailgating go on no more than 20 seconds. So
13 when radio saw this couple seconds happen in
14 South Philly, they assumed that tailgating
15 would never happen again. And, in fact, that
16 is now a normal occurrence. Tailgating does
17 happen, although I will tell you that this fix
18 that we put in and tested on September 23rd,
19 it seems to be lessened a whole lot. And
20 operationally it does not affect us very much
21 anymore at all.

22 COUNCILMAN RIZZ0: For the record,
23 here is the copy, or at least a report that I
24 received. "At approximately 6:30 p.m., a
25 person at Motorola was notified about a

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2 tailgating incident at 6:30 p.m. "J Band
3 (ph), using PPD all to broadcast City-wide
4 received tailgating from South console
5 Reported. Given severity three."

6 That is the incident that you are
7 referring to?

8 MR. BRENNAN: That's the incident Of
9 course, I knew about that right away. The
10 radio notifies us about that right away.
11 Motorola sees these too and so does the City.
12 The City and manager are e-mailed these right
13 away. So, believe me, we know of these
14 incidents right away. As soon as I was
15 beeped, I called Radio. Our concern is that
16 it doesn't operationally impact anything.

17 When I got the captain of Radio on,
18 he told me right away. He said, "Look, it was
19 only a couple seconds long." And we explained
20 to them now that that is going to happen. But
21 it really only lasts a couple seconds and goes
22 away. Radio just didn't understand that they
23 shouldn't call for that anymore. That's not a
24 big deal.

25 COUNCILMAN RIZZO: My colleagues

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2 have questions. But, again, I think, for the
3 record, you need to take 30 seconds to explain
4 why this tailgating is occurring, why it
5 doesn't occur in other Motorola 800 megahertz
6 systems because of operational issues.

7 MR. BRENNAN: I'm not sure it
8 doesn't occur in other Motorola systems.
9 Motorola could probably address that.

10 COUNCILMAN RIZZO: Well, you told me
11 that they told you that it doesn't occur in
12 other places because we operate our system a
13 bit differently than other systems are
14 operated. If we sent our police to another
15 city, maybe they could create a tailgating
16 situation. But you've got an operational
17 issue that you need to deal with; am I right?

18 MR. BRENNAN: Right.

19 COUNCILWOMAN MILLER: Excuse me.

20 Commissioner, can you explain what
21 tailgating is again for those of us that don't
22 have a clue?

23 MR. BRENNAN: We are divided up,
24 Councilwoman, pretty much geographically, as
25 you know. We're divided up into divisions

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2 which actually mirror what we call talk groups
3 in radio. In other words, there's a
4 dispatcher that would talk to the officers in
5 a certain section of South Philadelphia.
6 There's another dispatcher who talks to
7 officers in Center City. Another dispatcher
8 talks to officers in Northeast Philly.
9 Another dispatcher talks to officers in the
10 Northwestern part of the City. We're broken
11 up geographically by districts, and districts
12 form divisions, and we talk to officers that
13 way.

14 Well, if we have an emergency
15 situation, we may have to talk to a lot of
16 officers at one time. So we may talk to
17 officers in Center City, in South Philly, in
18 North Philly. We may have to all talk to them
19 at the same time. And we have one dispatcher
20 that can do that. We have some dispatchers
21 that can talk to the whole City at the same
22 time if they have to do that. So if we had an
23 emergency situation, a dispatcher would key in
24 the officers from South Philly, Center City
25 and North Philly all at same time.

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2 Essentially you're bringing all those radios
3 together like this.

4 Well, when the dispatcher is done
5 talking, basically you want all of those
6 radios to go back where they belong. So the
7 radios in South Philly go back there; the
8 radios in North Philly go back there. What
9 happens in tailgating is essentially those
10 radios lock together, so that instead of going
11 back where they belong, when the officer in
12 South Philly talks, the officer in North
13 Philly can hear him, as well as the officer in
14 Center City can hear him. When the officer in
15 North Philly talks, the officers in Center
16 City and South Philly can still hear him. We
17 don't want him to hear them anymore. They're
18 supposed to go back.

19 What this is caused by is the
20 officers are keying -- as long they keep
21 keying their radios, pushing that little
22 button on the side, as long as they keep doing
23 that, they keep this phenomenon called
24 tailgating locked together. Our longest
25 instance of that is about four minutes, which

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2 means that they really can't use their radio
3 system for four minutes. It wasn't uncommon
4 to have this go on for 30, 40, 50 seconds at
5 the time. If you think about it, the reason
6 we bring all these officers together to talk
7 to them, we have a problem. We usually have a
8 bad problem.

9 We presented this to Motorola.
10 Basically what happens now is we can bring all
11 the officers together and we can talk to them.
12 When we let them go, the most that they tend
13 to hang on to one another is a couple seconds
14 and then they break away and go back to where
15 they go. So we've been monitoring this since
16 we put it in and we're very optimistic that
17 this seems to be working okay.

18 What Councilman Rizzo is talking
19 about is we had one of those instances the
20 other day. We brought a bunch of officers
21 together and they locked together for a couple
22 seconds and then they broke away and went back
23 to where they're supposed to go. So
24 operationally we feel that our situation now
25 is a whole lot better.

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2 COUNCILWOMAN MILLER: Okay. Thank
3 you.

4 COUNCILMAN RIZZO: Plus you answered
5 my question. Thanks.

6 I'd like you to explain a particular
7 trouble ticket to me. It may be difficult for
8 you, but I'll try to make this work. There
9 was an incident on 8/18, trouble ticket
10 10435574.

11 I appreciate, Commissioner Brennan,
12 your cooperation with providing me, this
13 Committee, the trouble tickets that are
14 available.

15 For the record, I want the record to
16 reflect that I've asked for some other
17 information, some memos, some e-mails between
18 you and others involving this issue, and there
19 is a reluctance to provide that information.
20 Eventually we're going to need that
21 information. I know that you've been told not
22 to give me that information, or this Committee
23 that information. I have, in fact, subpoenaed
24 that information. So I'm hoping that it
25 doesn't lead to that. I hope that you see the

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2 light eventually -- or the powers that be --
3 and cooperate and give us the information that
4 we need.

5 I can't imagine that there would be
6 any reason not to provide that information,
7 but we have subpoenaed it. And in the event
8 it doesn't come voluntarily, we're going to
9 ask for that subpoena to be honored. So I
10 just wanted that to be on the record.

11 I also would like to state for the
12 record that I got a call from the City
13 Controller today, and the City Controller is
14 about to initiate an audit of this entire
15 circumstance. So if the information doesn't
16 come voluntarily, we're going to get it in
17 other ways if we need it. I wanted you to be
18 aware of that.

19 Try to explain to me the cause of
20 this particular trouble ticket. "We are
21 having simultaneous problems with system A and
22 system B." I've been led to believe that when
23 you were having problems, system B was not --
24 or vice versa -- was not affected. So here's
25 what it says. Maybe it's just that I don't

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2 know how to read this. "We are having
3 simultaneous problems with system A and B,
4 such as hear when the channels of both systems
5 were red."

6 What does that mean? Are you
7 telling me that you had problems with both
8 fire and police.

9 MR. BRENNAN: This is the August
10 18th incident?

11 COUNCILMAN RIZZO: Yes.

12 MR. BRENNAN: No. Here is what
13 happened on August 18th, Councilman.

14 On August 18th, we had an assist
15 officer in East Division. An assist officer
16 generates an awful lot of radio traffic in a
17 very short amount of time. What was unusual
18 about the August 18th incident that had not
19 happened before, it only involved a City-wide
20 band, an east band and the 25th District and
21 probably two other City-wide bands. We didn't
22 bring together an inordinate amount of police,
23 a whole lot, right away. What happened is the
24 controller flipped. What happens when the
25 controller flips is that the officers can talk

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2 to one another, but they lose contact with the
3 dispatcher for a number of seconds, about 10
4 to 12 seconds. Of course, this is a big deal
5 for us. This was a very serious issue for
6 this. Motorola looked at it right away.

7 One good side to the whole thing is,
8 thank God, nobody was hurt by this. The
9 second good thing about it, if you can say, is
10 the backup system worked fine. So the thing
11 flipped over and worked fine. The third good
12 thing to come out of it is that when Motorola
13 looked at it, they determined it to be this
14 affiliation issue.

15 For some reason, a lot of radios on
16 system B -- the Police Department is on system
17 B. Everybody else in the City is on system A.
18 A lot of radios in system B, they just tried
19 to leave. So they went away. And then what
20 happens is they all come back at once, and
21 this puts a load on the controller that is
22 greater than the controller can take. So it
23 just essentially says, "I quit. I'm going
24 over to the backup."

25 That issue that happened on August

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2 18th, that is part of the fix that we tested
3 on September 13th, and we have not seen one
4 since September 13th.

5 But you're correct, Councilman.

6 That was a bad issue on August 18th. We
7 understood it right away. We had Motorola on
8 it right away. They got back to us and told
9 us what the problem was and they developed a
10 fix which we put in and we're watching.

11 COUNCILMAN RIZZO: I'm going to turn
12 it over to any of my colleagues that would
13 like to speak.

14 It's beyond belief that we could
15 have a system that has been installed in so
16 many places, not just in the United States --
17 I assume outside of the United States -- that
18 we are developing fixes for things that should
19 have been occurring in other places.

20 Commissioner Brennan, why are we
21 here experiencing all of these problems when
22 there are systems in other places, again, that
23 apparently are either tolerating what we are
24 trying to fix or don't have those conditions?
25 And now, who knows how much money we've spent

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2 jointly trying to correct this problem. Why
3 are we having these problems?

4 MR. BRENNAN: You've asked the same
5 question that we've asked actually more than
6 once. I'm going to give you my opinion.
7 There may be people behind me that have other
8 opinions.

9 Motorola will tell you that the
10 system they put in here, they put in many
11 other places. I think the way that we put it
12 in here is rather unique.

13 For example, if you go down to
14 Baltimore, Baltimore bought a very similar
15 Motorola system to ours. They bought one
16 system. Everybody uses one system. Police,
17 fire, municipal departments all use the same
18 system.

19 Looking back, I guess what the
20 City's intent was to build a system that was
21 absolutely redundant, absolutely foolproof and
22 would be the safest system that they could buy
23 This is what I think the City's intent was.

24 What they did is they essentially
25 bought two systems that sit over top of one

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2 another, system A and system B. Now, Motorola
3 has told us that there are other cities that
4 have bought that configuration with one minor
5 difference. Cities that bought that
6 configuration, they don't care where the radio
7 goes, to system A or system B; you could go to
8 either place. What was done here, apparently,
9 is the way that the radios are, we care where
10 you go.

11 Even today, one of the problems that
12 we have yet to solve is a problem that we call
13 roaming. It affects the Fire Department. It
14 affects us. We roam. We go over to the fire
15 side, the A side. Fire comes over to our
16 side, the B side. Well, they don't want us
17 over there and we don't want them over on our
18 system.

19 Now, in certain instances, you would
20 want that. For example, the fire backup
21 system, if their whole system goes, they would
22 come over to us. That's why it's there. But
23 when it starts to happen too much, that's when
24 we have a problem.

25 It is my opinion that is the one

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2 difference, is that we don't want the radios
3 to go to other than the system that they're
4 supposed to be on. That seems to be as best
5 -- at least as best that I can understand
6 Motorola, is that seems to be the one unique
7 difference that has been done here in the
8 City. I think although it doesn't work as
9 well as it's supposed to, I think the intent
10 of how it was supposed to work was certainly
11 good.

12 If you could just let me finish,
13 Councilman. A lot of things have come out of
14 this. Our old system, there really was no
15 backup. There was no backup. If we lost that
16 system, there was nowhere to go. I think the
17 City was being very afraid about not having a
18 place for their public safety people to go in
19 case of a backup. Now we've got three or four
20 levels of backup, including two separate
21 systems that the police and fire can go to in
22 an emergency. I think that the City's desire
23 to build the safest system that it could is
24 probably really what's sort of biting them
25 now.

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2 COUNCILMAN RIZZO: Commissioner,
3 obviously there were consultants. There were
4 people from our communications operation. I
5 agree the intent is terrific. To have backup
6 is absolutely the best way to go. I don't
7 know whether I should ask you this question,
8 but you're the boss of the communications
9 operation. Was there any reluctance on
10 Motorola's part to sell us a system that was
11 like this?

12 MR. BRENNAN: I came here after
13 that, so I don't know what happened in the
14 contracts.

15 COUNCILMAN RIZZO: I'll save that
16 for Public Property --

17 MR. BRENNAN: I would save it for
18 them.

19 COUNCILMAN RIZZO: -- to see whether
20 or not we were building something so unusual
21 that there was any hesitancy on the vendor's
22 part to provide this system. Obviously not,
23 because they sold it to us and installed it,
24 so...

25 Well, Commissioner, I appreciate

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2 you. I know you'll want to hear the rest of
3 the panels. I'll ask you to stay in the room
4 if you could, or at least close by.

5 We're going to move to our next
6 panel, which is the Fire Department.
7 Commissioner Ayers and Michael Moore, Chief
8 Dispatcher.

9 Good afternoon, Commissioner.

10 Commissioner, the last time you were
11 here, my recollection is that you were not
12 having as many problems with the new system as
13 the Police Department. It's understandable
14 that you operate a bit differently than the
15 Police Department and sometimes, the way the
16 Police Department Commissioner just described,
17 that is part of some of the problems that
18 they're experiencing. You don't, again,
19 operate in a similar way. I think the last
20 time since you've been here at our last
21 hearing that there has been some concerns in
22 the Fire Department that the system may not be
23 operating.

24 Commissioner, were you not aware of
25 the problems the last time you were here? Or

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2 have they developed and you learned of these
3 problems that have been reported in the media
4 and that representatives of the union have
5 talked about? Could you elaborate, please, on
6 exactly why all this new information
7 apparently wasn't available during our last
8 hearing?

9 COMMISSIONER AYERS: That is correct
10 on not knowing about some of the issues. The
11 Philadelphia Fire Department was first
12 notified by the Public Property of coverage
13 issues back on August 22nd of 2003, RCC, their
14 initial interference report was delivered to
15 us and released in February 2004.

16 The Philadelphia Fire Department, we
17 went operational with the 800 megahertz
18 system, as you know, back in October 2002. To
19 this date, the Fire Survey Unit has received
20 50 of the memos that we set up as a feedback
21 system regarding coverage issues. It was 54
22 locations.

23 A breakdown of those locations was
24 10 unfounded upon investigation, where we
25 would go out, investigate, duplicate the

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2 situation and not be able to find the problem.
3 There were 16 locations of issues that were
4 issues that were below grade or in an elevator
5 or within a structure where the radios
6 couldn't communicate properly. Twelve were
7 referred to Public Property and RCC because we
8 could not find out what the problem or issue
9 was. Twelve were under investigation or
10 currently under investigation by Fire Survey.
11 Twenty or forty percent of those memos have
12 been received since July of this year.

13 On August 30th, 2004, the
14 Philadelphia Fire Department, in conducting an
15 investigation of the Belgrade Street fire,
16 questions were sent to Motorola and Public
17 Property of the two issues that we had, two
18 issues that we had encountered. They involved
19 the excessive bonking on the fire ground and
20 no evidence of audio from a hot mike
21 situation. Those were the two situations that
22 we found after that while we were
23 investigating.

24 On September 1st, 2004, Motorola
25 informed the Philadelphia Fire Department of a

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2 characteristic of encryption technology,
3 whereby opposite encrypted mode radios, which
4 is secure or clear, which were the two
5 encryption modes available on our radio
6 systems, can in certain situations be rejected
7 or bonked. It's called an encryption bonk.

8 The uniformed forces were notified
9 immediately. I ensured that they were all
10 notified. It was put into the log and it was
11 to be passed on at the shift change. We
12 followed-up with written notification through
13 chief staff notes on September 10th. The
14 thing that we told them is that we had an
15 issue. We weren't sure about the hot mikes in
16 the case, that the emergency button had to be
17 pushed and that they would have to physically
18 key the mike to transfer any information after
19 an emergency had occurred.

20 The Philadelphia Fire Department, we
21 believe that that effect can be sharply
22 reduced by reprogramming the radios. We're
23 looking for a reprogramming of the radios.
24 They'll be reprogrammed to the strapped
25 position, secure. So strapped secure means

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2 that they will all be in a secure mode. We
3 won't be able to go to a clear mode where we
4 could experience that encryption bonking.

5 On September 3rd, 2004, Motorola
6 verbally notified the Philadelphia Fire
7 Department of a software programming defect
8 concerning the hot mike, whereas the
9 microphone will not become hot under certain
10 conditions. Uniformed forces were again
11 immediately notified verbally and followed-up
12 written in the same chief staff note.
13 Motorola has indicated that this defect can be
14 corrected with a software revision. The
15 expected the reprogramming start date was the
16 week of October 4th or the 11th, where all
17 radios will be touched and that software
18 enhancement will happen.

19 On September 28th, 2004, the
20 Philadelphia Fire Department received from RCC
21 Cellular Carrier an interference report, which
22 we have subsequently sent out to all of our
23 units. They would actually know what the
24 interference possibilities were in certain
25 areas so that they could be aware to monitor

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2 the radio and ensure that they're getting out
3 and ensure that they're receiving
4 communications.

5 The issue with the portable radio,
6 the liquid crystal display, we have a small
7 issue with that. Twenty of the radios were
8 having some problems with seeing their
9 display. That's currently under investigation
10 and the Motorola team is working with that, as
11 well as Chief Dispatcher Moore. That affects
12 20 radios at this point.

13 The main open issues that the
14 Philadelphia Fire Department has currently is
15 the coverage and the interference issue and
16 the hot mike corrective action issue, one of
17 which is the coverage issue, as you know, is a
18 national issue that affects Philadelphia as
19 well. We have the consensus plan with FCC,
20 Federal Communications, that we are looking
21 for Nextel to cooperate with FCC and the
22 International Association of Police Chiefs,
23 International Association of Fire Chiefs, and,
24 hopefully, we'll have a fix long-term. But
25 currently our concern is the coverage and the

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2 hot mike corrective actions.

3 COUNCILMAN RIZZO: Commissioner,

4 thank you for that.

5 Are you aware of this information?

6 I'm going to read it into the record. It's a

7 communication from the Police Department.

8 I'll read it.

9 "As a result of an inquiry from the
10 Philadelphia Police Department regarding the
11 effect of cell phone interference on our radio
12 system, Motorola has informed the City that in
13 certain situations the signals from a cell
14 phone might interfere with our radio
15 transmissions. The most likely chance of
16 interference would occur in areas of the City
17 where radio signal coverage is marginal and
18 the cell coverage is particularly strong.
19 Both the Police and Fire Departments are
20 experiencing coverage problems, which have
21 cropped up since the installation of the radio
22 system, i.e., they weren't there when the
23 system was originally installed. Although
24 there may be other reasons for our radio
25 interference problem, our suspect source is

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2 cell phone providers with frequencies that are
3 close to ours."

4 COMMISSIONER AYERS: I'm aware of
5 the communication. Chief Dispatcher Moore
6 made me aware of it.

7 MR. MOORE: Deputy Commissioner
8 Brennan shared that with us.

9 COUNCILMAN RIZZO: I'll read on.

10 "Point two. Motorola indicates that
11 interference is most likely when the
12 transmitting handset's antenna is placed right
13 next to the sensitive receiver's antenna,
14 thereby making a signal power millions of
15 times stronger than the distance signal. This
16 could result, according to Motorola, in a
17 momentary distortion of received audio or a
18 mis-transmission or series of transmissions.

19 "Point three. In order to avoid any
20 communication difficulties with our police
21 radio, any cell phone should be kept as far
22 away from our police radios as practicable.
23 In no case should the radio and cell phone
24 touch one another, especially the antenna."

25 You're all aware of this

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2 information?

3 COMMISSIONER AYERS: That's correct.

4 Yes.

5 MR. MOORE: We were made aware of
6 the Motorola correspondence by Deputy
7 Commissioner Brennan last week. But as to his
8 memorandum, which contains that information,
9 no, I hadn't seen it. But the information
10 contained therein, we're aware of.

11 COUNCILMAN RIZZO: The interference
12 problem, I've had more complaints about
13 interference on the Fire side than I have on
14 the Police side. Is that accurate, that
15 you're also dealing with significant
16 interference issues in the Fire Department?

17 MR. MOORE: Yes, we do. We deal
18 with the interference issues.

19 COUNCILMAN RIZZO: I think I need
20 someone to explain, is this just something
21 that is not a complaint in the Police
22 Department? Is it exclusive to the Fire
23 Department? Can you answer that?

24 COUNCILMAN O'NEILL: If I can just
25 interrupt for a minute. I understand our

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2 stenographer needs the witnesses to introduce
3 themselves formally for the record.

4 COMMISSIONER AYERS: Acting Fire
5 Commissioner, Lloyd Ayers.

6 MR. MOORE: Michael Moore, Chief
7 Dispatcher, Fire Communications.

8 I was going to say, Councilman,
9 that I believe it might have to do with the
10 nature of our operations. Police officers are
11 on the move a lot, so if they're experiencing
12 cellular interference and they're constantly
13 moving, the possibility of experiencing it
14 might be intermittent. They might have it
15 there at one location, but they're at another
16 intersection the next.

17 A fire operation, you have our
18 uniformed forces stationary on a fire ground.
19 So if, in fact, that location is experiencing
20 cellular interference, then it will be more
21 pronounced, the effect would be more
22 pronounced because we are in a stationary
23 position.

24 COUNCILMAN RIZZO: I've noticed the
25 proliferation of these cell sites throughout

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2 the City. Everything that's not moving has an
3 antenna on it lately. There's water towers,
4 buildings. Do you believe that some of these
5 installations since the system has come
6 on-line is contributing to this problem? Do
7 we know why it's just starting to become a
8 problem and it wasn't originally?

9 I saw a rusted, old beat-up water
10 tower the other day that looked like it was
11 going to fall down that had more antennas and
12 cell enhancers, I think they refer to them,
13 than you could imagine. That may be part of
14 the problem?

15 MR. MOORE: We believe so. And the
16 City had their consultant, RCC Consultants, go
17 out, and they've been gathering information.
18 I'll let Property speak to that, But I think
19 your assumptions are correct.

20 COUNCILMAN RIZZO: I had a
21 conversation with the Managing Director just
22 this week. It seems as though there's very
23 little regulation or knowledge of where these
24 are and how they're being installed. I don't
25 think L&I or the Planning Commission or any

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2 government agency locally has a good feel for
3 what exactly is going on, because they are
4 everywhere. I'm concerned about the way they
5 are installed, the way they look, and more
6 important, if they are now creating an
7 interference problem with our emergency
8 services. That is really the icing on the
9 cake.

10 MR. MOORE: I think you're right on.

11 COUNCILMAN RIZZO: Commissioner,
12 have there been any significant operational
13 issues? Have you had a situation where you've
14 been at a fire scene -- you're right, Police
15 are more mobile. You get to a location at a
16 certain intersection and there's an
17 interference problem, you can't do like the
18 police do, put the car in drive and move 50
19 feet and clear up the interference issue.

20 Have you had any situations develop
21 when you talk about coverage?

22 I've heard about penetration where
23 some of your firefighters have actually lost
24 communication going into a building, in an
25 area where we believe should have first-class

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2 quality communications. Tell me about some
3 operational experiences that have occurred as
4 a result of the new radio system.

5 COMMISSIONER AYERS: We have had
6 several operations where the incident
7 commander came on the scene and went into a
8 communication mode on one of the tact
9 channels, and after having discovered
10 companies going up levels and operating in
11 other areas of the building, third floor on
12 the south side, communications became a
13 problem.

14 One of the things that the incident
15 commanders have been told -- and we've talked
16 about doing the implementation of the system
17 -- was that they had the opportunity to switch
18 to the analog channel, and that that is what
19 they would have to do to clear up
20 communications and maintain communications in
21 that local situation.

22 COUNCILMAN RIZZO: But in an analog
23 mode, we're not talking back to the
24 dispatcher, we're just talking to the fire
25 ground, right?

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2 COMMISSIONER AYERS: That's correct.

3 COUNCILMAN RIZZO: I've got a
4 question for you. You've been a fire deputy
5 in charge of operations. Did you experience
6 those kinds of problems with the old system?

7 COMMISSIONER AYERS: Not as much.
8 We had a type where we could talk over one
9 another.

10 The other piece is that when you
11 were talking into the radio, you didn't know
12 if the other person heard you unless they
13 talked back. So sometimes we still would have
14 to send the message several times before we
15 got a response. This system allows us a
16 little more intelligence. In other words, we
17 know that we're not talking to a person if we
18 get bonked back. So there's positives with
19 the system and there's some negatives with the
20 system that we're trying to iron out.

21 What we want to do now is make sure
22 that we have our hot mike situation cleared up
23 We want to make sure that over the long run,
24 that the City of Philadelphia is in line with
25 the consensus plan and that we do everything

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2 that we can to ensure that our first
3 responders have clear areas of communications
4 in that band. That's a long-term issue, I
5 understand.

6 In the short term, I want to ensure
7 that all of my members, all of my
8 firefighters, paramedics, when they go on a
9 fire ground or a medical scene or in some
10 terroristic incident, that we don't have to
11 worry about interference from all of the
12 carriers. That is my main concern.

13 COUNCILMAN RIZZO: Thank you,
14 Commissioner. Thank you.

15 Do you have anything you want to add
16 to the record?

17 MR. MOORE: No.

18 COMMISSIONER AYERS: Thank you very
19 much, Councilman.

20 COUNCILMAN RIZZO: Thank you.

21 The next panel. Robert Eddis,
22 President of the Fraternal Order of Police;
23 Dave Kearney, Local 22 Firefighters Union, the
24 recording secretary. I'd also like to welcome
25 the President of Local 22, Tom O'Drain.

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2 MR. KEARNEY: My name is David
3 Kearney. I'm the recording secretary of the
4 Philadelphia Firefighters Union. I'd like to
5 thank you Councilmembers for inviting me here
6 this morning to give testimony on behalf of
7 the members of Local 22, the frontline
8 firefighters and paramedics of the
9 Philadelphia Fire Department.

10 At the last meeting of this joint
11 Committee, there were many topics covered
12 regarding this radio system. Since that last
13 hearing and a subsequent Inquirer article,
14 I've been inundated with reports from our
15 members about this radio system.

16 The list of problems include
17 transmissions not going through because of the
18 nature of the digital radio system, meaning
19 the signal not getting to the tower because
20 it's too weak or blocked in a high-rise
21 building or in basements; the nature of a
22 trunked radio system; being overridden by a
23 lower priority transmission, high volume of
24 radio traffic being further complicated by the
25 delay at the beginning of each transmission

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2 because of that trunked system; delays in
3 transmissions because of being bonked for
4 whatever reason; poor ergonomic and physical
5 design of the handheld radio itself makes it
6 difficult in some situations to physically
7 operate; the location of the emergency button;
8 the emergency button not working; remote
9 microphones not working because of moisture or
10 water in the connections; cellular
11 interference and the tailgating effect.

12 These problems have been around
13 since the installation of this radio system.
14 Due to a culture of apathy generated by former
15 Commissioner Harold Hairston, it went largely
16 unreported. Today these problems continue to
17 plague our members, placing them at risk of
18 injury or even death.

19 Local 22 has made the investigation
20 and resolution of the radio system problems a
21 top priority. We, along with the
22 International Association of Firefighters, are
23 conducting our own investigation into the
24 flaws of this radio system and the possibility
25 that it may have had harmful effects on our

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2 members.

3 One thing that came out in the last
4 hearing was that, quote/unquote, nobody has
5 been injured. As you may have read in this
6 morning's Inquirer, we now have a member that
7 contends he was injured because no one could
8 hear him calling for help on his radio.
9 Incidentally, this fire fighter was never
10 questioned by the Fire Department. We are now
11 also burdened with the question, did the radio
12 problems contribute to the deaths of
13 Firefighter Ray Rubio and Captain John Taylor
14 of Engine 28 on August 20th? Local 22 will be
15 calling on NIOSH to investigate the radio
16 problem as well.

17 Mr. John McFadden of Motorola has
18 reported that he is unaware of any complaints
19 about the radios from firefighters. I find
20 this hard to believe. Today, I supplied you
21 with over 130 pages of news articles from
22 across the country about the very same
23 problems we have here in Philadelphia.
24 There's even been a book published about the
25 problems incurred with this radio system in

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2 the New York City Fire Department.

3 I did a Google search on the words
4 "Motorola radio failure" this morning. It
5 came back with 45,900 hits. If Motorola is
6 unaware of any other problems, they must be
7 living on Pluto.

8 For over \$50 million, the
9 firefighters, paramedics, police officers and
10 the citizens of the City of Philadelphia
11 should have gotten a radio system that works
12 far better than the one it replaced. It
13 should work in high-rise buildings and
14 basements. That there is no radio that can do
15 this is false.

16 Here is a quote from the book that I
17 just mentioned. "In the September of 2003
18 edition of Fire House magazine, Chief Vincent
19 Dutton (ph) quotes another fire chief who
20 said, 'If somebody can invent a radio that
21 worked from the top of the Empire State
22 Building, then that radio would work in any
23 building in the United States.'"

24 A point well taken and one you think
25 a company like Motorola, who makes hundreds of

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2 millions of dollars selling radios to the fire
3 departments which must operate in such
4 buildings, would have addressed long ago.

5 In 2002, out of desperation, New
6 York Fire Department Captain Mike Stein felt
7 the low cost radio in his home had actually
8 worked in high-rise buildings. Using a
9 battery from a Wave Runner watercraft and some
10 parts that cost less than \$1,000 from Radio
11 Shack, he built such a radio. It's known as
12 the Post radio. It was tested on the 102nd
13 floor of the Empire State Building, from where
14 it performed effectively. Efforts were then
15 made to obtain mass-produced radios of a
16 similar design. Kenwood Communications
17 Corporation donated 15 radios to assist in the
18 building of the first 15 Post radios for the
19 project. Later, open bids for the Post radio
20 were sought. At first, according to our
21 sources, Motorola was not interested in the
22 radio. The fire captain who built it took it
23 to another manufacturer where it showed great
24 promise.

25 The Post radio worked well in its

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2 tests conducted in other high-rise buildings,
3 as well as in tests in Yankee Stadium during
4 the baseball playoffs. Why does Motorola now
5 tell us that no radio can perform in a
6 high-rise effectively? This radio is now in
7 use today by the New York Fire Department.

8 One of the biggest sales pitches for
9 this system was the inter-operability and
10 expanded utility. Last week while I was
11 assigned to a medic unit escorting Senator
12 John Kerry, along with the Police Department
13 and Secret Service, I was unable to directly
14 communicate with either of those agencies.
15 Was inter-operability worth it? I don't think
16 so.

17 What has happened here is that the
18 firefighters have been given a space shuttle
19 when all we really need is a pick-up truck.
20 When you over-complicate a simple device,
21 you're bound to have problems. Why was this
22 allowed to happen?

23 We don't blame the Philadelphia Fire
24 Department for these problems. We believe
25 that the City of Philadelphia has had the wool

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2 pulled over its eyes by a mega company looking
3 only at the bottom line, profit.

4 I thank you for doing this
5 investigation and holding these hearings into
6 this radio system. Our members' lives and the
7 lives of the citizens of Philadelphia depend
8 on it.

9 COUNCILMAN RIZZO: Mr. Kearney,
10 thank you. I always wondered why when we had
11 the 400 megahertz system, we had a radio that
12 was big and clunky and it was -- I always
13 said, well, it came from the '60s. And then
14 when we got this handset, I said, it appears
15 to be heavier, bigger and not as forgiving as
16 the radio that we once had. I wondered myself
17 why we couldn't develop a radio that was light
18 and small. That radio is heavier than the
19 Glock that the officer carries.

20 I would hope that as time goes on,
21 that we will be able to, because of these
22 hearings, develop a radio that if you bump it,
23 you don't change channels accidentally; that
24 it can be locked into an operation mode that
25 can be changed if an emergency requires it.

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2 You know, cell phones are this big now
3 (indicating). We have to have a radio that
4 looks like a brick. So obviously there's a
5 reason for its size because of battery
6 capacity, but I think what I'm hearing is that
7 we need it to really work and work well and
8 try to make it a radio that serves our needs.

9 MR. KEARNEY: One of the questions
10 that we have as a union is, was this system
11 designed for firefighting? I don't believe it
12 was. I don't believe that frontline
13 firefighters were brought in and asked what
14 they needed. I think when you engineer
15 something in the fashion that they did, you
16 end up with something that doesn't work that
17 well.

18 If you ask a guy that knows how to
19 build some type of pump or something and put
20 him together with an auto mechanic and tell
21 them to build a fire truck, you'll end up with
22 something that rolls and pumps water. But
23 will it work for us? I don't think so,
24 because they never asked us what we need. I
25 think this is a perfect example of that kind

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2 of process.

3 COUNCILMAN RIZZO: Mr. O'Drain.

4 MR. O'DRAIN: I have to admit that
5 prior to Dave recently bringing this to my
6 attention, I didn't hear any complaints from
7 the members about the radios. But since we
8 put it out and we were asking for complaints
9 to let us know what's going out there in the
10 field, we've been inundated with complaints
11 from the members about how these radios work.

12 We've since talked to our
13 international union, and we're finding out
14 that we're not the only City in the United
15 States that's having these problems. We have
16 Chicago, New York, Los Angeles, San Francisco,
17 Washington D.C.

18 COUNCILMAN RIZZO: Are they similar
19 systems?

20 MR. O'DRAIN: All have the same
21 Motorola system.

22 Some of the questions that I have
23 are, why did we need to have an encrypted
24 radio system for the Fire Department anyway?
25 I can understand why the police have it,

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2 because you don't want criminals hearing their
3 radio transmissions. You know, we don't have
4 secret fires. There's no reason to keep a
5 fire a secret. Our old analog radio system,
6 we never had these problems.

7 From what I'm hearing now, we have
8 chief officers out in the field who are
9 talking to firefighters in basements and the
10 firefighters are not receiving the radio
11 transmissions from the chief, so now the chief
12 is leaning down and yelling orders in the
13 window, asking them, "What's going on down
14 there? Do you have the fire out?"

15 So if we have that lack of
16 communication, you know, people are going to
17 get hurt.

18 The hot mike issue is a big concern
19 of mine, because we were told that once they
20 hit that Mayday button, they have an open mike
21 and you would hear anything that a firefighter
22 in distress would be trying to say or call for
23 help. From what I'm understanding, that's not
24 working properly either. We don't know, but
25 NIOSH will be coming in here to do an

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2 investigation into the death of Captain Taylor
3 and Firefighter Ray Rubio. I'm going to ask
4 them to really check into that. We want to
5 get ahold of the FCC tapes and any radio
6 transmissions that were made that night.

7 COUNCILMAN RIZZO: Well, you can bet
8 that when we were asked to help to fund this
9 very state-of-the-art system, that one of the
10 selling points is that the old system had dead
11 spots that we couldn't transmit or receive.
12 It's distressing to me to know that we have a
13 system that I was told there wouldn't be a
14 place in Philadelphia, in a basement or, you
15 know, within reason -- I do understand the
16 technology. In a residential basement these
17 radios should work. The people at the scene
18 shouldn't have to go back to an old system,
19 analog, to talk radio to radio to be able to
20 communicate.

21 I think that those areas where you
22 have identified, it's a whole different issue.
23 Interference is one issue and coverage is
24 another. If you're not able to talk from fire
25 headquarters to the basement of a home in West

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2 Philadelphia, that's a very bad situation.

3 MR. O'DRAIN: No. I'm talking about
4 a chief officer standing out in front of a
5 house at a house fire trying to communicate
6 with firefighters in the basement. We're
7 upstairs in the bedroom. And the chief would
8 be asking questions like, "Do you have the
9 fire knocked down yet? Are you making any
10 progress?"

11 COUNCILMAN RIZZO: When we have
12 Public Property here, we're going to have to
13 ask that question.

14 MR. O'DRAIN: With the old system,
15 we did have dead spots. But they're not as
16 severe as what we're talking about here and
17 the things that I'm hearing.

18 COUNCILMAN RIZZO: Thank you.

19 COUNCILMAN COHEN: Has there been a
20 prior hearing on this subject earlier today,
21 testimony as to how the contracts were let,
22 who let them and what the terms were and who
23 is involved?

24 COUNCILMAN RIZZO: We have all the
25 documents in front of us. This has been going

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2 on since 1995.

3 COUNCILMAN COHEN: What has been
4 going on?

5 COUNCILMAN RIZZO: The engineering,
6 the funding, the Council hearings. So we're
7 almost 10 years into this program.

8 COUNCILMAN COHEN: And these
9 problems are just as of now?

10 What I've been missing at the
11 hearing has been any evidence of anybody
12 having responsibility on behalf of the City to
13 go over the plans and to have trial runs and
14 what did the City know about other cities'
15 problems and so forth.

16 COUNCILMAN RIZZO: When the
17 Department of Public Property panel comes
18 forward -- I don't want to answer for them.
19 But, yes, what you described did occur. We'll
20 hear more from them and they can certainly
21 answer that.

22 MR. O'DRAIN: Councilman, I would
23 just like to say one thing. The new Fire
24 Commissioner, him and I had a conversation
25 about this yesterday. We're going to

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2 cooperate together to try to find out what the
3 problems are and get them solved. So we're
4 working together on this issue.

5 COUNCILMAN RIZZO: That's a good
6 strategy.

7 MR. KEARNEY: One question we have
8 is, was this the only system available? Was
9 there a system that may have been made
10 available that provided better coverage, that
11 would have provided us coverage in subways and
12 high-rises for a similar price? We're unable
13 to find that out.

14 COUNCILMAN RIZZO: Yes. There was a
15 competitor. But this system, it's not about
16 whether it's a good system or if there was a
17 better one. It's all about the engineering of
18 where they put the receivers, where they put
19 the transmitters. If you're going to align a
20 system, everything has to be placed in the
21 right location or it's not going to work
22 properly.

23 Just to keep it simple, it's like a
24 cell phone, a dropped call or you have a
25 coverage issue. It's because there's not

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2 enough facility to support the need. There's
3 obviously going to need to be some work on
4 making sure that if we have to add receivers,
5 transmitters or whatever to make the system
6 work better to deal with the issues that you
7 described today, Public Property and Motorola
8 are going to have to get together and deal
9 with those coverage issues.

10 I was very critical about this
11 system when it was first brought to Council
12 and had a lot of questions to ask. We were
13 assured that there would be, I believe, 10
14 locations in the City where we had
15 transmitters. That almost doubled what we had
16 with the old system. There should never be a
17 place where we presently operate, other than
18 the subway, where we would have difficulty
19 communicating. I was told that more than
20 once, if not 20 times.

21 COUNCILMAN COHEN: Councilman, were
22 you told how the City was going to guarantee
23 that?

24 COUNCILMAN RIZZO: Commissioner
25 James from Public Property is here, and I'm

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2 sure he'll be able to discuss the warranty of
3 this system. That's an issue that I'm sure
4 the City Controller has announced, that
5 there's going to be an investigation led by
6 his office to talk about warranties and any
7 claims that there may be.

8 The next person that I would like
9 to introduce is Robert Eddis and his
10 colleague, Vice President Jimmy Whalen.

11 MR. EDDIS: Good afternoon,
12 everyone. Once again, we really want to thank
13 you for your concern in regard to the issue.

14 A lot has happened since the last
15 time we came here and testified in City
16 Council. The problems still exist. We're out
17 there in the districts every single week, and
18 our greatest fear is with winter coming upon
19 us, how the system is going to work then.

20 You pointed out something that we
21 really experience, and that is when our
22 officers are out in the high-rises and they're
23 out in the subway system, the communications
24 basically don't work as well as what we
25 thought the previous system did.

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2 As Tom O'Drain stated with his
3 approach, the thing that we've been very
4 fortunate about is we're on the same page.
5 Whether we get called from Deputy Commissioner
6 Brennan, Commissioner Nestell, Inspector
7 Lippi, Chief Inspector Feeney, Sergeant Masi,
8 we're trying to come together to solve the
9 problem now. I think that is a great step
10 that's really taking place. Because the
11 reality is, that's all the minor part. The
12 major part is our officers and our
13 firefighters that are there. This is their
14 lifeline. As we said last time, what are they
15 supposed to do if these options don't work?

16 I was out in the 18th District
17 yesterday at 55th and Pine, and one of the
18 officers asked me, what's the concern with the
19 Department in regards to these radios? I
20 said, what a pleasure it is to stand there and
21 say that the Department shares the same
22 concerns as us.

23 I think they're fully aware of the
24 problems. We're aware of the problems. I
25 think now it's just a matter of how we get

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2 these problems resolved, how do we go forward
3 before somebody does possibly get killed.
4 Because by riding out there in the cars, you
5 can see that there's a problem. You can
6 legitimately say there's a hard time having
7 communications if you go in certain areas, and
8 that's really the fear level.

9 The last time we came here, I think
10 you understood our frustration in regards to
11 what we felt at that time was lack of
12 communication internally ourselves. It
13 couldn't be better. And I want to point that
14 out before we go any further. Everybody says,
15 we don't want to see anybody get hurt. We
16 believe it's a concern of the City not for
17 anybody to get hurt either, but we do have to
18 look and say, continue with these hearings.
19 See if we can identify the problem. We've
20 talked to people around the country, too, who
21 shared with us similar stories.

22 We embrace technology. We embrace
23 change. But more importantly, we embrace life
24 and that of our members. That's our
25 accomplishments that we're trying to get

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2 through your Committee. As I said, we do
3 thank you, but the problem still does exist
4 out there, that it's not been totally
5 resolved.

6 COUNCILMAN RIZZO: Thank you. We
7 appreciate your time.

8 Councilman Mariano has a question
9 for President Eddis.

10 COUNCILMAN MARIANO: Bob, let me ask
11 you, because you just touched something there
12 and it sparked a thought in my mind. You said
13 you go around the country and talk to
14 different people. From my understanding of
15 the system, other people are using this system
16 in other comparable metropolitan areas. L.A.
17 possibly was mentioned and Chicago.

18 It might be to both of you, so, Tom,
19 if you want to jump in, that's fine. Do you
20 feel it's a function of the actual people, the
21 firefighters and the actual policemen in the
22 City because we were used to using that old
23 system? Is that maybe a part of it?

24 I do remember that there was a lot
25 of jumping on other people when big things

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2 happened, when there was a call for an assist
3 when guys were stepping on each other. When I
4 was listening a lot, you could hear the
5 dispatcher saying, "Okay, we got that." And
6 then somebody would step in and say, "2410,
7 are you there?" And he couldn't get in
8 because everybody else was talking. Then 2410
9 would come in and there was a moment there
10 where you would think, wow, is 2410 okay?

11 Not being in that capacity and being
12 an amateur and just listening, I used to get
13 worried. I remember asking one of the
14 old-timers. He said, "Rick, it's because guys
15 are on it. And then everybody is in a rush
16 and they hit that button and they're talking."

17 This was supposed to be alleviated
18 with this system, right? So my real question
19 is, is it something that we're just used to
20 doing? Is it a Philadelphia thing that we're
21 doing, our policemen and our firefighters that
22 may have been trained the way the old-timers
23 do it?

24 MR. EDDIS: It was kind of funny
25 last time when we talked about this because

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2 when we said we had the FOP embrace
3 technology, sometimes our members on the
4 street don't. We went to the national
5 convention a year and a half ago and we
6 questioned one of our members who is out of
7 Atlanta. They said to us unequivocally, you
8 are going to be so glad when you work out all
9 the problems because we really like this
10 system.

11 And I think Commissioner Brennan
12 made a very valid point today, and I think
13 that point was in regards to how the system
14 itself applies. We have two systems here.
15 When I've talked to some people around the
16 country, they seem to be working off the same
17 system.

18 Like I said from the beginning, in
19 our Department we've been addressing and been
20 talking to our members about this who have
21 been bringing it to us from the very
22 beginning, from the day the problems began.
23 And it was very frustrating to us because you
24 just want to resolve the problem. And trying
25 to have the officers trained in certain areas

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2 has resolved, such as the old term, assist
3 button. By nature, a police officer isn't
4 comfortable pushing an assist button because
5 the thing is that they need an assist. I
6 think our training bureau through our command
7 staff has resolved a lot of those problems
8 themselves. I think the internal problems
9 that may exist -- for giving you a long answer
10 to a short question, I apologize -- is that
11 how the system is applied here may have a
12 great effect.

13 As I said, this gentleman talked to
14 us, and we talked to people from 30 major
15 cities and they said certain areas they have
16 are based on topography. If there was a
17 mountainous region, some areas didn't get
18 through. And we told them our problems where
19 if our officers went into a high-rise, they
20 weren't having communications. As you know,
21 in most cases these are the places you need it
22 the most. Because it is when you're really at
23 the whim of having that radio at your side.

24 So do I think some of it is
25 cultural? I do believe some of it is

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2 cultural. But I think there is still a
3 problem because I don't think the system would
4 be shutting down the way it was. I don't
5 think that has anything to do with the
6 cultural aspect. I think people becoming
7 familiar with the system, I think, is going to
8 be helpful. Like I said, our fear is going
9 into the winter. I mean, the batteries.
10 Where are we going to go if the battery
11 situation develops again?

12 We have to tell you, the Department
13 could not be more responsive to us. We're
14 included in every single phase of any testing
15 that's taking place. But the problem itself
16 is still there. The problem itself is still
17 there.

18 MR. O'DRAIN: I believe that our
19 people wanted to embrace the new technology as
20 well. The old system, when we had a lot of
21 radio traffic, there was always a level of
22 frustration, people trying to get through to
23 the Fire Communication Center, but they could
24 still hear us talking over each other.

25 COUNCILMAN MARIANO: You could hear

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2 the chief outside that basement and he could
3 hear you in the basement?

4 MR. O'DRAIN: If we were stepping on
5 each other, they could still hear us, all of
6 us talking. That would come across on tapes.
7 Everything that we say on the radio is taped.
8 So I don't believe it's cultural in the Fire
9 Department. I believe that there are problems
10 with the software. And if there are fixes for
11 them, the sooner they fix it, the better.

12 COUNCILMAN MARIANO: I know it was
13 disturbing to me to read that in the paper
14 about that firefighter in the basement -- and
15 all my colleagues share the same feeling. To
16 know nobody was hearing him when he was
17 running out of air, I never want to be there
18 and never would be. You guys are giants in
19 our world to do that. But if we can help you
20 in any way with technology or cultural
21 changes -- I don't believe it is cultural. I
22 just thought it might be a combination of
23 that. It has to go back to technology
24 somewhere.

25 MR. KEARNEY: I believe that part of

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2 it is that inherent in this trunked digital
3 technology are delays that are unacceptable in
4 emergency service. When you call for help,
5 you need to call for help now, not in two
6 seconds, not in two minutes. You need to key
7 that radio up and ask for help now and not a
8 fall-back that if I key the radio up, then I
9 know I push a button. Back in the old system,
10 if you keyed the radio up and screamed help,
11 everybody stopped talking. Now you get
12 bonked.

13 COUNCILMAN RIZZ0: Thank you,
14 gentlemen.

15 MR. WHEELER: Not to jump on the
16 bandwagon, but it is cultural to a certain
17 extent. I'd love to be able to place a
18 percent to that comment, though. I don't
19 think it would rise above 25 percent. I think
20 75 percent of the issue that we're talking
21 about here today and before are the system
22 itself.

23 As I said the last time, and I'll
24 say it again this time, the confidence level
25 in our radio with the members of the

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2 Philadelphia Police Department is really low.
3 And when you have that happen, it just builds
4 and builds and builds to a case now where
5 everybody has cell phones in the cars. They
6 talk to each other. They tell each other who
7 has a car stop because nobody can get through.
8 "Hey, Joe, I'm over here at 5th and Indiana
9 and I've got a car stop." He's on his way
10 over there before the guy with the car stop
11 can get over the air. Things like that just
12 doesn't help the acceptance and the embracing
13 of this system by the officers on the street.
14 Commissioner Brennan allowed the
15 officers to have a session with Motorola and
16 the PAB a couple weeks ago, and it was nice of
17 the Commissioner to invite me to attend. It
18 was just about 30, 40 officers who were
19 invited down to just talk amongst themselves
20 to let the provider hear what they felt and
21 how they felt. There was a whole lot of
22 passion in that room about the system and the
23 fact that somebody is going to get really,
24 really hurt. Up to now, we're lucky. We have
25 one female officer that was hurt based on an

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2 assist that she could not get through, and had
3 four guys chasing her around the car. She was
4 beat up pretty good. How that could have been
5 prevented with the old system, it may not have
6 been. Now, with the feelings that everybody
7 has, it's because of this system that that
8 happened.

9 Of course, then the urban legend
10 begins, that we'll never be able to get this
11 thing to work with our current people on the
12 street. People my age, of course, always want
13 to have that radio in the car. But I
14 understand that we're moving forward. We just
15 want to move it forward so it works.

16 COUNCILMAN RIZZO: I thank you.

17 Our next panel?

18 COUNCILMAN O'NEILL: The
19 stenographer needs you on the record.

20 MR. WHEELER: Vice President Jim
21 Wheeler, Fraternal Order of Police, Lodge 5.

22 COUNCILMAN O'NEILL: Thank you.

23 I'm going to have to leave the
24 Chamber now. I'm not sure if I'll be back,
25 but our Vice Chair Councilwoman Blondell

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2 Reynolds Brown will be here and she'll be
3 calling up the next panel.

4 COUNCILWOMAN BROWN: Thank you, Mr.
5 Chairman.

6 Our next panel is as follows:

7 Commissioner of Public Property, Joan
8 Schlotterbeck, please come forward; Deputy
9 Commissioner of Public Property, Joseph James;
10 Communications Superintendent for Public
11 Property, Frank Punzo; 800 MHz System Manager
12 for Public Property, George Westermann;
13 Regional Vice President of sales for Motorola,
14 John McFadden.

15 Good afternoon, everyone. We're
16 going to ask you to aid our professional who
17 is keeping a record of all of this. State
18 your full name for the record and your
19 position with the City and then please proceed
20 with your testimony following the lead of my
21 colleague, Councilman Frank Rizzo.

22 MS. SCHLOTTERBECK: Joan
23 Schlotterbeck, Public Property Commissioner.

24 MR. JAMES: Good afternoon. Joseph
25 James, Deputy Commissioner, Department of

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2 Public Property.

3 MR. PUNZO: Good afternoon. Frank
4 Punzo, Communications Superintendent, Public
5 Property.

6 MR. WESTERMANN: Good afternoon.
7 George Westermann, 800 MHz System Manager for
8 the City of Philadelphia.

9 MR. MCFADDEN: Good afternoon. John
10 McFadden, sales vice president for Motorola.

11 COUNCILMAN RIZZO: Thank you. I
12 think you probably all have planned on how
13 you're going to present to the Committee where
14 we are from where we were.

15 Commissioner James, I assume you
16 and Mr. Punzo would be the people to lead that
17 conversation?

18 MR. JAMES: That would be correct,
19 Councilman.

20 COUNCILMAN RIZZO: Would you proceed
21 please, and give your name again for the
22 stenographer.

23 COMMISSIONER SCHLOTTERBECK:
24 Councilman, can I beg your indulgence for a
25 moment, please?

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2 Councilman, I would just like to say
3 for the record that I appreciate your having
4 the hearings and inviting us here today to set
5 the record straight. I actually frankly would
6 need to turn my testimony and any questions
7 and answers over to technical people. That
8 would be Joe, Frank and George here. They're
9 better than the best. So I would just like to
10 say thank you again and I would like to turn
11 it over to Joe.

12 COUNCILMAN RIZZO: Commissioner, if
13 you'd like to stay, you certainly can. But
14 knowing the competency of your staff, you can
15 do other things if you'd like, or you can
16 stay. It's up to you.

17 COMMISSIONER SCHLOTTERBECK: Thank
18 you very much. Actually, I would like if I
19 could turn it over to these gentlemen and get
20 going.

21 COUNCILMAN RIZZO: Thank you,
22 Commissioner.

23 COUNCILMAN COHEN: Is there anybody
24 on the staff who knows anything about the
25 original letting of the contracts?

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2 MR. JAMES: I'm the guy who can
3 speak to that, Councilman. Again, my name is
4 Joseph James, Deputy Commissioner for the
5 Department of Public Property.

6 On behalf of the Department, once
7 again we thank you for having these hearings
8 and the opportunity to present some of the
9 facts around the history of the system and
10 also bring you up to date on some of the
11 progress that has been made from the last
12 hearing during the summer.

13 Specifically to try to talk to
14 Councilman Cohen's questions, the history of
15 the 800 megahertz system kind of dates back to
16 1992. 1992 was the beginning stages that the
17 Administration back then during the Rendell
18 Administration was looking at replacing the
19 existing radio system for the City.

20 From 1992 until about 1995, the
21 Department of Public Property, along with a
22 team of folks, put together a Request for
23 Proposal for a replacement system that would
24 replace the radio communication system for
25 public safety agencies as well as other

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2 departments throughout the City. A Request
3 For Proposal went out. We had two bidders who
4 submitted proposals. Motorola was one of
5 them. Erickson was the other one. We had an
6 evaluation phase that was chaired through the
7 Procurement Department. It went through the
8 normal review process. There were
9 presentations made both to Members of City
10 Council and to the Mayor's Office, and the
11 selection was finally decided on Motorola.

12 Back in May, I believe, 1999 we
13 appeared before City Council to bring forth
14 the actual contract and the award and made a
15 presentation to Members of Council through the
16 hearings -- I believe through the Public
17 Property Committee -- where we presented all
18 the facts around the award. We presented a
19 scope of what the work was going to entail.
20 We laid out a plan of where the 800 megahertz
21 towers were going to be located throughout the
22 City. We had a hearing and received the
23 approval of City Council to move forward.

24 One of the reasons the time frame
25 took a period of time from '92 to '95 was the

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2 City's ability to put together enough funds to
3 fund the actual procurement, as well as there
4 were some changes in the 911 Act to allow us
5 to use the 911 dollars for the purposes of
6 buying the radio equipment that we needed to
7 deploy it throughout the City.

8 We also had hearings with the
9 Department of Aviation and the airports on
10 including them in the process, to make an
11 award with the airport being part of that
12 procurement as well as the Water Department as
13 a funder. In 1999, again, we were able to get
14 the approvals we needed to proceed. The
15 process involved a phase approach starting
16 with the construction of the A side of the
17 system and bringing up the municipal
18 departments and the Fire Department, and then
19 a phasing in after the Municipal Departments
20 and the Fire Department were up and
21 operational of bringing on the Police
22 Department and putting together the B system.
23 Both systems were built at the same time.

24 The procurement included a data
25 solution using 800 megahertz frequencies as

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2 well as an underground solution of building an
3 underground system. Because we just did not
4 have the financial resources at the time, the
5 decision was made and the approvals were given
6 that we would not be moving forward with the
7 construction of an underground system and we
8 would not be moving forward with the
9 construction of a data system. But we did
10 include as part of building the system that we
11 are currently using a commitment of 95 percent
12 coverage of in-building coverage, radio
13 in-building coverage, for this radio system,
14 which at the time we did not have that with
15 the older system.

16 There was a lot of talk about the
17 older radio system before 800 megahertz and a
18 sense of a lot of folks of how well that
19 operated as compared to what is happening
20 today with the current system. There is a big
21 distinction. The older system just did not
22 have the intelligence in it to tell you what
23 was going on. This system does. The bonks
24 that many people refer to of when they're out
25 of coverage is there purposely to let you know

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2 you're out of coverage. It's telling you, you
3 can't communicate. It's telling you, you have
4 to wait to get approval to speak so that you
5 don't talk over another person who may also be
6 talking at the time. That intelligence didn't
7 happen in the older system.

8 So the other system, you were out of
9 coverage, you may have been out of range; you
10 just didn't know it. You could push the
11 button. You could talk. You may have been
12 heard, you may not have been heard, but you
13 had no intelligence to let you know that. It
14 was only through repetitive conversations with
15 the dispatchers, "I didn't hear you. Could
16 you repeat your transmissions." Or if someone
17 would finally pick up the fact that that radio
18 has been out of coverage for a while and I'll
19 call them because I haven't heard from them.

20 This system is built with a great
21 deal of intelligence to it. Is it perfect?
22 We've already experienced that it's not. And
23 we are very serious about working through the
24 issues to resolve the problems.

25 I think what we have, we have a very

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2 good system and we have experienced over this
3 past summer in particular a number of problems
4 that if you were building out a very
5 comprehensive technology solution, you would
6 like to see those problems happen back '99 or
7 2000. Unfortunately, they're appearing on the
8 end of the project as opposed to the
9 beginning. It would have been perfect if
10 these things had cropped up a lot earlier.

11 It would have been also to our
12 advantage if we had known a lot more from the
13 users in the field that they were
14 experiencing, either through the Fire
15 Department or the Police Department, coverage
16 problems or problems that they were having
17 with the use of the radios. But it seems that
18 we're getting to that point now. It's good
19 whether we get to the point then or now, but
20 we're getting to the point where we can
21 identify whether it's an ergonomic issue,
22 whether it's manufacturing issues, whether
23 it's environmental issues.

24 Certainly, the landscape has changed
25 on the interference issue from 1999 to now.

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2 We've built into the project a certain amount
3 of due diligence. In 1999, we expected there
4 was a proliferation of cellular carriers in
5 the market, so we did a baseline interference
6 study to say, let's take a read now to kind of
7 figure out what's in the market now because by
8 the time we bring up these other departments,
9 that may change. Our speculation was correct.
10 Our assumptions are correct. So we had a
11 measuring stick to say this is where it was in
12 1999. Now we compare it five years later.
13 You can see the difference, and we can now
14 focus on the differences.

15 A lot of those differences are both
16 driven by market forces, more carriers are in
17 the market. Cell phones are proliferating.
18 As the prices go down, more users use more
19 cell phones. As more users use more cell
20 phones, the carriers have to build more
21 facilities. They also have to turn up more
22 power so they can have more coverage. That's
23 not something that we control.

24 We also know that over time, that we
25 were experiencing a national issue where we

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2 have specific interference from licensing that
3 occurred at the FCC level that put people on
4 the same radio bands as public safety. The
5 City did not sit back during that process. We
6 were before the FCC. We were before
7 legislators at the state level and the federal
8 level about this, the national problem. We
9 filed comments and petitions at the FCC about
10 this, and we were involved in the consensus
11 plan that the Fire Department mentioned, and
12 we're going to be actively involved in the
13 deployment of that plan.

14 We should also understand that since
15 the FCC made its ruling that would allow us to
16 move and reband the frequencies and move the
17 carriers out that there's going to be a bit of
18 a waiting period that's not necessarily under
19 our control. The FCC is waiting for a report
20 from the GAO to do their own independent
21 investigation about the consensus plan and is
22 waiting to put out a document. The FCC is
23 waiting to review that document before they
24 can move forward with their formal consensus
25 plan going forward. It's also the speculation

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2 that some of the carriers may file petitions
3 or maybe even litigation against the plan
4 because of the award that we gave Nextel some
5 additional frequencies that they didn't win
6 through the normal auction process.

7 But assuming that those things are
8 resolved to our advantage, the City of
9 Philadelphia Department of Public Property is
10 going to make the effort to make sure we're at
11 the forefront of moving us into the proper
12 spectrum and moving Nextel and the other
13 carriers out of the spectrum so that the
14 interference issue would go away. It is, as
15 Commissioner Ayers said, a long-term process.
16 We're at the forefront. We have been there
17 and we will continue to be there.

18 I'd like to also speak to the issue
19 of the underground. There's been a lot of
20 comments about the lack of coverage in the
21 underground. As I mentioned earlier in my
22 comments, the original proposal we had to
23 build out the underground was just not within
24 the range that we had funding in place at the
25 time. But we have been and continue to be

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2 working with SEPTA to see if there's a way
3 that we can leverage our collective resources
4 and find a solution that maybe we can put
5 together a plan before the Administration and
6 before City Council that will involve a
7 construction of portions of the radio system
8 in the underground to resolve that problem.
9 We have not fully developed our plans, but we
10 are actively in those discussions and we're
11 trying to work together with SEPTA.

12 COUNCILMAN RIZZO: Commissioner, I
13 have to comment on that. Are you telling me
14 that when we had the old system we had an
15 underground antenna?

16 MR. JAMES: No. We never had
17 underground coverage.

18 COUNCILMAN RIZZO: So how do our
19 people in the Transit Unit, how do our police
20 officers who are assigned to the Transit Unit,
21 if there's an emergency underground, deal with
22 it?

23 MR. JAMES: I believe the current
24 process -- and the Police Department can
25 confirm -- is that they carry two radios.

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2 They carry a SEPTA radio and they carry a City
3 radio. So when they're underground, they use
4 a SEPTA radio; when they're above ground, they
5 use a regular City radio.

6 COUNCILMAN RIZZO: They carry two
7 radios?

8 MR. JAMES: They carry two radios.

9 COUNCILWOMAN BROWN: I have a
10 comment.

11 Let me first thank you, Mr. James,
12 for what I believe to be a comprehensive
13 explanation, particularly citing the external
14 factors that have impacted the performance of
15 this system.

16 Now, you mentioned that there's a
17 long-term plan here. Are there benchmarks
18 that you are attaching to the plan so that you
19 can do checks along the way, given the
20 external factors that you just shared with us?

21 MR. JAMES: I believe there is.
22 Again, we've already identified the frequency
23 ranges that have to be affected. We have
24 identified those frequencies that are critical
25 for us to move that allow us to no longer be

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2 in interference with the carriers. So our
3 first phase is to identify that and build a
4 model and say, these are the frequencies that
5 need to be moved.

6 Secondly, we have to identify who
7 is in the marketplace and who are the carriers
8 that need to move out. We've already
9 identified those. We had some initial
10 discussions with both of the carriers that
11 fall within that range.

12 I think our next benchmark is really
13 to get that final FCC order. We really need
14 that final FCC order because until we see that
15 final order, we don't know to which degree the
16 funding will be in place as part of that order
17 that's funded by Nextel. We want to make sure
18 there's sufficient dollars in there that will
19 cover our expenses, and that's what the
20 original consensus plan identified so that the
21 City would not be on the hook for paying for
22 this.

23 COUNCILWOMAN BROWN: So you can't
24 speculate because the date on when that might
25 happen is in the lap of the FCC?

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2 MR. JAMES: That is correct.

3 COUNCILWOMAN BROWN: Clarity
4 question. How old is this current system?
5 You mentioned 1999.

6 MR. JAMES: This 800 megahertz
7 system started its construction around 1999.

8 COUNCILWOMAN BROWN: Thank you.

9 COUNCILMAN RIZZO: Thank you.

10 Commissioner, let's make sure for
11 the record we're real clear here Coverage
12 issues and interference are two different
13 issues here. I understand that interference
14 can cause a missed word or a problem with the
15 completion of the transmission intelligently.
16 But when we're talking about no coverage,
17 we're talking about a firefighter in a
18 basement where he has to holler in the cellar
19 window to find out what's going on in there.
20 That's not about interference.

21 MR. JAMES: As I described earlier,
22 it's to notify the radio users that they're
23 out of coverage. You can be out of coverage
24 standing outside that window. That out of
25 coverage condition could be caused by

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2 interference or it could be caused by the fact
3 that there's no coverage in that area.

4 COUNCILMAN RIZZO: Commissioner,
5 I've talked to firefighters that told me when
6 they've gone in the basement, there's
7 something on the radio that says, "Out of
8 range."

9 COUNCILMAN JAMES: That's correct.

10 COUNCILMAN RIZZO: Why do they
11 experience out of range while they're in the
12 City of Philadelphia?

13 MR. JAMES: Well, as I tried to say
14 earlier, the coverage that we provided under
15 the system is a 10-fold greater than what the
16 old system is, but it is not 100 percent. It
17 is not perfect.

18 There was a significant amount of
19 coverage studies done before this system even
20 went into place where members of the team went
21 all throughout the City to test for coverage
22 to identify dead spots, to identify areas
23 where we went out and we pushed the radio to
24 see if we could talk.

25 COUNCILMAN RIZZO: Like the "can you

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2 hear me now" guy?

3 MR. JAMES: "Can you hear me now,"

4 that's what we did, "Can you hear me now?"

5 And that kind of study extended all throughout
6 the City in a lot of different areas. They
7 checked for high-rises. They checked for the
8 underground. They checked for areas where we
9 thought coverage would be marginal. We
10 checked as many areas that we could cover,
11 including going outside of the City for
12 coverage. Just in case an officer would find
13 himself outside the City, we wanted to see how
14 much coverage actually penetrated outside.
15 There was a significant amount of effort done
16 to identify areas where there could be
17 marginal or no coverage.

18 The interference issue causes you
19 the same condition, as if you were out of
20 coverage. It causes that radio not to be able
21 to see the signal from the control sending it
22 messages. You could be in the basement and
23 you could be out of coverage. You could be
24 standing in the yard and be out of coverage.

25 COUNCILMAN RIZZO: Have you now,

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2 with the input from the firefighters, the
3 input from the police, have you identified
4 areas of the City that are, in fact, having
5 coverage issues? And what is your plan? You
6 have 10 transmitters throughout the City. Are
7 you planning an 11th, a 12th, a 13th, a 14th
8 to fix?

9 I remember the old system where we
10 had transmitters and receivers. Do we still
11 have receivers? How many receivers do we
12 have?

13 MR. JAMES: We used to have
14 repeaters spread throughout the system to
15 continue to repeat the signal out to give you
16 better coverage. The new system, the 800
17 megahertz system, we have 10 towers. The
18 question of whether we need 11, 12, 13 or 14,
19 I don't know if we've reached that conclusion
20 yet.

21 We are looking at -- and as
22 Commissioner Ayers mentioned earlier, we have
23 a study we just got back from RCC on the
24 interference, so we can identify pockets of
25 interference.

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2 We also have information we received
3 from the Fire Department and we received from
4 the Police Department where they say, "I was
5 at this address and I got bonked." And
6 they've gone through their triage and they
7 want us to check it out. We send a team out
8 to check it out and we try to identify whether
9 or not we find the same sort of interference
10 or lack of coverage in those locations and we
11 try to find out what is the source causing
12 that lack of signal or interference.

13 COUNCILMAN RIZZ0: Are you prepared
14 to tell us -- do you know today of areas of
15 our City that are definitely problematic that
16 we should communicate to the Fire Department
17 so they're aware?

18 From what I understand, there could
19 be maybe a short-term solution of a portable
20 device that can be taken by a battalion chief
21 to the scene of a fire to enhance the
22 communication signal where they may be having
23 difficulty.

24 MR. JAMES: We've identified through
25 the study, which Commissioner Ayers sent out

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2 to all members of his staff, over 40 locations
3 where RCC has identified interference
4 problems. So the Fire Department has that
5 information. The Police Department has that
6 information. From what I understand from the
7 Fire Commissioner's earlier testimony, they've
8 shared that information with the field so that
9 they know that if they go to this location,
10 they're going to run into a spot that has
11 either marginal or a high level of
12 interference and they may experience a
13 problem.

14 COUNCILMAN COHEN: When was the last
15 time you talked to the Fire Commissioner about
16 these problems or the representatives that
17 were on the panel before you? Have you ever
18 sat down and made yourself available and let
19 them know you were ready to hear their
20 problems, or do you just deal with certain
21 people in the Fire Department?

22 MR. JAMES: If I understand your
23 question, Councilman Cohen, have I sat down
24 and met with members of the firefighters --

25 COUNCILMAN COHEN: Or the officers

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2 that were testifying before. They're very
3 much a part of the process.

4 MR. JAMES: We are part of an
5 overall team, a project team, which is made up
6 of representatives that you saw here; Deputy
7 Commissioner Brennan from the Police
8 Department, Sergeant Greg Masi from the Police
9 Department, and Mike Moore from the Fire
10 Department. We meet quite regularly to talk
11 about the issues that we're talking about
12 today and to talk about problems. We're in
13 constant communication. If we're not talking
14 weekly or talking several times during the --

15 COUNCILMAN COHEN: Well, I gather.
16 But I don't recognize a single name as being a
17 member of the firefighters' union. Was I
18 wrong? Who did you mention that is an officer
19 of the firefighters' union? They have a real
20 concern. They're representing their
21 membership.

22 MR. JAMES: To answer your
23 question, I have not personally sat down with
24 any representatives from the firefighters'
25 union to talk about their specific concerns.

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2 I have not sat down with members of the Police
3 Department's union to talk about their
4 specific concerns. My understanding is that
5 they were being addressed through their
6 specific departments and their issues are
7 being passed on to us for us to investigate.

8 COUNCILMAN COHEN: It seems to me
9 the Public Property Department ought to be
10 open to everybody to give explanations,
11 including the unions, not just to the
12 department heads. I don't know whether they
13 know that. I don't know whether the answer
14 you gave apparently in response to my question
15 makes any sense.

16 I'd like to know what the reaction
17 of the people in the Fire Department's union,
18 how they react to your answer. Does that
19 answer their question or doesn't it? They
20 probably won't have an answer until they can
21 meet with you and question you.

22 MR. JAMES: Well, why don't I give
23 this answer. At the end of this hearing, the
24 firefighters' union president or the members
25 of the firefighters' union that are here, if

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2 they would like to set a date where we can sit
3 down and talk about their specific concerns, I
4 will make myself available and my team
5 available to sit down with them at an
6 as-soon-as-possible date as we can to talk
7 specifically about their concerns that they
8 brought up today before you.

9 COUNCILMAN COHEN: I certainly think
10 it would be a good idea to make that offer.

11 MR. JAMES: I am making that offer
12 now.

13 COUNCILMAN COHEN: Thank you.

14 COUNCILMAN RIZZO: Thank you,
15 Councilman.

16 Commissioner, go back to what we
17 can do to deal with areas that you now have
18 identified.

19 I'm still convinced that
20 interference is different than coverage, even
21 though interference could lead to a coverage
22 issue, But I'm talking about areas where you
23 know that we have poor coverage. Again, the
24 analogy. You have a cell phone. You know
25 where you can make a call, you know where you

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2 can't. You wait until you get to an area
3 before you start your cell phone call. Same
4 concept.

5 If you've got a map -- but don't use
6 blue and red -- where there are issues, let's
7 say, down in the forbidden drive in Fairmount
8 Park or down in Manayunk or some of the areas
9 that we've always had problems. What can you
10 do? What can Motorola do -- and I'll ask
11 Motorola. What can we do to fix those areas
12 temporarily until you make the decision
13 whether you have to relocate one of the 10
14 sites, add a site, take one away, whatever?

15 I'm not talking about interference.
16 I'm talking about areas where you know that we
17 have issues with coverage.

18 MR. JAMES: I think if we have
19 specific areas where we know there's no
20 coverage or marginal coverage, I don't think
21 we've run across that yet. I'm not saying
22 that it doesn't exist. But the possibilities
23 of resolving those can be done probably from a
24 number of different technical issues without
25 having to build a tower. My best answer to

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2 give you at this point in time is that we'd
3 have to sit down with Motorola. We'd have to
4 sit down and kind of figure out what's the
5 best solution for that particular area.

6 COUNCILMAN RIZZO: Let's say that we
7 had a major incident. I haven't heard
8 anything about the airport, whether they're
9 happy as can be, that everything works well
10 there. I don't know about that. But let's
11 say we had a major incident at the airport and
12 there was a coverage issue. Is there a device
13 that can be brought to the airport to make it
14 better, if it were not as desirable as it
15 should be?

16 MR. JAMES: I believe there is. I
17 don't think we have anything in our inventory
18 right now. But I believe there are some
19 portable repeaters that you can --

20 COUNCILMAN RIZZO: Mr. McFadden, can
21 you address this issue?

22 MR. MCFADDEN: There is such a thing
23 as a portable repeater. It's been in the
24 industry probably for 30 years. So there are
25 such things that you can bring to a site, but

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2 you have to bring it to the site. If there's
3 a major incident going on, you want the
4 coverage first. Because if you have to depend
5 on bringing something, it's not usually the
6 way you want to do it. But there are devices
7 that you can bring to a scene.

8 COUNCILMAN RIZZO: What I'm getting
9 at is, if we know there are areas of the City,
10 I believe that either the Police Department or
11 the Fire Department should have a portable --
12 what is it again?

13 MR. MCFADDEN: Portable repeater.

14 COUNCILMAN RIZZO: A portable
15 repeater that would be available until we
16 resolve this. Is this a big deal? Is this a
17 big expense? Is this something that you could
18 help us with to assure that if we had a major
19 incident and we know that we have an area that
20 has potential coverage problems that could be
21 available? Would it work? Would it make it
22 better? That's my question.

23 MR. MCFADDEN: It's what I would
24 call a patch. It's not that reliable, quite
25 frankly. If it's in a suitcase and I put it

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2 on the floor, it's got an antenna that's only
3 this high. It's not something you really want
4 to rely on, bringing some portable repeater to
5 the location. It's something, but it's simply
6 a Band-Aid.

7 COUNCILMAN RIZZO: It sounds like
8 right now we need a couple Band-Aids here and
9 there and eventually it will heal and we can
10 get rid of the Band-Aids.

11 MR. MCFADDEN: Well, I think one of
12 the issues -- and I've got a lot of questions
13 that you asked last time that I want to
14 respond to. But I will answer your question.

15 What we're discussing here is
16 coverage. There's no such thing as 100
17 percent coverage. That's everywhere we run
18 into this. The expectation is 100 percent
19 coverage. Technically, it's not possible

20 As I think you know, if you start
21 adding sites, you can start increasing the
22 coverage, but at a certain point it actually
23 plays against you. The sites actually start
24 interfering with each other, kind of what
25 you're experiencing with the cellular networks

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2 now. So there is no such thing as 100 percent
3 coverage.

4 So if the expectation is 100 percent
5 coverage, that's not -- and it has to do with
6 the laws of physics; it has nothing to do with
7 the equipment manufactured or the design.
8 It's just that with two-way radio you cannot
9 have 100 percent coverage. You cannot always
10 talk into basements. In fact, the coverage
11 you have is typical public safety coverage,
12 which is 95 percent portable coverage in
13 buildings, with the exclusion of it doesn't
14 talk in basements. It may not talk in certain
15 elevator shafts. It may not talk in hospital
16 emergency rooms. 95 percent coverage is 95.
17 It's not 100.

18 I think what we're trying to do is,
19 we're trying to work with this last half a
20 percent of coverage or a percent and we're
21 trying to identify places where it is. That's
22 a good thing to do, but you don't know where
23 those places are. You've tested the system.
24 95 percent of the time when you hit that
25 transmit button, you will talk. It's not 100

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2 percent of the time; it's 95. And that's a
3 national standard.

4 COUNCILMAN RIZZO: Do you agree with
5 95?

6 MR. JAMES: I do agree with that.

7 Again, the other part of what makes
8 this system a lot better than the other system
9 is there are a lot more tools and there's a
10 lot more information available for us. So
11 when an issue of either poor coverage, bad
12 coverage or my radio didn't work or my button
13 didn't work, we have the ability now to go
14 back and pull that information and put that
15 together and be able to emphatically say it
16 either worked or it didn't work. It either
17 sent out the right alarm or it did not send
18 out an alarm. Those things just didn't exist
19 in the older system.

20 COUNCILMAN RIZZO: Mr. McFadden, I
21 think at this point we should give you an
22 opportunity to address some of the issues that
23 you would like to report on from our last
24 hearing.

25 I wanted for the record again to

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2 report that from what I understand from
3 Commissioner James, from Commissioner Brennan
4 and Commissioner Ayers, that your company has
5 responded in a way that's been much
6 appreciated. And I know you're as concerned
7 about the problems that we're experiencing
8 here as much as we are because you have a
9 corporation that, in my opinion, has a great
10 name associated with it.

11 MR. MCFADDEN: Thank you very much.
12 We appreciate that and we will continue to
13 work hard with the City.

14 I did prepare this statement because
15 you did ask us some questions. If you don't
16 mind, I'd like to read it into the record.

17 With me today, by the way, is the
18 project manager for the Philadelphia system,
19 Melissa Hanlon. She's been involved with this
20 system. She's the one who is here seven days
21 a week, 24 hours a day. Mary Beth Krantz is
22 the engineering manager for the northern
23 division. If we have any technical, technical
24 questions, I'll have either Mary Beth answer
25 them or Melissa about the system.

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2 We're here today as a continuation
3 of the July 14th, 2004 hearing. First of all,
4 let me say thank you to the City of
5 Philadelphia Council for allowing Motorola to
6 explain what we have done since the last
7 meeting and to address the issues raised about
8 the radio system. We have committed to the
9 City of Philadelphia and its radio system
10 users. You are very important and valued
11 customers.

12 During the July 14th, 2004 hearing,
13 this team responded to answers you asked
14 regarding the March 25th and the March 18th
15 incidents relating to the Philadelphia Police
16 radio system. At the end of the hearing, you
17 still had a number of specific questions
18 regarding, Number One, the testing of and user
19 satisfaction of the announcement group
20 function of the police radio system; Number
21 Two, the controller switch and channel
22 availability on May 18th, 2004; And Number
23 Three, your personal concern that Motorola's
24 level of a commitment is at the level that you
25 expect it to be in the City.

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2 We're pleased to report today that
3 all significant issues discussed at the last
4 meeting have been or are being addressed Also,
5 we can report that since our last meeting, the
6 system has performed excessive design
7 reliability, consistently providing the
8 quality communications demanded by the City's
9 first responders and the expectation of this
10 Council.

11 Announcement group feature. This
12 was the first thing you had a question about.
13 We successfully tested the announcement group
14 feature change on July 20th and September
15 22th. The feature change was originally
16 implemented in April. This test was pending
17 at the time of the July 14th, 2004 hearing and
18 was discussed as an action item at that time.
19 So we're getting back to you on that one.

20 The controller switch and channel
21 availability status. This is the May 18th
22 event regarding the May 18th controller
23 switch. Motorola identified the cause of the
24 controller switch and programmed a change into
25 all police radios which will minimize the

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2 unnecessary system loading. The balance of
3 the City radios will be reprogrammed to
4 incorporate this change in all radios.

5 Regarding the matter of the channel
6 availability after the May 18th controller
7 switch, this is where the 15 channels switched
8 over and only seven of them went over. What
9 we did is we set up a lab at our headquarters
10 in Shamburg. The results are, the Motorola
11 lab extensively tested a simulation for over
12 670 hours and initiated over four million
13 calls on the system set up in the lab. The
14 stress testing forced the controller to switch
15 21 times in the lab and we were not able to
16 duplicate the loss of channels which occurred
17 on May 18th. Motorola conducted similar live
18 testings 11 times in the field on the system.
19 The controller switched as designed and all
20 channels have come back as available after
21 each switch. We have concluded that this is
22 apparently a one-time issue that is not
23 reproducible. We could not make the system do
24 in our lab what it did here. And it hasn't
25 happened again. It's just not reproducible.

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2 Level of commitment. This is what I
3 would like to tell you what we have been
4 doing. We have initiated a 24/7 staffing of
5 the police dispatch center by our technicians
6 and have been ensured that these technicians
7 have immediate access to Motorola engineers,
8 technicians and senior managements to resolve
9 the issues within our company. Motorola's
10 senior managers are briefed daily on the
11 issues and progress we are making in
12 Philadelphia. We continue to meet with the
13 City's 800 megahertz project team and have
14 conducted sessions between the Department of
15 Public Property, Police and Fire and the
16 Motorola senior management and local teams to
17 get their input.

18 We continue to work with the
19 Philadelphia users to enhance the
20 communications operations. Recently, at the
21 request of the Police Department, Motorola
22 enhanced our multi-select feature to
23 significantly reduce tailgating, which caused
24 calls to hang longer than the dispatchers
25 wanted or desired.

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2 Motorola continues to provide the
3 City statistical data on the system on a
4 regular basis, and that's some of the data
5 that I think you're referring to today. We
6 utilize the Motorola case management system
7 to track every incident that happens, every
8 call from both the City, our own calls that
9 service people may make, the people who
10 monitor your system. That's what you have
11 there. That is the system that we use to
12 manage this system.

13 COUNCILMAN RIZZO: Mr. McFadden, can
14 I just jump in for a second? It's
15 interesting. I've gotten a preliminary
16 report on the trouble tickets. There's no
17 trouble tickets for any of the days that
18 we've had malfunctions, the dates that we're
19 talking about when we had the interruptions
20 of service, the various dates.

21 MR. MCFADDEN: These trouble tickets
22 are generated about four or five ways.

23 The first way and the primary way of
24 generating a ticket is the City notices
25 something with the City and they contact us So

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2 if there isn't a report of that date, then it
3 may be that it wasn't reported to us by the
4 City.

5 There's another way that this report
6 can happen.

7 COUNCILMAN RIZZO: The point that
8 I'm making, there were specific dates when
9 there were significant problems with the
10 system and there's no reports.

11 MS. HANLON: Melissa Hanlon, project
12 manager for Motorola.

13 If I may, Councilman. The list that
14 you have is sorted by site location for the
15 system. So City Hall is a site. Police
16 headquarters is a site within the system. I
17 have a list here sorted by dates. And within
18 this list, you can see and cross reference the
19 sites and case numbers.

20 COUNCILMAN RIZZO: So the dates that
21 are mentioned in the resolution, we will find
22 trouble tickets for those specific dates?

23 MS. HANLON: Correct.

24 COUNCILMAN RIZZO: Excuse me, Mr.
25 McFadden.

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2 MR. MCFADDEN: We'll give you the
3 complete record, including the customer notes.
4 What you have is a summary and you need the
5 detail and we are supplying the detail. We've
6 supplied it to Public Property.

7 COUNCILMAN RIZZO: We're talking
8 about March 25th. We're talking about May
9 18th. We're talking about July 9th. We're
10 talking about August 18th. So I was just
11 curious why there weren't any trouble tickets
12 for the dates that we have problems with. And
13 Commissioner Brennan speculated that it could
14 have been done on the phone. Now it's
15 becoming clearer that we will see trouble
16 tickets, and I would like to for those
17 specific dates.

18 MR. MCFADDEN: And we can sort that
19 information, as Melissa just pointed out, by
20 date, by location.

21 COUNCILMAN RIZZO: Excuse me for the
22 interruption.

23 MR. MCFADDEN: Basically we'd like
24 to reaffirm our commitment to the City, that
25 we have spent a lot of resources and will

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2 continue to spend those resources. We are
3 extremely concerned about the safety of the
4 firefighters and the police officers and the
5 people in Public Property and the City, that
6 it is very important to us as a corporation
7 that this customer is very happy. This is one
8 of the largest Cities in the United States.
9 It is critical that you're happy and satisfied
10 with this system.

11 This system is, we believe, one of
12 the finest in the world. You are not the only
13 user of this system. There are systems all
14 over the world, including the state of Israel
15 uses this system, with 28,000 subscribers on
16 it. So we need to have everybody in this room
17 very comfortable with this system and
18 confident in how it operates. That's our goal
19 in working with the City, and we will continue
20 to do that.

21 COUNCILMAN RIZZO: Just to comment
22 on the commitment side. We have two police
23 helicopters where it was reported to me that
24 the helicopters' radios were not functioning
25 properly. To be absolutely clear, aviation

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2 radio is a little bit different than the
3 communications that we deal with here because
4 of the FAA and other certifications. There
5 was an interface between the aviation
6 Motorola radio and the actual control head
7 that was made by an after market company. It
8 was sad that we had to learn that the police
9 officers that work in our Aviation Unit could
10 not communicate with police radio to be able
11 to support police on the ground. That in
12 itself was sad. I know that you were working
13 on it, but it really wasn't your problem.

14 From what I understand, your company
15 did what it took to get those radios working
16 and now we have two police helicopters that
17 can support our firefighters, that can talk to
18 dispatch and give assistance to the police
19 officers that are involved in a pursuit or
20 whatever the situation may be. So I hope I'm
21 appropriately complementing you, because I
22 understand that you did resolve that issue,
23 even though you could have backed away and
24 said, "It's not our problem. You really need
25 to deal with the manufacturer of the control

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2 unit that interfaces with your radio."

3 I believe that our Aviation Unit is
4 very, very happy right now because their
5 radios are working and they're able to
6 provide the support that that Aviation Unit
7 was designed to provide.

8 MR. MCFADDEN: Thank you. I know
9 this team has worked very hard to make sure
10 that we've covered everything. And I'm sure
11 the Police Department and Public Property had
12 a lot to do with the interface also with that
13 third party. So thank you.

14 COUNCILMAN RIZZO: Great. Thank
15 you.

16 Well, let me see. Councilman Nutter
17 was here a moment ago. I think he had a
18 question.

19 COUNCILMAN NUTTER: Thank you.

20 Gentlemen, good afternoon. I have
21 listened in and out to these proceedings, and
22 I know a lot of territory has been covered
23 most ably by the Chair and Councilman Rizzo.
24 If my question somehow was asked earlier, just
25 tell me that and I'll move on.

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2 You talked about -- and I'm sorry I
3 did not catch your name.

4 MR. MCFADDEN: My name is John
5 McFadden.

6 COUNCILMAN NUTTER: Mr. McFadden,
7 you made reference to the ongoing commitment
8 and support of the company in relationship to
9 the City, more specifically to our police and
10 firefighters and the Department of Public
11 Property. I'd like to better understand the
12 nature of that ongoing relationship. And so I
13 just want to ask a question in one particular
14 area, which has to do with how long has the
15 service been provided so far with this system.

16 MR. MCFADDEN: How long has the
17 service been provided.

18 COUNCILMAN NUTTER: How long has the
19 system been in operation?

20 MR. MCFADDEN: It's been on the air
21 since 2001.

22 COUNCILMAN NUTTER: Is there a
23 warranty or a maintenance and operating
24 agreement between Motorola and the City of
25 Philadelphia?

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2 MR. MCFADDEN: There is a service
3 contract between Motorola and the City of
4 Philadelphia to manage and service the system.
5 That's correct.

6 COUNCILMAN NUTTER: Does the system
7 or the equipment itself have a particular
8 warranty on it?

9 MR. MCFADDEN: Typically, electronic
10 equipment, two-way radio equipment, would have
11 a one-year warranty, specifically it would be
12 things like subscribers, the portable radios.
13 That's typical in the industry. I'm not sure.
14 The contract may have required a longer
15 warranty. In this case I don't have the
16 details.

17 COUNCILMAN NUTTER: Does anyone else
18 have the details?

19 MR. MCFADDEN: The warranty period
20 was a year, and we've been under the
21 maintenance contract since then. This system
22 was signed off from a warranty standpoint and
23 put in operation. Once a system goes into its
24 live operation, the units are being used in
25 the street, it's providing value, and then the

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2 warranty starts at that point.

3 COUNCILMAN NUTTER: And now that
4 we're technically out of the warranty period,
5 if one of the radios or other pieces of
6 equipment goes bad, what happens.

7 MR. MCFADDEN: It's covered by the
8 service contract. If it's a subscriber unit
9 it's repaired. If it's reported to us by the
10 Police Department, we repair the unit.

11 This system is being monitored at
12 our headquarters in Chicago. There's a
13 control room in Chicago and they're watching
14 various systems around the country. This
15 system its being monitored on a screen. If
16 something happens at any one of these 10
17 sites, if a receiver in one of the
18 transmitters -- and there could be 15 or 20
19 transmitters at a site -- is having a problem,
20 we would be able to see that even though no
21 one in the City notices anything is wrong with
22 the system. We can see that at that location.
23 We would dispatch someone to check that out So
24 there's a lot of monitoring of this system
25 that is done automatically. That is done

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2 without someone actually seeing a problem.
3 Things are noted, corrected, adjusted, and the
4 officers in the street don't even know that
5 happened, or the dispatch.
6 COUNCILMAN NUTTER: The service
7 contract, is it an annual contract?
8 MR. MCFADDEN: I believe it is an
9 annual contract.
10 COUNCILMAN NUTTER: And what is the
11 cost?
12 MR. JAMES: Councilman, it's about
13 \$1.1 million.
14 COUNCILMAN NUTTER: So the City pays
15 \$1.1 million a year for the service contract?
16 MR. MCFADDEN: Yes.
17 COUNCILMAN NUTTER: Are there
18 escalator clauses in the contract, or do you
19 renegotiate every year?
20 MR. JAMES: I have to look at that
21 to give you an answer, but I don't believe
22 there is. I don't want to say for certain.
23 I'll have to double-check.
24 COUNCILMAN NUTTER: Are there
25 renewal clauses in the contract?

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2 MR. JAMES: Yes.

3 COUNCILMAN NUTTER: So what's the
4 real length of the contract?

5 MR. MCFADDEN: We'll have to get you
6 that. I don't have that information in front
7 of me. Typically contracts obviously have a
8 beginning and ending date. There is probably
9 a clause that renews it. But I'll get you
10 that information. I don't have that in front
11 of me right now. Typically in public safety
12 there is a clause that allows the customer to
13 renew the contract.

14 COUNCILMAN NUTTER: I think Joe
15 might have that answer.

16 MR. JAMES: The service contract was
17 negotiated with a three-year pricing, and the
18 pricing and the contract is good for 10 years.
19 So we have a three-year maintenance contract
20 price, which is fixed for three years. After
21 that, it's up for renegotiation. The system
22 was to be guaranteed that they can support it
23 for 10 years.

24 COUNCILMAN NUTTER: Let's go back
25 through that. You get a three-year

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2 contract --

3 MR. JAMES: Fixed price for three
4 years.

5 COUNCILMAN NUTTER: Fixed price for
6 three years. Tell me the 10-year part.

7 MR. JAMES: And the maintenance
8 support is priced for 10 years. We have a
9 10-year price for the maintenance support so
10 that we have a guarantee that they can support
11 the system.

12 COUNCILMAN NUTTER: You have a
13 guaranteed price for maintenance for 10 years?

14 MR. JAMES: So they can guarantee
15 the system for 10 years, right. Then we have
16 service, which is at a three-year price. And
17 after three years, that's up for
18 renegotiation.

19 COUNCILMAN NUTTER: So is the
20 three-year contract about to expire?

21 MR. JAMES: We're in year two of
22 that three-year pricing.

23 COUNCILMAN NUTTER: Now, as a part
24 of the overall system, was the three-year
25 contract a part of the package in the approval

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2 process for this.

3 MR. JAMES: Yes. That was all
4 negotiated up front.

5 COUNCILMAN NUTTER: I understand
6 that. Did the contract come here?

7 MR. JAMES: When the contract went
8 through, the pricing was in the contract.

9 COUNCILMAN NUTTER: And the contract
10 came here?

11 MR. JAMES: I know we testified
12 before City Council on it.

13 COUNCILMAN NUTTER: Okay. Could you
14 forward to the Chair a copy of the 10-year
15 guaranteed pricing schedule as well as the
16 bill that authorized the three-year contract?

17 MR. JAMES: I will do that.

18 COUNCILMAN NUTTER: I would
19 appreciate it.

20 So you're in the second year of the
21 three-year. Sometime next year the contract
22 will expire?

23 MR. JAMES: Yes.

24 COUNCILMAN NUTTER: And at that
25 point, what length of term of contract do you

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2 anticipate trying to negotiate?

3 MR. JAMES: I don't have an answer
4 for you. One of the issues that we have to
5 talk about is where we are as far as this
6 particular product that we have, what's
7 Motorola forecasting as far as the product and
8 service and whether or not it's something that
9 is a biddable item or is something that we can
10 continue under the current service contract.

11 So I think what we have to do, to
12 answer your question, is we have to look at,
13 what are the services that we're procuring
14 under that contract. Are there other means of
15 providing those contracted services or is it
16 something that we have to get directly from
17 Motorola, and if so, what is the price that we
18 are able to negotiate.

19 COUNCILMAN NUTTER: What services we
20 talking about?

21 MR. JAMES: The response to
22 technicians coming out to the site, fix and
23 maintain the equipment, the repair on the
24 radios, the service on the radios, that kind
25 of fixed network equipment repair.

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2 COUNCILMAN NUTTER: And you're
3 saying that there is the possibility that
4 someone other than Motorola would provide that
5 service?

6 MR. JAMES: Well, Motorola subs the
7 work out through a certified support company
8 here in the local marketplace. Now, whether
9 or not there is only one person to do that or
10 if there's more than one person do that is
11 something that we have to discuss. So I think
12 that all factors into what we can negotiate
13 and what we can try to procure going forward.

14 COUNCILMAN NUTTER: Do you know when
15 the three-year contract exactly expires?

16 MR. JAMES: No, I don't.

17 COUNCILMAN NUTTER: But you'll get
18 all of that information to the Chair?

19 MR. JAMES: Yes, I will.

20 COUNCILMAN NUTTER: Madam Chair,
21 thank you very much.

22 COUNCILWOMAN BROWN: You're welcome.

23 COUNCILMAN RIZZO: Could I follow-up
24 with Commissioner James.

25 Commissioner, we've got a

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2 maintenance contract, and I heard something
3 that may trouble me, but maybe I
4 misunderstood. The issues that we're
5 experiencing now, all the work that Motorola
6 is doing, reprogramming, 20 second timers, all
7 of this, did I understand that that's being
8 covered under the maintenance agreement?

9 MR. MCFADDEN: No.

10 MR. JAMES: No.

11 COUNCILMAN RIZZO: Then my question.
12 Have we been billed for anything associated
13 with the operational problems that we're
14 discussing in these hearings?

15 MR. JAMES: No, we have not been
16 billed for any costs associated with
17 correcting the problems that we've been
18 discussing today and we don't expect to be
19 billed for any of the costs associated with
20 this.

21 COUNCILMAN RIZZO: We're going back
22 to the commitment part. This is a commitment
23 from Motorola to correct these issues without
24 any cost incurred on the City? Because I
25 think Motorola understands that we have spent

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2 a lot of money supporting that commitment in
3 Police Department's time, your time, our time.
4 Wait until they get the bill for this.

5 MR. JAMES: I think you have
6 different charges than we do.

7 This is all being done under the
8 commitment from Motorola to correct the
9 problems that have been identified.

10 COUNCILMAN RIZZO: Oh, I forgot one
11 of the higher paid employees in the
12 government, Commissioner Brennan back there.
13 We have to laugh a little bit here.

14 So we don't expect to pay for any of
15 this support. Now, what do you anticipate if
16 in fact we need to realign or do something
17 differently to correct the issues that we're
18 discussing here? Do we expect to pay for
19 those or do we expect the warranty or
20 something associated with the original
21 engineering to cover anything to make it
22 right?

23 MR. JAMES: I don't think we've had
24 any discussion today with Motorola along any
25 lines of any cost of the City to fix all of

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2 the problems that we've discussed and
3 correcting those problems.

4 Now, the one clarifier I do want to
5 make is, we had a previous discussion earlier
6 about coverage and filling gaps in coverage,
7 that is not something that I think we can
8 contribute to a Motorola problem if in fact
9 the City decides that we want to get portable
10 repeaters or we want to build an additional
11 tower to improve coverage. I don't know if
12 that's something we can actually hold
13 Motorola's feet to the fire and say, they're
14 the ones responsible for that.

15 COUNCILMAN RIZZO: I don't know
16 whether Motorola did the design or we hired
17 another company that actually designed it and
18 said, 10 sites, you signed off, whoever. Was
19 Motorola in any way involved in deciding
20 where the various components to support the
21 system were located?

22 MR. JAMES: We were all involved in
23 those discussions about location of the towers
24 and the number of towers in conversations in
25 coordinating the design for the system. It

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2 was not the case where we told Motorola, go
3 build us a system, and we sat back and just
4 let them build it and we'll figure it out
5 later on.

6 COUNCILMAN RIZZO: What I mean is,
7 did we hand Motorola a plan, an engineering
8 plan, and say, "This is where we want you to
9 put this equipment"? Were they involved in
10 actually the design aspects of the system?

11 MR. JAMES: Sure.

12 COUNCILMAN RIZZO: So they then
13 agreed that the system they were building
14 would give us, hopefully, 100 percent
15 coverage? But we know that that isn't
16 realistic. Was there an agreement of coverage
17 in writing? Was it 95 percent?

18 MR. JAMES: I think you will find in
19 the documents that we've already given you
20 that we were proposing a system with a 95
21 percent in-building coverage and whoever was
22 the recipient of the award had to meet that
23 requirement. So they were stepping up to and
24 agreed to through the design and also through
25 the testing. We validated the fact that we

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2 had the coverage that met their obligation in
3 the bid.

4 COUNCILMAN RIZZO: And you believe
5 that we are getting the 95 percent coverage?

6 MR. JAMES: I believe we are.

7 COUNCILMAN RIZZO: In-building?

8 MR. JAMES: I believe we are.

9 Clearly, we spoke many times to a lot of
10 people's expectations of what that meant. It
11 did not mean, as Mr. McFadden said, that every
12 basement in the City was going to work.
13 Certainly elevators were not going to work.
14 And a lot of the areas that people have spoke
15 earlier about were areas where we never
16 guaranteed they were going to work there.

17 COUNCILMAN RIZZO: Well, I can
18 understand elevator shafts and lead-lined
19 hallways, but I can't imagine that we aren't
20 paying attention to the underground. To hear
21 that we have police officers that have to
22 carry a gun and two radios to be secure in the
23 subways, one of the probably loneliest places
24 that you can be if you're in trouble. Where
25 are you with that? In other words, what kind

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2 of money do you need to get that accomplished?
3 Is that on the radar?

4 MR. JAMES: Again, I want to
5 reiterate. When we first put together the
6 proposal, we got a bid back from Motorola to
7 do the underground. It was over \$20 million
8 on top of what we were building on the voice
9 side. And there was no way in the world we
10 had 70, \$80 million to build both an
11 above-ground and an underground system. We
12 just did not have the money and it was not in
13 the forecast. But it wasn't something where
14 we closed our eyes to it. It was something
15 that we knew we were eventually going to have
16 to address, but we'd have to do that in a way
17 that made sense and allowed us some time to
18 build up maybe some cash to be able to do
19 that.

20 What we've been doing is working with
21 people who are already in the underground,
22 and that's specifically SEPTA, to say, "Well,
23 what are you doing? What your plans are?
24 Maybe there's a way that we can piggyback
25 what you're doing and be able to get away

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2 with not having to have two radios."

3 From SEPTA's point of view, their
4 police officers would like to be on our 800
5 megahertz system so that they can talk to the
6 Philly P.D. Well, maybe there's a way we can
7 marry our two efforts together and allow us
8 to get the underground that we don't have and
9 they can get the above-ground that they don't
10 have.

11 COUNCILMAN RIZZO: That needs, in my
12 opinion -- no disrespect, but a Philadelphia
13 police officer that has to be dependent on an
14 Authority's dispatch unit to, again, keep
15 them in communication while they're under the
16 ground, in my opinion, is not a very
17 desirable situation. And whatever you need
18 to do to get that ball rolling, I'd like to
19 be part of it to get that add-on to our
20 system.

21 Mr. McFadden is over there smiling.
22 He's waiting for that opportunity.

23 MR. JAMES: It's been an effort also
24 on SEPTA's part to reach out to us. They
25 have a consultant in place who's working with

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2 us. We have a meeting tomorrow. We're
3 working on that specific issue.

4 COUNCILMAN RIZZO: I just can't
5 imagine the Police Department not jumping up
6 and down making a lot of noise about having to
7 have their officers being supported by SEPTA
8 police radio. Certainly it's better than not
9 having any communication, but I think that we
10 really need to start moving forward to have
11 our police officers in touch with their
12 command center.

13 MR. JAMES: I think that's what
14 we're trying to do.

15 COUNCILMAN RIZZO: I think that's
16 everything. I think we're finished with this
17 panel.

18 I have one more person to speak with,
19 and that's the Law Department, right,
20 Councilwoman?

21 COUNCILWOMAN BROWN: Yes. If we
22 could please invite up Mr. Donald Marino,
23 Chair of Litigation, City of Philadelphia Law
24 Department, appearing on behalf of the
25 Managing Director's Office, please.

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2 Allow me to ask a different
3 question. Is there anyone here from the City
4 Solicitor's Office appearing?

5 Wonderful. Good afternoon. Please
6 state your name for the record and your
7 position with the City.

8 MR. MARINO: Donald C. Marino. I'm
9 chair of the litigation group in the City
10 Solicitor's Office. It's nice to be here.

11 COUNCILWOMAN BROWN: It's good to
12 meet you.

13 MR. MARINO: It's nice to see you.

14 COUNCILMAN RIZZO: Thank you. Thank
15 you, Mr. Marino, for being here today. The
16 purpose for having you here is to kind of
17 complete the record.

18 As you know, I asked for certain
19 documents from the Police Department, the
20 Department of Public Property and others.
21 And, as a matter of fact, your appearance was
22 just approved, I believe, yesterday. So there
23 was a lack of -- I don't like using this word,
24 but I'm going to use it -- cooperation in
25 providing this Committee with information that

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2 we need. Am I correct that you were just
3 authorized either yesterday or --

4 MR. MARINO: Well, we've been
5 speaking with representatives of the Managing
6 Director's Office and the Police Department.

7 COUNCILMAN RIZZO: When were you
8 authorized to come to this hearing?

9 MR. MARINO: Well, the City
10 Solicitor yesterday said that it was fine for
11 me to be here and the Managing Director's
12 Office approved that also.

13 COUNCILMAN RIZZO: How long have I
14 been asking for your participation in this
15 hearing?

16 MR. MARINO: Well, actually asking,
17 Councilman, I think within a few days, the
18 last week, maybe.

19 COUNCILMAN RIZZO: No. I think it's
20 been a bit longer than that.

21 MR. MARINO: Actually, I've
22 corresponded with people in your office, but I
23 was not asked to participate personally until
24 about a week ago. But I think that your
25 office was under the impression that I had

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2 reviewed documents and things of that nature,
3 which I had not done. And when we made that
4 plain, I think then we were all on the same
5 wavelength.

6 COUNCILMAN RIZZO: Okay. Well, it's
7 hard for me to believe that the City Solicitor
8 would assign an attorney to discuss this issue
9 here in Council or discuss the issue at all
10 that hadn't reviewed any documents or had no
11 knowledge of the issue.

12 MR. MARINO: Our concern is this.
13 As chair of the litigation group, my concern
14 is to protect the City's interests down the
15 line if there is any possibility of
16 litigation. That was my concern. My concern
17 was that there might be documents, there might
18 be memoranda, there might be information
19 involved which would impact in protecting the
20 City's interest if that information were
21 released prematurely. That was the only
22 reason that I was involved. That really
23 concerned me because the interests of the City
24 should be paramount in that.

25 COUNCILMAN RIZZO: And the interest and

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2 the safety of our Philadelphia firefighters
3 and our police officers and our municipal
4 workers is also very important to me. And
5 the information that I requested, the
6 communications, the memos, I was very clear
7 what I wanted. It just started to come in
8 the last couple days to help support the
9 investigation of this issue in this
10 committee.

11 I subpoenaed the City Solicitor, and
12 you are today, the City Solicitor's
13 representative. I want it to be on the record
14 that we will be asking for certain documents
15 that are in the subpoena if we need them. I'm
16 not just going to ask for a lot of paper just
17 to pile up paper. If we need them, I just
18 want the record to reflect that we have a
19 subpoena. We filed the subpoena, and there
20 are certain documents that we're going to be
21 asking for. I just cannot imagine that the
22 Law Department would prohibit an elected
23 official and a Committee of Council not to
24 share in those e-mails, in those reports, the
25 memos associated with this issue.

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2 MR. MARINO: Well, I think the City
3 Solicitor does intend to formally answer your
4 request. I assume that will be done shortly.

5 COUNCILMAN RIZZO: I just wanted the
6 record to reflect that. Because when you
7 hesitate to share information about some issue
8 that is so important, it puts a red flag up.
9 You can say it, but I don't want to
10 particularly accept the fact that it's all
11 about litigation.

12 MR. MARINO: I didn't do anything to
13 send a red flag up. All I was asked to do is
14 comment on the possibility of some material
15 being privileged. Of course there is a
16 possibility that some material would be
17 privileged.

18 COUNCILMAN RIZZO: I can't imagine an
19 e-mail between a police official and a
20 Motorola company being something that could
21 jeopardize litigation. They're out there.
22 They're e-mails that both sides have.

23 Again, I just want the record to
24 reflect that we're going to push if we need
25 the information to get it. If we have to go

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2 to the court to get it, we're going to do
3 whatever it takes. So I would suggest that
4 you tell the City Solicitor to try to
5 cooperate, and the Police Department and the
6 Fire Department and the Department of Public
7 Property, because this is what we want.

8 MR. MARINO: Councilman, I'm sure
9 the City Solicitor will cooperate consistent
10 with his duties under the Charter.

11 COUNCILMAN RIZZO: It hasn't been
12 there so far, sir. I just wanted you to be
13 aware. Thank you. I appreciate it.

14 COUNCILWOMAN BROWN: On behalf of
15 the Chairs of the joint Committees on Public
16 Safety and Technology and Information
17 Services, Councilperson Donna Reed Miller and
18 Councilman O'Neill, let me say thank you to
19 all of the witnesses for coming here this
20 afternoon.

21 This is my personal editorial comment,
22 of which I am entitled to. I want to
23 personally thank the City Department of
24 Public Property again for your very
25 comprehensive explanation, and to Motorola

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2 for your responsiveness in Councilman Rizzo's
3 concerns. As we all can see, this is on the
4 radar screen. He is being a laser beam on
5 this issue, so you will be invited back.

6 This Committee meeting is recessed
7 at the call of the Chair.

8 Thank you very much.

9 (Council adjourned at 4:35 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Thursday, September 30, 2004,
were reported fully and accurately by me, and
that this is a correct transcript of the same.

RE: JOINT COMMITTEES ON PUBLIC SAFETY and
TECHNOLOGY AND INFORMATION

Lisa C. Bradley, RPR