

**Written Testimony of Michael Poth
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**A hearing entitled:
“FirstNet Oversight: An Update on the Status of the Public Safety Broadband Network”**

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Introduction

Chairman Wicker, Ranking Member Schatz, and all Members of the Subcommittee, I would like to thank you for the opportunity to appear here today to provide an update on the progress we are making at FirstNet toward the deployment of an interoperable nationwide public safety broadband network (NPSBN). I also want to thank all of the Members of this Subcommittee who were pivotal in creating FirstNet. We look forward to your continued support and to working with the Subcommittee and full Committee as FirstNet moves forward with our vital mission to improve public safety’s access to broadband wireless communications across the country.

Progress Toward a Network

FirstNet intends to provide cutting-edge, prioritized, and preemptive wireless broadband communications to millions of first responders at the local, state, tribal, and federal levels across all states, territories and the District of Columbia, consistent with the vision laid out in the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) (Act). By enabling the deployment of the dedicated NPSBN, FirstNet will provide a ubiquitous solution to decades-long interoperability and communications challenges and help make our communities and first responders safer with advanced communications services, devices, and applications.

FirstNet’s goal of enabling the deployment of the network and thereby meeting the needs of first responders is a matter of critical importance for public safety. Since our inception, FirstNet has taken the necessary steps to build an organization, execute a vigorous consultation and outreach strategy, develop and produce a comprehensive request for proposals (RFP), and lay the groundwork for a successful deployment of the NPSBN. Much has been accomplished. However, as it is with any such undertaking, every step forward presents new challenges, and requires that innovative solutions be identified. The past three years have involved thousands of working hours to solve the various challenges FirstNet has faced. I am proud to say that today we have an organization of people who are dedicated to public safety and to fulfilling our mission; a culture of hard work, openness, and transparency; a procurement strategy that we

believe is attractive to the vendor community and will lead to a successful public-private agreement; and a robust consultation and outreach program to educate, inform, and obtain input from our stakeholders. With these accomplishments, we have sowed the seeds of success as FirstNet strives to develop the public safety broadband market here in the United States and to influence public safety around the world.

The Procurement Strategy and Development

FirstNet has engaged in an acquisition process in accordance with the Federal Acquisition Regulation (FAR). FirstNet began its market research into the development of the comprehensive RFP in early 2013. The research included meetings with vendors as well as the issuance of 13 Requests for Information (RFIs), with the last RFI and corresponding draft Statement of Objectives (SOO) released on September 17, 2014 in the form of a Special Notice. These RFIs addressed technical questions regarding the available offerings for equipment and services needed to implement the NPSBN, as well as questions regarding the acquisition approach and specific program objectives.

We developed the final RFP using information and data gathered throughout this process, as well as from our vendor meetings and “Industry Days,” stakeholder consultation, and public notice processes including the release of draft RFP documents in April, 2015. Our vendor outreach program aimed to obtain a better understanding of industry’s capabilities and analyzed the recommendations and alternative approaches suggested by the public to determine how to best leverage existing capabilities and best practices in order to meet public safety needs.

Following two successful “Industry Days” in 2015, FirstNet hosted a pre-proposal conference on March 10, 2016 with local participation and a simultaneous webcast. A total of 437 individuals participated representing 260 organizations, including industry, local government, media, states and territories, federal agencies, and trade associations. The pre-proposal conference also provided key information pertaining to solicitation highlights and included upcoming key milestones and the overall phased evaluation approach contained in the solicitation.

In addition to the “Industry Days” and the pre-proposal conference, FirstNet conducted one-on-one sessions with interested vendors. These sessions were held to discuss a vendor’s capabilities, current commercial offerings, and major program objectives and to learn more about industry capabilities to meet those objectives.

Through this acquisition, and the 16 objectives identified in the SOO as set forth in the solicitation, FirstNet is seeking a comprehensive network and a service solution that provides as much coverage and functionality as feasible. FirstNet’s goal is to maximize the network’s value to public safety while meeting our financial sustainability obligations under the Act. The objectives included in the SOO will ensure that the NPSBN operates as a single network guaranteeing seamless interoperability between states and territories, regardless of whether FirstNet or the state/territory deploys the Radio Access Network (RAN). FirstNet issued the RFP

for the deployment of the NPSBN on January 13, 2016 and subsequently answered 447 industry and stakeholder questions pertaining to the solicitation and issued 14 amendments to address the questions and feedback received.

The evaluation is being conducted in a multi-phased approach. In Phase I, interested parties were given the opportunity to provide a “capability statement” demonstrating they are capable of performing the work. The submission of a capability statement afforded FirstNet the opportunity to review and evaluate the experience and capability of potential offerors while providing viable potential offerors an opportunity to receive feedback. Notifications were issued to all parties who submitted a capability statement on April 8, 2016, and feedback sessions with those determined to be viable competitors were held on April 20th and 21st.

Proposals for the comprehensive RFP were submitted by May 31, 2016. Following receipt of proposals, the Source Selection Team has commenced with the remaining evaluation phases (Phase II through Phase IV), as stated in the RFP and described below.

During Phase II, the Source Selection Team will conduct an initial review of the proposals received to verify conformance and completeness with the RFP instructions. Those proposals that have been verified as complete and conform to the RFP instructions will move into Phase III – Pass/Fail.

As stated in the RFP, under Phase III, an offeror must demonstrate its ability to sustain the annual payments to FirstNet for the life of the contract and provide coverage in each of the 56 states and territories including rural areas. Those offerors whose proposed solutions have been determined to conform to the RFP in Phase II and successfully pass Phase III will move into Phase IV. During this final phase, FirstNet will conduct a detailed evaluation of all information and documentation received from the offerors based on the evaluation factors identified within the RFP.

FirstNet currently anticipates making an award of the NPSBN contract by November 1, 2016, although the ultimate timing is dependent on the amount of time it takes to comprehensively complete the evaluation and award process in accordance with the Federal Acquisition Regulation.

Consultation and Outreach

The consultation and outreach efforts undertaken by FirstNet over the past few years have been crucial to establishing lasting partnerships with the states, territories, tribal nations, federal agencies, and public safety users. The information FirstNet has gathered through these efforts has informed our work to develop and deploy public safety’s network and our comprehensive RFP. Consultation brings together the states and territories as partners in the development of the NPSBN by having the organization work with the State Single Point of Contacts (SPOCs) to ensure that FirstNet captures not only the needs and wishes of the local, state, and tribal public safety stakeholders, but the data that states and territories have collected through the funding provided by the National Telecommunication and Information

Administration's (NTIA) State and Local Implementation Grant Program (SLIGP). Ultimately, we believe that consultation efforts will lead to the provision of better planned public safety communications services and products, and increase adoption of the NPSBN.

Initial Consultation

FirstNet's initial consultation efforts focused on working with states and territories to facilitate a forum where public safety officials could discuss real-life examples and use-cases to illustrate how the FirstNet network could be used once deployed to improve incident and emergency response. These meetings confirmed to FirstNet just how diverse and locally focused the network will need to be. States were especially eager to demonstrate how their day-to-day challenges were, in the majority of cases, unique to that particular geographic area or region. For example, the western states have vast areas of terrain that, at this point, have proven difficult, if not impossible to cover. So, the issue of rural coverage was a topic that multiple states and territories raised with FirstNet on numerous occasions.

A key takeaway from FirstNet's initial consultation efforts in 2015 was that the network is an absolute necessity and that public safety today uses significant amounts of data to carry out their duties. Time and time again, states, territories, and public safety personnel throughout the nation emphasized the need for the network and urged that FirstNet work as quickly as possible. By the end of the initial consultation process, FirstNet had held an in-state meeting with all states and territories that had requested one.

Phase 2 Consultation

Building on the success of the initial consultation meetings, FirstNet developed a more focused second phase of consultation with the states and territories. And while FirstNet consulted with an impressive number of public safety personnel and groups during the initial consultation process, it was clear that more work needed to be done with the states and territories on the planning front. FirstNet decided to expand outreach efforts to reach a larger audience and to further educate the public safety community on our goals while concurrently focusing our consultation on individuals that will likely influence or contribute to a governor's decision on the RAN deployment to ensure such decision is informed.

FirstNet has held SPOC follow-up meetings with 54 states and territories and completed Governance Body Consultation Meetings with 18 states. These meetings are designed to connect with the states and territories on important network planning and implementation issues, such as State Plan development and a governor's decision whether to assume responsibility for RAN deployment and to have a discussion about the key influencers and key issues that the state/territory and FirstNet need to consider over the next year.

Data Collection

As part of FirstNet's consultation efforts, states collected data from local, state, territory, and tribal public safety agencies, which provided FirstNet with substantial input from public safety stakeholders across the country. This data, also collected from federal agencies, informed our comprehensive RFP in areas such as coverage, capacity, and public safety incident locations, and this information was made available to all potential offerors. FirstNet received data from over 11,600 public safety entities representing 1.6 million public safety personnel from 54 states and territories and seven federal agencies. We are continuing to build on that effort this year, as all states and territories that choose to do so will be able to update their information using available SLIGP funds. All data that is voluntarily collected will continue to inform FirstNet's network planning and implementation efforts.

Outreach

Throughout the consultation process, FirstNet has simultaneously engaged in extensive outreach to public safety stakeholders, including tribal communities, to educate and inform them about FirstNet and the NPSBN. As part of those efforts, FirstNet has coordinated with state and territories to support their outreach activities to public safety practitioners within their borders. FirstNet's tribal outreach team participated in the primary national and regional tribal organizations' conferences and meetings and state-hosted tribal engagements in an effort to educate tribes about FirstNet and encourage tribal participation in the state and Federal consultation and data collection process.

Federal Consultation

Although the Act focuses on engagement and planning at the state, territory, tribal, and local levels, the NPSBN will also serve public safety personnel at the federal level. As such, FirstNet has made it a priority to consult with federal agencies that provide public safety services to account for the needs and objectives of those potential users. FirstNet staff has conducted numerous engagements with a variety of federal organizations across the country. FirstNet also worked closely with federal agency points of contact to complete an initial data collection effort that we intentionally aligned with the data collection effort conducted with the states.

Tribal Outreach

FirstNet is committed to continuing its engagement with sovereign tribal nations. Tribes have a great need for the NPSBN and FirstNet's tribal outreach team have been traveling throughout the country to speak at tribal gatherings, meet with tribal nations regarding FirstNet, and support SPOC efforts to engage tribal communities

In the past two years, FirstNet's tribal outreach team participated in the primary national and regional tribal organizations' conferences and meetings and state-hosted tribal engagements in an effort to educate tribes about FirstNet and encourage tribal participation in the state and federal consultation and data collection process.

In addition, through FirstNet's Public Safety Advisory Committee (PSAC) Tribal Working Group (TWG), FirstNet has continued to conduct regular dialogue with delegates and representatives from numerous tribal organizations.

The TWG, comprised of representatives from a broad cross-section of multi-tribal associations, was established to provide FirstNet advice on tribal outreach, education, and inclusive consultation strategies to ensure participation by tribal jurisdictions in planning for the NPSBN.

State Plans

Following the completion of the RFP process, the Act requires FirstNet to deliver a plan to each state and territory's governor. These "State Plans" will be used to guide and inform the governors on FirstNet's intended build-out of the RAN in each state or territory. The Act clearly requires the governor to decide whether FirstNet will deploy, maintain, and operate the RAN or whether the state or territory will assume such responsibility. Indeed, under the Act, until the governor makes this decision, there can be no early deployment, or any other action or decision related to the RAN in the state or territory.

Together, FirstNet and our network partner will develop all 56 State Plans. This is an enormous task given a number of factors, including: the finite resources that are available to FirstNet; the diverse and varied needs of each individual state and territory; the wide-ranging goals of the NPSBN; and public safety's expectations that FirstNet will deploy in a timely manner. To succeed in providing plans that are representative of not only the discussions that FirstNet has conducted with the states and territories, but also responsive to public safety's needs, FirstNet and our partner will need to make this process a top priority.

Following the development of draft State Plans, FirstNet plans to provide each state and territory with an opportunity to review and discuss the draft plans with FirstNet prior to the delivery of the final plan to the governor. FirstNet will strive to provide State Plans that are detailed, accurate, and comprehensive, with the information necessary for each governor to make an informed decision whether to assume responsibility for the RAN and for the Federal Communications Commission (FCC) and NTIA to perform their respective statutory responsibilities of evaluating any state or territory-proposed alternative RAN plans. States and territories have been advised that the opportunity to make wholesale changes to these plans will be minimal and the time to review will be constrained due in part to the Act's directive to speed deployment of the network.

FirstNet's goal is to deliver final State Plans to the governors in 2017. Understandably, this date must remain flexible given the time constraints and fluidity of the procurement process as well as the tight timelines that FirstNet has preliminarily established to develop all 56 State Plans with our partner post-award.

Innovative and Economic Impact of the Network

Innovation will be a hallmark of FirstNet. Not only will innovation occur at the outset of this network, it will continue in perpetuity for the benefit of public safety. If we could see into the future, five, ten, 20 years from now and beyond, I believe we would be amazed at the devices and applications that will be running on this network in support of public safety. In the commercial world we have long heard of the benefits of the Internet of Things (IOT), but imagine the benefits to public safety throughout the nation once an “Internet of Public Safety Things” has been created. I believe that FirstNet can be that catalyst.

Several other countries are already looking to the United States and FirstNet as a model for deploying a broadband network for public safety. Australia, Canada, Mexico, South Korea, and the United Kingdom are all looking to deploy their own version of FirstNet. Just like other industries and markets, it is vital that the United States lead and be at the forefront of public safety broadband. When we lead, we grow not only our economy, but we continue to have a leading presence in global markets that will influence future generations of technology and public safety innovation.

Conclusion

I am grateful to the Subcommittee for the opportunity to update you on FirstNet’s progress. As you can see, FirstNet has established an innovative business model that strikes the balance between providing public safety the network that it needs and deserves and incentivizing industry to participate in the development and deployment. FirstNet is not simply another government program. We have taken the framework provided under the Act and developed a unique startup that will leverage the best of the public safety community with the best of industry. Indeed, it is this public-private model that has driven much of our success to date and will lead to the win-win-win solution that we are striving to achieve; most importantly a win for public safety, but also a win for the private sector and a win for FirstNet.

Notwithstanding this success and all that we have accomplished in a relatively short period of time, there remains an enormous amount of work ahead. FirstNet will continue to meet our statutory obligations, partner with those who will use and benefit from the network, and work toward the successful development, deployment, and operation of the NPSBN.

I ask that this Subcommittee continue to support the organization as we move through our procurement and the selection of a network partner. I give you my commitment that FirstNet will continue to redouble our efforts in order to achieve our objectives, but we can only do so with the support of Congress, public safety, local governments, states, territories, tribal jurisdictions, federal agencies, and our other stakeholders. Finally, it is important to remember that this is not FirstNet’s network; this is public safety’s network. The public safety community fought for the creation of FirstNet, and it is up to us to achieve their vision.