

Testimony of Sue Swenson
Chairwoman, First Responder Network Authority (FirstNet)

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Committee on Commerce, Science and Transportation

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Introduction

Chairman Thune, Ranking Member Nelson and all Members of the Senate Commerce Committee, I would like to thank you for the opportunity to appear before the Committee to discuss FirstNet and the progress we are making toward the deployment of an interoperable nationwide public safety broadband network (network). I also want to thank all of the Members of this Committee who were pivotal in creating FirstNet. We look forward to your continued support and to working with the Committee as FirstNet continues to carry out our vital mission to bring the power of broadband wireless communications to public safety personnel across the country.

Background

The Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) (Act) established FirstNet as an independent authority within the Department of Commerce's National Telecommunications and Information Administration (NTIA). Under the Act, FirstNet is tasked with ensuring the deployment and operation of a sustainable, interoperable broadband network for public safety entities across the country and within U.S. territories. 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. Using a dedicated nationwide wireless broadband network, FirstNet will provide a ubiquitous solution to decades-long interoperability and communications challenges and help keep our communities and first responders safer with advanced communications services, devices, and applications.

FirstNet's goal of deploying the network to meet the needs of first responders is a matter of critical importance for public safety. While the task ahead will not be easy, FirstNet is developing the necessary leadership, staff, and support from states, tribes, public safety, and other key stakeholders to make this network a reality for first responders and the public who calls on them in its time of need.

Overarching Strategic Goals

To guide us, we are pursuing the following four strategic goals:

- Explore and build strong partnerships with local, state, tribal, and Federal jurisdictions;
- Establish a high-performing organization and a culture of excellence;
- Ensure all resources are used efficiently to accomplish FirstNet's mission and demonstrate leadership towards self-sustainability to all external stakeholders; and
- Ensure the deployment and operation of a reliable, interoperable, and survivable nationwide Long Term Evolution (LTE) broadband network for public safety.

FirstNet is taking on an important and difficult task, but with the support of this Committee, Congress as a whole, the public safety community, the private sector, and local, state, tribal, and Federal leaders, we will succeed in accomplishing our mission. I would like to briefly discuss our recent accomplishments and describe where we are heading in an effort to support our nation's public safety personnel.

Strategic Roadmap and Foundational Network Planning

FirstNet is focused on what it will take from outreach, technical, and financial perspectives to build and maintain the network long-term. Much of our planning is embodied in FirstNet's Strategic Program Roadmap Executive Summary approved by the FirstNet Board in March 2014¹. In that document, we outlined the milestones we planned to accomplish over the next year, which included:

- beginning formal in-person state consultations;
- releasing a draft request for comprehensive network proposals (RFP) for comment;
- releasing draft requests for certain network and equipment services proposals for comment; and
- initiating a public notice and comment process on certain program procedures, policies, and statutory interpretations.

FirstNet has made significant progress on these milestones. We:

- Distributed 56 state consultation packages on April 30, 2014. As of February 25, 2015, we have received 47 completed state checklists;
- Launched formal state consultations in July 2014 and have met with 15 states thus far, with an additional 24 scheduled through the summer;
- Published a Request for Information (RFI) with a draft Statement of Objectives for our comprehensive Request for Proposals (RFP) and received 122 comments; and
- Released a public notice seeking comment on several key program policies and statutory interpretations in the fall of 2014 and received 63 responses.

¹ The FirstNet Strategic Program Roadmap Executive Summary can be accessed at: <http://firstnet.gov/content/march-board-directors-meeting>.

The progress we made in recent months is a tremendous start, but much work remains to be done. We will continue to work directly with the states and territories throughout our formal consultation process. Also, we will work to generate additional feedback from, local, state, and tribal public safety agencies, Federal stakeholders, the Public Safety Advisory Committee (PSAC), and the vendor community to ensure openness and transparency throughout our process.

Consultation and Outreach

Our efforts to interact with the local, state, tribal, and Federal stakeholders are a centerpiece of the FirstNet mission and are an essential requirement of the Act. Our local, state, and tribal planning consultation process, coordinated through the governor-designated state single points of contact (SPOCs), ensures that FirstNet obtains key information from the public safety community and leadership of all 56 states and territories. The objective of this process is to develop detailed state plans that address the unique communications needs of each state's public safety entities. These individual plans will inform and empower each state to choose to either have FirstNet deploy the radio access network (RAN) within its borders or to assume responsibility to build, operate and maintain its own state RAN and integrate it into the remainder of the nationwide network, as prescribed in the Act.

In order to execute on this statutory requirement, FirstNet has built a consultation strategy that focuses on several key objectives, ensuring that the consultation process is:

- iterative, giving states and other stakeholders opportunities to provide feedback and input in multiple ways and on an ongoing basis throughout;
- collaborative, so that we are working together with the localities, states, tribes, territories, and other stakeholders to collect information and data that will be useful for the deployment of the network;
- focused on critical elements, ensuring that we maximize the states' and taxpayers' investments in FirstNet; and
- informative to the development of FirstNet RFPs, the delivery of the state plans, and the design, construction, and operation of the network.

FirstNet anticipates holding in-person meetings with the 56 states and territories over the remainder of 2015 and beyond, and will continue to work closely with them as FirstNet moves into the phase of delivering wireless broadband service to their public safety personnel.

FirstNet held the first formal consultation meeting in July 2014 with leaders from the state of Maryland, including members from the Governor's office and executive agencies, the Maryland State Police, staff from the Maryland legislature, and other public safety leaders throughout the state. We learned valuable lessons about the state's emergency broadband communications needs, the state's perspective on the planning and deployment of the FirstNet network, and how we can build a strong partnership going forward.

Additionally, over the past year, FirstNet has conducted focused outreach with individual tribes, tribal associations, and Federal tribal government liaisons and worked with the PSAC to establish a Tribal Working Group. These discussions have resulted in positive dialogue and a better understanding of tribal needs. FirstNet hired a tribal outreach lead to assist with focused tribal outreach efforts, as well as a Federal Preservation Officer to address compliance with the National Historic Preservation Act.

While we are pleased with this progress in forging key partnerships through consultation, much more needs to be done. To that end, FirstNet is seeking to hire 10 regional teams to ensure sufficient resources in support of our outreach and state consultation efforts. These FirstNet regions cover the same state, territory, and tribal jurisdictions as the 10 Federal Emergency Management Agency (FEMA) regions. Our teams will span the nation to participate in state consultation meetings, join various regional and state governing body meetings and association conferences, and meet one-on-one with the SPOCs and public safety agencies representing potential FirstNet network users. FirstNet expects to hire these 10 regional leads in 2015.

Complementing this effort is FirstNet's robust outreach and education strategy, committed to reaching public safety personnel across all levels of government and through national and state associations. In the past year, we have addressed over 20,000 stakeholders at various conferences, meetings, and speaking events.

We are also working closely with Federal agencies to drive collaboration and potential use of the network. In 2014, FirstNet formalized a relationship with the Emergency Communications Preparedness Center (ECPC) to increase outreach with Federal stakeholders. The ECPC is the Federal interagency group focused on emergency communications, and is administered by the U.S. Department of Homeland Security's Office of Emergency Communications. FirstNet participated in many ECPC meetings over the past year to keep members informed of FirstNet activities and to discuss how best to collaborate to ensure Federal input is incorporated into the state plans and overall network deployment. Additionally, FirstNet's Federal outreach team held an initial formal consultation meeting with Federal agencies on January 21, 2015, where FirstNet staff engaged Federal stakeholders in discussions about outreach efforts, Federal coverage needs and objectives, and security requirements for the network. Finally, FirstNet has leveraged its Federal partners' expertise in the area of cybersecurity by utilizing recommendations and resources from the U.S. Department of Homeland Security's Office of Cybersecurity and Communications in our planning efforts.

Additionally, FirstNet's PSAC, chaired by Chief Harlin McEwen, and composed of key public safety stakeholders, will continue to be an important resource as we pursue our mission. Public safety's input via the PSAC is vital at all stages of the network development so that it will be tailored to the needs of the end users—America's first responders and other public safety entities.

The PSAC has to date collaboratively developed and delivered the following documents to FirstNet:

- Human Factors Report (November 2013): Analyzes the long-range impacts of the network on the way law enforcement, fire, and EMS operate and considers the impact the network will have on their duties once it is built and operating.²
- Potential Users – National Public Safety Broadband Network (NPSBN) (July 2014): Identifies and categorizes lists of potential network users.
- Use Cases for Interfaces, Applications, and Capabilities for the NPSBN (July 2014): Documents envisioned use cases for interfaces, applications, and capabilities for the network.

Issues that the PSAC is currently working on at FirstNet's request include the development of a proposed priority and preemption framework for the FirstNet network, and an analysis of the technical requirements of a broadband network dedicated to public safety entities.

We plan to continue to leverage the PSAC's experience to help inform key capabilities and functions of the network.

Organization and Leadership

In August 2012, the Secretary of Commerce fulfilled the statutory requirement of appointing the FirstNet Board. As required by law, the members have specialized knowledge, experience, and expertise from a variety of public safety, telecommunications, and financial backgrounds needed to develop the network. I was appointed as a Member of the Board at its inception, and I took over as Chairwoman in May 2014.

In September 2014, five new Board members joined the organization and we formally welcomed them during our September 2014 Board meeting. Those individuals are:

- Chris Burbank, Chief of Police, Salt Lake City Police Department;
- James H. Douglas, former Governor of Vermont;
- Annise Parker, Mayor, City of Houston, Texas;
- Frank Plastina, technology executive, North Carolina; and
- Richard Stanek, Sheriff, Hennepin County, Minnesota.

Along with the Board, FirstNet has hired key executives to guide the organization. TJ Kennedy has been serving as acting Executive Director and is responsible for day-to-day operations of the FirstNet organization. We have also built out our Chief Technology, Chief Financial, Chief

² The FirstNet PSAC Human Factors Report, available at:
<http://www.firstnet.gov/sites/default/files/PSAC%20Human%20Factors%20Report-FINAL.pdf>.

Administrative, outreach, and legal teams during the past year, leveraging experience from both the private and public sectors.

Deployment and Operation of the Network

FirstNet also is actively conducting extensive market research to gain insight into the capabilities, opportunities, risks, and innovative business partnerships in the market today to support the construction of the network.

A. Requests for Information (RFI) and Draft Statement of Objectives (SOO)

From April 2013 through April 2014, FirstNet released 12 RFIs that focused on individual components of the network, including network partnering and RAN provisioning, antenna systems, microwave backhaul equipment, deployables, satellite service, enhanced packet core, transmission/transport, data centers, network management centers, network service platforms, devices, and applications. The results of these 12 RFIs, and the findings from numerous market research vendor meetings conducted by FirstNet, were compiled into an initial market research report that ultimately led to the development and release of the 13th RFI in September 2014. This RFI focused on soliciting feedback for a comprehensive network solution as opposed to individual network components and included a full draft SOO.

On September 17, 2014, the FirstNet Board authorized its release. The RFI sought input from industry on some of the key approaches FirstNet is considering before finalizing a draft comprehensive network RFP. The RFI included questions on network build out, deployment, operations, and maintenance; cost considerations and financial sustainability; speed to market; system hardening and resiliency; user priority and preemption; customer care and marketing; and general compliance with the Act.

The draft SOO has helped industry better understand FirstNet's key program objectives to deploy, operate, and maintain the network. FirstNet is taking an objectives-based approach to the procurement, rather than a requirements-driven approach, in order to promote flexibility in achieving our goals while helping us reduce the complexity we face in managing and integrating the diverse set of components needed to meet our mission. FirstNet will use the comments we receive on the RFI and draft SOO to refine the acquisition approach and draft the comprehensive network RFP.

As previously referenced, we received 122 responses to this RFI and were very encouraged with the interest it generated. All responses have been kept confidential to allow the RFI respondents to provide comprehensive and forthright solutions, facilitating FirstNet's ability to thoroughly develop the next step in the procurement phase – the drafting of the RFP. It is important to note that the responses came not only from the vendor community, but also from several state, local, and public safety entities. We take this as another positive sign that the public safety community is highly engaged and supportive of our mission.

FirstNet is statutorily required to engage in an open, transparent, and competitive RFP process, and the publication of this latest RFI is an important step in meeting this obligation. This RFI/draft SOO continues FirstNet's market research efforts and acts as a precursor to the publication of a draft RFP and a final RFP anticipated to be released by early 2016.

B. Public Notice and Comment

In September 2014, FirstNet also received Board approval to seek public comment on its statutory interpretations. As a new entity operating under a unique statutory construct, FirstNet is confronted with many complex legal issues and terms that will have a material impact on our RFPs and our operations going forward. Although FirstNet is exempt from the procedural requirements of the Administrative Procedure Act (APA), we believe it is important to solicit public comments on certain technical, economic, and foundational legal issues to inform our approach to our ongoing operations and to further consult with our stakeholders. Specifically, we sought comments on issues that included the interpretation of the definitions of core and RAN; the definition of public safety entities; secondary users; rural areas; user and other fees; and finally, the minimum technical requirements of the network.

We received more than 60 responses to this public notice and have continued to review and digest the information provided in each response. We received responses from a broad group of stakeholders, including commercial carriers, vendors, state, local, and tribal governments, and various associations that represent public safety interests.

On March 9, 2015, the FirstNet Board approved the release of a second public notice seeking comments on management's additional preliminary interpretations of FirstNet's enabling legislation. The primary topics covered include technical requirements relating to equipment and device use on the network, the nature and application of required network policies, FirstNet's presentation of state plans, and the rights and responsibilities of states choosing to build and operate their own RANs.

We believe public comments on these topics will provide important inputs into a draft comprehensive network RFP and on FirstNet operations, including on issues that will significantly impact the economics of the network. The public notice will also inform our stakeholders of our preliminary thinking on critical decisions relating to the deployment and operation of the network. The responses to this notice will be made part of the public record and be available at www.regulations.gov for public review.

C. Additional Technical Development and PSCR Collaboration

In addition to leading the analysis of the industry and public responses to the comprehensive network RFI, which will inform a comprehensive draft RFP, the FirstNet technical team has been focusing on a number of core areas:

- Formal standards development;

- Testing and evaluation; and
- Modeling and simulation.

We have been working very closely with the Department of Commerce’s team at the Public Safety Communications Research (PSCR) labs to share ideas and data and to eliminate information silos. Working directly with PSCR has allowed FirstNet to make significant progress with the Third Generation Partnership Project (3GPP), the worldwide standards body for LTE, on ways in which LTE standards can meet public safety’s unique needs.³ As a result of this collaboration, FirstNet has helped to develop broad coalitions that have pushed for the prioritization of public safety standards development in worldwide LTE standards.

In addition, the FirstNet technical team has assisted in validating certain key assumptions within the FirstNet Strategic Program Roadmap Summary, including the modeling of cell site location nationwide and the amount of excess network capacity that might be available for secondary use.

FirstNet will continue to work with PSCR throughout the development of the network. We have already seen tremendous benefit from our cooperative relationship and we look forward to continuing this productive collaboration.

Early Builder Public Safety Projects

FirstNet has executed five spectrum manager lease agreements (SMLAs), with Adams County in Colorado,⁴ the State of New Jersey,⁵ the State of New Mexico, the Los Angeles Regional Interoperable Communications System Authority (LA-RICS), and the State of Texas (allowing for public safety broadband network service in Harris County). As a result of these agreements, FirstNet now is working closely with five early builder projects to gather lessons that will help drive efficiencies and better understanding of key factors important to the design and development of the network.⁶

Each of these projects is detailed in depth in the attached FY 2014 Annual Report to Congress, attached to this testimony for your reference.

Culture of Compliance

³ The standards body through which we are working is The 3rd Generation Partnership Project (3GPP). According to the 3GPP website, “3GPP unites [six] telecommunications standard development organizations (ARIB, ATIS, CCSA, ETSI, TTA, TTC) and provides a stable environment to produce the Reports and Specifications that define 3GPP technologies.” 3GPP website, “About 3GPP.” available at: <http://www.3gpp.org/about-3gpp/about-3gpp>.

⁴ Adams County Communications Center, Inc.

⁵ State of New Jersey Office of Information Technology.

⁶ Four of these projects are funded through NTIA’s Broadband Technology Opportunities Program (BTOP) grants that were awarded prior to passage of the Act. The Harris County project was funded through a pre-Act Department of Homeland Security grant.

Over the past year, FirstNet has grown significantly in our organizational structure, and this growth has provided greater resources, rigor, and oversight in the management of our operations. By hiring senior managers and staff during FY 2014, FirstNet has implemented policies and procedures that provide clear direction and structure for the organization. Our FY 2014 Annual Report to Congress goes into detail on the steps that we have taken to strengthen our compliance processes.⁷

FirstNet has also incorporated lessons learned from an Inspector General (OIG) report examining certain processes relating to Board member financial disclosure filings and identification of potential conflicts of interest and procurement oversight practices.⁸

FirstNet has a positive working relationship with the OIG, and we look forward to continuing our open and constructive coordination with this office.

Conclusion

I am grateful to the Committee for the opportunity to update you on FirstNet's progress. As you can see, FirstNet continues its efforts to meet statutory obligations, partner with those who will use and benefit from the network, and develop a business plan that will provide innovative broadband services to public safety personnel on a long-term, self-funded basis.

FirstNet is committed to achieving our objectives, but we can only do so with the support of Congress, public safety, locals, states, tribal jurisdictions, and our other stakeholders. This is a network that is urgently needed to increase the safety and capabilities of all public safety personnel and protect the American people, and we are committed to delivering it.

⁸ On December 5, 2014, the Department of Commerce's OIG released a report entitled "FirstNet Must Strengthen Management of Financial Disclosures and Monitoring of Contracts." Available at: <http://www.oig.doc.gov/Pages/FirstNet-Must-Strengthen-Management-of-Financial-Disclosures-and-Monitoring-of-Contracts.aspx>.