

**Chairman John Thune**  
**Written Questions for the Record to**  
**Chairwoman Sue Swenson**  
**“Three Years Later: Are We Any Closer to a**  
**Nationwide Public Safety Wireless Broadband Network?”**

**Question 1:** Stakeholders have raised concerns that FirstNet has developed a business plan to use income from secondary spectrum users to develop, enhance, and upgrade the network, but that FirstNet has not engaged with the states in the business plan’s development, nor do the states know details about what the plan contains. What is the status of FirstNet’s business plan, and does FirstNet intend to consult with the states soon?

**Answer:**

FirstNet has engaged in significant outreach and consultation to help educate public safety stakeholders about the FirstNet program and to obtain critical information about stakeholder requirements in preparation of FirstNet’s comprehensive network request for proposal (RFP) and final business planning. FirstNet has reached out to more than 13,000 public safety and private sector stakeholders through its outreach efforts in 2015 alone. Throughout 2014 and 2015, FirstNet has participated in more than 300 outreach events and held initial consultation meetings with more than 1,300 public safety representatives in 30 states and territories, with additional consultations scheduled through December 2015.

The development of a business plan will go through various iterations as FirstNet noted in its March 2014 public strategic roadmap. Steps that FirstNet is working on to develop a final approach to a business plan include, but are not limited to: the release of public notices that inform FirstNet’s interpretation of its enabling statute;<sup>1</sup> the release of requests for information (RFIs); state, tribal, and territory consultations; the release of a special notice with draft RFP documents; the subsequent final RFP; and the review, validation, and negotiation of potential offerors’ proposals. Completion of the business plan is contingent upon, in large part, the completion of these phases. Yet, we are well on our way, having developed a proposed operating model and proposed operational architecture that were the subject of the special notice and draft RFP documents released on April 27, subject to comment from FirstNet’s various stakeholders and market participants.

FirstNet has released three Public Notices requesting input from the public, including states, on its initial interpretations of its enabling statute. FirstNet also released 13 RFIs covering a variety of technical issues, including both core and radio access network (RAN) development. Through these public notices and RFIs, FirstNet provided states with an opportunity to provide input that would inform its business plan. The information gathered at these consultation meetings will inform FirstNet’s final business plan. The responses that are received from states and other key stakeholders and market participants to the special notice and draft request for proposal (RFP) documents will assist FirstNet in the development of a comprehensive network solution RFP, which in turn will lead to the development of individual state plans and ultimately a business plan for the nationwide network.

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<sup>1</sup> The Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L. 112–96, H.R. 3630, 126 Stat. 156, enacted February 22, 2012)(Act).

FirstNet also has adopted a variety of tools to consult with the states. FirstNet sends weekly outreach documents and updates to all 56 State Single Points of Contact (SPOC), and it holds monthly regional calls with the ten FirstNet regions and quarterly webinars with all SPOCs to ensure that the states have the most current information about FirstNet. In April, FirstNet invited all SPOCs to attend an outreach meeting to discuss topics including the public notices, data collection and preparation, state plan development, network hardening, the FirstNet financial sustainability model, tribal engagement, priority and preemption, governance, and the National Telecommunication and Information Administration's (NTIA) State and Local Implementation Grant Program (SLIGP). Feedback from the participants was overwhelmingly positive and we anticipate holding additional events involving the state point of contacts. In this context, it is clear that FirstNet has, in fact, extensively engaged with states in the development of the business plan and that will continue going forward.

We have made much progress toward the development of a FirstNet business plan. FirstNet has implemented a vigorous state consultation process and will continue to consult so that individual state plans may be developed once FirstNet has selected a partner or partners through the RFP process.

**Question 2:** The size of the network's user base will have an impact on the economics of making the network sustainable. But, as you know, some are concerned about expanding the definition of "public safety users." How will FirstNet balance its need to establish a sizeable user base with expectations that the network will be utilized by, and prioritized for, public safety professionals?

**Answer:**

FirstNet intends to offer a robust and compelling service that will fulfill public safety requirements while ensuring that the network is available to the public safety professionals who need it through, among other things, locally and centrally administered priority and preemption capabilities. Priority and preemption would provide that, when there is a need, the network will prioritize public safety users over all commercial traffic, and that critical first responders and other key public safety personnel would be prioritized over other eligible public safety users of the network. This ability to prioritize and preempt is a fundamental aspect of the network that differentiates FirstNet from commercial carriers. Priority and preemption allow us to get value out of the excess capacity without having to give up any public safety priority use of the network. FirstNet also has continued refining its definition of the term public safety users. FirstNet recently released a third public notice seeking additional comment on the meaning of the term "public safety entity" as used in the Act. Comments to this third public notice are due by June 4.

**Question 3:** The National Public Safety Telecommunications Council (NPSTC) has provided guidance to FirstNet on constructing a network that is safe, secure, and resilient. In GAO's testimony, it noted that implementing all of NPSTC's best practices will add significantly to the cost of building the network. What are your plans for implementing these recommendations?

**Answer:**

Identifying the differences between a commercial network and a public safety-grade network is important as FirstNet develops its comprehensive RFP (that it anticipates releasing by the end of this year or early 2016). The NPSTC report conveys the key principle that the network be available to the public safety community at all times. FirstNet fully agrees with this principle. However, as GAO correctly observed, implementing all of the NPSTC recommendations would add significantly to the cost of building the network. FirstNet intends to balance the need and benefits of hardening the network with the funds available. Also, we are working with our Public Safety Advisory Committee (PSAC) to strike the right balance and identify unique system hardening and resiliency needs and priorities to ensure that the public safety community receives a robust and secure network.

**Senator Roger Wicker**  
**Written Questions for the Record to**  
**Chairwoman Sue Swenson**  
**“Three Years Later: Are We Any Closer to a**  
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In your testimony to the Committee, you indicated that one of the requirements for the pilot programs was that “the plan that the organization presented had to be self-sustainable. So in other words, they needed to show financial viability. In some of those cases, it didn't turn out to be that.”

**Question 1:** In a complete reversal from the conditions in the original BTOP grant from NTIA, did FirstNet tell Mississippi it could not derive any revenue from public-private partnerships to help offset state costs for operations and maintenance?

**Answer:**

The passage of the Middle Class Tax Relief and Job Creation Act of 2012 (Act), which is the statute that created FirstNet, changed the assumptions on which NTIA awarded the original Broadband Technology Opportunities Program (BTOP) public safety grant to Mississippi in 2010. This new congressional mandate for public safety broadband instructed FirstNet to build and operate a nationwide public safety broadband network (NPSBN) with a single nationwide architecture, instead of using a “network-of-networks” approach in which individual states, regions or communities would build stand-alone networks that would interoperate with each other.

The Act required the Federal Communications Commission (FCC) to reallocate and grant to FirstNet the same spectrum that Mississippi planned to use to operate its public safety broadband network. In light of the uncertainty over whether Mississippi could retain access to the spectrum needed to operate its system, NTIA partially suspended the grant in May 2012. This also gave FirstNet the opportunity to evaluate Mississippi’s project to determine if it could provide value to FirstNet’s deployment of the NPSBN under the new conditions of the Act.

According to information sent to FirstNet from NTIA, in 2012 the state was in discussions with NTIA to expand its original 134 site system due to coverage gaps appearing in the original design. In December 2012, Mississippi acknowledged to FirstNet that it did not have the funding to expand its project without adopting a public private partnership (PPP) and guaranteeing the long-term use of FirstNet’s spectrum to a third party. FirstNet could not agree to a PPP between the state and a third party as part of the negotiations for the spectrum management lease agreement (SMLA) before FirstNet had the opportunity to fulfill its statutory obligations to establish an organization, conduct state consultations, develop a business strategy, and complete other mandatory activities. Further, granting the guaranteed long-term use of FirstNet’s spectrum by a third-party could have put at risk FirstNet’s ability to deploy a nationwide system as mandated by Congress.

**Question 2:** Why shouldn’t Mississippi or any state be allowed to strike public-private partnerships to help offset the significant cost of public safety networks? Wouldn’t such a partnership allow FirstNet additional resources to deploy a more robust system with truly nationwide coverage?

**Answer:** As discussed in the response to the previous question, FirstNet was not in a position to enter into a spectrum lease agreement that would have negatively impacted its ability to deploy a NPSBN or interfere with its other responsibilities under the Act.

**Question 3:** Did FirstNet expect the State of Mississippi to pick up all costs from its general revenue fund – or via new user fees – for an undefined period of time until FirstNet deployed its network in Mississippi?

**Answer:**

The BTOP grant application process required prospective grant recipients to demonstrate that their proposed project would be sustainable beyond the grant period of performance.<sup>2</sup> In its BTOP application to NTIA, the State of Mississippi proposed to charge a user fee to satisfy at least part of the sustainability requirement. FirstNet, as part of the SMLA negotiations for all projects, did not advocate for additional or new user fees above those already contemplated by Mississippi. Rather, the demonstration of sustainability was required by FirstNet and NTIA for all projects seeking to negotiate an SMLA with FirstNet and was intended to ensure that BTOP grantees could continue to operate within the original parameters of their BTOP awards without requiring the use of additional FirstNet resources.

**Question 4:** During the negotiations, would FirstNet commit to taking control of 100 percent of the already deployed broadband network as part of the nationwide network?

**Answer:**

Throughout spectrum lease negotiations with each of the BTOP public safety recipients, FirstNet reiterated that it could not give any guarantee that any of the systems that were being deployed using BTOP funds would be incorporated into the NPSBN. First, the Act mandates that FirstNet conduct an RFP process to select partner(s) to assist in the deployment of the NPSBN. Second, FirstNet could face numerous challenges with technology compatibility, potential partner network configurations and integration costs, and the potential costs associated with recapitalizing potentially outdated equipment if FirstNet committed to taking control of preexisting infrastructure. The Act mandates that any assets incorporated into the NPSBN must pass an “economically desirable test.” Due to these challenges, FirstNet could not guarantee that the already deployed broadband system would pass such a test.

**Question 5:** Mississippi will be entering its fourth Hurricane season on June 1<sup>st</sup>, since the May 12, 2012, NTIA grant suspension without access to this lifesaving technology due to the fact that NTIA and FirstNet have yet to develop a plan for deployment and sustainability of a nationwide public safety broadband network. Mississippi was willing to continue with its original business plan, as agreed to by NTIA, but was not afforded the opportunity.

When will FirstNet be deployed in Mississippi? As NTIA has prevented Mississippi from completing its BTOP broadband public safety network, which I remind you, was originally funded under President Obama’s stimulus program at considerable taxpayer expense, couldn’t one conclude that the federal government has jeopardized the safety of Mississippi’s first responders and citizens?

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<sup>2</sup> [http://www2.ntia.doc.gov/files/btop\\_grant\\_guidelines\\_v1\\_0\\_july\\_10.pdf](http://www2.ntia.doc.gov/files/btop_grant_guidelines_v1_0_july_10.pdf).

**Answer:**

It is FirstNet's goal to deploy the NPSBN in Mississippi and throughout the nation as quickly as possible. Consultation with states is well underway and FirstNet has held initial consultation meetings with over half of the states and territories. FirstNet made further progress on the acquisition process by recently issuing a special notice and draft RFP documents, which will ultimately lead to a final RFP and an award(s) being made for the deployment of the network. FirstNet anticipates releasing a final RFP by the end of this year or early 2016. These are the steps that, by law, FirstNet must take before the NPSBN can be deployed.

FirstNet will continue to work with appropriate personnel in Mississippi to ensure that they have the information they need to assist the Governor in making the decision regarding whether the State will decide to deploy its own RAN or choose to make a FirstNet-deployed RAN available to its public safety entities.

**Senator Cory Gardner**  
**Written Questions for the Record to**  
**Chairwoman Sue Swenson**  
**“Three Years Later: Are We Any Closer to a**  
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**Question 1:** FirstNet is currently not operationally capable. How long will it be before FirstNet is available for use across the country?

**Answer:**

There are a variety of factors that will influence when the NPSBN will be available for use by public safety. Some of these factors are within FirstNet’s control, while others are not. FirstNet’s enabling statute mandates that the organization conduct a request for proposal (RFP) or proposals in the development of the NPSBN. FirstNet is also mandated to conduct state consultation with all 56 states and territories in the development of these RFPs and develop individual state plans for governor consideration before deployment can take place. FirstNet has begun the formal process of state consultation and has released a special notice with draft RFP documents, which will be followed by industry days throughout the summer and fall. These two parallel and cross-cutting efforts are FirstNet’s prime focus during the next year as it moves towards deploying the network on a nationwide scale as quickly as possible.

**Question 2:** Adams County, Colorado was a recipient of a BTOP grant from the American Recovery and Reinvestment Act – sometimes referred to as the stimulus. It has created a network that is up and live and has met the standards set forth by the grant. My questions are as follows:

- If interoperability is not an issue – because Adams has met all the international standards that are required and will commit to integrating their network into the future nationwide network – why is it that the state cannot build outside of Adams County to expand its network?
- What specific part of the law prevents FirstNet from allowing Adams County to do this?
- Are you asking Adams County to wait until they receive a state plan?
- If so, when will that be?

**Answer:**

The Act that created FirstNet changed the vision for public safety broadband from a “network-of-networks” approach to a nationwide public safety broadband network. It is important that mistakes of the past, where states and jurisdictions built their own systems in isolation, are not repeated. Breaking the nationwide network into individual, independent systems would continue the lack of interoperability among first responders, contrary to the Act, and would introduce additional integration and equipment recapitalization costs, which may be prohibitive to the deployment of a nationwide network.

FirstNet negotiated SMLAs with each of the BTOP public safety recipients in recognition of Congress’ vision of a single, nationwide network. Throughout these negotiations, FirstNet stated that it could not give any guarantee that any of the systems being deployed using BTOP funds would be incorporated into the NPSBN.

First, the Act mandates that FirstNet conduct an RFP process to select partner(s) to assist in the deployment of the NPSBN. Second, FirstNet would face numerous challenges with technology compatibility, potential partner network configurations and integration costs, and the potential costs associated with recapitalizing potentially outdated equipment if FirstNet committed to taking control of preexisting infrastructure. The Act mandates that any assets incorporated into the NPSBN must pass an “economically desirable test.” Due to these challenges, FirstNet could not guarantee that the already deployed broadband system would pass such a test.

FirstNet also has limited resources, both in terms of funding and personnel. FirstNet does not have the ability to allocate resources to expand individual projects while it attempts to deploy a nationwide network. Such project expansion could significantly increase costs and put a nationwide deployment at risk, because there is no guarantee that the assets can be incorporated easily and cost-effectively into the NPSBN.

To FirstNet’s knowledge, ADCOM does not have the funding to expand its project to more areas of the state without adopting a public private partnership (PPP) and guaranteeing the long-term use of FirstNet’s spectrum to a third party. FirstNet cannot agree to a PPP between the state and a third party before it conducts the mandatory activities outlined in the Act, including state consultation, issuing competitive RFPs, and developing state plans for governor consideration. Granting guaranteed long-term use of FirstNet’s spectrum to a third party would negatively impact FirstNet’s ability to deploy a nationwide system, as mandated by Congress. FirstNet is not in a position to approve a PPP process outside of the nationwide model, due to the technical and practical challenges that would arise as a result.

The Act spells out the process through which a state plan is developed and provided to a Governor so that he/she has a choice whether to participate in the network deployment for the state as proposed by FirstNet or seek to undertake the responsibility to deploy the radio access network (RAN) in that state. The state plan has not been developed at this stage. After consultation with the state and the completion of the comprehensive RFP, the necessary information will be available to develop a state plan. Due to these contingences, FirstNet cannot give a specific date on when a state plan will be ready. Once the RFP process is complete, the state and FirstNet will work together to help ensure that the priorities of the state are addressed in the state plan.

**Question 3:** Do you think all states must complete the consultation process before any specific states can move forward with implementation?

**Answer:**

No. Once FirstNet has completed the RFP process and a state plan has been developed with the necessary information from the consultation meetings and the RFP, the plan will be presented to the governor. This will be done as each state plan is completed and will not be held up until all state plans have been developed. Once presented to a governor, the governor will decide whether FirstNet will build the RAN in the state or whether the state itself will seek to undertake to build and operate the RAN through the process specified in the Act. If a state determines to build and operate its own RAN, it will need to take additional steps before that plan is approved and implementation can commence.

**Question 4:** Please provide me with specific dates for the following major milestones:

- Core network deployment

- State plans completed
- Network implementation
- Significant rural coverage

**Answer:**

As discussed in the answer to question 1, FirstNet is working toward the release of a comprehensive RFP by the end of the calendar year or early 2016, assuming FirstNet has received the necessary input from industry and the states/territories. On April 27, FirstNet released a special notice with draft RFP documents that contained a timeline for network deployment with the following milestones for these topics. Appendix C-8 IOC/FOC Target Timeline is a document in the draft RFP documents that provides details pertaining to the target Initial Operating Conditions Final Operating Condition (IOC / FOC) timeline for the FirstNet features and functionalities. This timeline correlates with the 3GPP standard body release timeline. The phases listed in this document are the planned deployment phases of the NPSBN deployment referenced throughout the draft RFP documents. At this time, given that state consultation informs the RFP and the RFP informs state plans, FirstNet cannot give specific dates on these topics until the RFP process is complete.

**Question 5:** With regard to rural coverage, can you explain to me how you plan to reach the most remote areas of our state? I don't believe that the statute requires all areas to be covered in the same way; it just requires "substantial rural coverage."

- What does this mean?
- Will the speeds be the same in urban areas and rural areas?
- Will you commit to covering all areas of Colorado?

**Answer:**

In September 2014, FirstNet released an initial Public Notice and a request for information (RFI) with a statement of objectives (SOO) attached. The Public Notice requested responses from the public on FirstNet's initial interpretation on the definition of "rural." A significant number of the 63 responses to this initial notice concerned the proposed definition of "rural." FirstNet needs to define "rural" so it can understand what "substantial rural coverage milestones" are because the Act mandates that these milestones be included as "part of each phase of deployment of the network."<sup>3</sup>

As part of consultation and state plan development, each state will be given the opportunity to identify priorities and provide input regarding its preferences to a phased state-wide build-out. Consistent with the Act, state plans will include "deployment phases" into which the state will have significant input, subject to the capabilities of the contractor(s) selected and the funding available for deployment. States and territories will inform FirstNet of their priorities in terms of coverage, capacity, speed in rural areas, and users. As a practical matter FirstNet will not be able to build out to every part of the country. The geographical scope of deployment will be heavily dependent on resources, state priorities, and contractor capabilities.

**Question 6:** What happens to states that opt out of FirstNet? Will they be charged any fees? Can you foresee an instance where you do not accept an opt-out proposal?

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<sup>3</sup> P.L. 112-96, Section 6206(b)(3).

**Answer:**

States will be given the choice to either accept the FirstNet state plan or assume responsibility to deploy and operate their own Radio Access Network (RAN) provided that the state's alternative plan meets the criteria established by the Act for approval by the FCC and NTIA. If a state chooses to assume responsibility for its own RAN, it will be financially responsible for the capital, operational, and maintenance expenses, including the cost of integration with the national core, and all future upgrade expenses, for the RAN within its state. This is stipulated in the statute and discussed in the second Public Notice published in March 2015. Under Section 6302(f) of the Act, any state that chooses to assume responsibility for its own RAN shall pay user fees associated with use of the core network.

The Act also outlines the significant roles that the FCC and NTIA have in the review and approval of the opt-in/opt-out process. Under the Act, if a state decides to assume responsibility for its own RAN, there are interoperability demonstrations that must be made in the state alternative plan and approved by the FCC before a state may proceed with its RAN build and operation. Additionally, should the FCC approve a state plan, a state must apply to NTIA to negotiate a lease for the use of spectrum capacity from FirstNet, and may apply to NTIA for grant funds for RAN buildout. To be approved for either, NTIA must determine that the state's alternative plan demonstrates that it has the technical capabilities to operate, and the funding to support, the state RAN, the ability to maintain ongoing interoperability with the nationwide network, and the ability to complete the RAN build within specified comparable timelines specific to the state. NTIA also will review the cost-effectiveness of the state plan and whether it maintains comparable security, coverage, and quality of service to that of the nationwide network.

**Question 7:** How has consultation gone with Colorado? Where do the problems and concerns lie in your mind? Did you provide Colorado with timelines? Were you able to answer their questions and if not, did you follow up?

**Answer:**

FirstNet held the initial consultation meeting with Colorado on January 14, 2015. FirstNet shared information about its planning and strategies and received constructive feedback from the Colorado participants. Colorado representatives shared information about their current usage of broadband, discussed the need for FirstNet for their public safety agencies, and shared information about users and coverage priorities in Colorado. Many questions were asked and answered from both FirstNet and Colorado. It was a fruitful and successful dialogue. FirstNet provided a high-level sequence of events surrounding consultation and the ultimate release of a RFP. This initial consultation meeting served as a formal kickoff for consultation activities with Colorado. FirstNet has requested that all states submit data regarding users, coverage priorities, and capacity needs to FirstNet by September 2015. FirstNet will continue the consultative dialogue with Colorado through this process and will schedule subsequent consultation meetings with Colorado in the future.