

Written Testimony of TJ Kennedy Acting General Manager First Responder Network Authority

FirstNet Press Releases

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I. Introduction

Chairwoman Brooks, Ranking Member Payne, and Members of the Subcommittee, thank you for inviting me to testify on behalf of the First Responder Network Authority (FirstNet). I am honored by the opportunity to brief you on FirstNet’s progress in the development of an interoperable nationwide public safety broadband network (NPSBN).

It is also a pleasure to appear here today with the Director of the Office of Emergency Communications (OEC) at the Department of Homeland Security (DHS), Mr. Ron Hewitt. He and his office have been tremendously helpful and supportive to FirstNet in sharing their expertise and experience.

Also with us today is Mr. Mark Grubb, representing the National Council of Statewide Interoperability Coordinators (NCSWIC). Mr. Grubb appears in his capacity as the state of Delaware’s governor-appointed FirstNet Single Point of Contact (SPOC). In this role, he is responsible for the coordination of outreach and education efforts within the state. Mr. Grubb has led a vigorous outreach effort within Delaware, and we are excited by his and his state’s efforts.

II. 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 building and operating a self-funding, sustainable, interoperable broadband network for public safety entities across the country and within U.S. Territories. The NPSBN will fulfill a fundamental need of the public safety community as reflected in the recommendations of the 9/11 Commission: FirstNet will finally bring 21st century priority wireless broadband communications to millions of first responders at the local, state, tribal, and federal levels. Using a dedicated nationwide wireless network, FirstNet will help provide a ubiquitous solution to decades-long interoperability and communications challenges and help keep our communities and first responders safer with advanced broadband services, devices, and applications.

FirstNet's goal of building the nationwide public safety broadband 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 leadership, staff, and support from states, public safety, and other key stakeholders required to make this network a reality for first responders and the public who call on them for help in their time of need.

In August 2012 the Secretary of Commerce fulfilled the statutory requirement of naming the FirstNet Board. As required by law, the members have specialized knowledge, experience, and expertise needed to develop the network. Our first Board Chair Mr. Sam Ginn led the organization until last summer when our new Chair, Ms. Sue Swenson, was appointed to the position. We are grateful for Mr. Ginn's leadership and are excited by the continued energy and focus Ms. Swenson brings.

Over the past twelve months, we have seen dramatic progress at FirstNet. We have grown from four to 83 full time employees, and we have established our headquarters in Reston, VA. The leadership team includes myself as Acting General Manager, a Chief Financial Officer, Chief Technology Officer, Chief Information Officer, Chief Administrative Officer, Chief Counsel, and other executives focused on the technical, business, and legal requirements essential to making the nationwide public safety broadband network a reality.

We have also opened a technical office in Boulder, Colorado, where much of our technical work is currently underway. At this facility, and through a coordinated relationship with the National Institute of Standards and Technology (NIST) and NTIA, we, among other things, are preparing to test various technologies to better understand how to ensure that the network is built efficiently and meets all of the goals of the Act.

III. FirstNet's Roadmap to a Sustainable NPSBN

With these foundational efforts underway, we have narrowed our focus on what it will take from outreach, technical, and financial perspectives to build and maintain a public safety broadband network long-term. Much of our planning is embodied in our "FirstNet Strategic Program Roadmap," which was adopted by the FirstNet Board in March 2014. In that roadmap, FirstNet outlined the milestones it planned to accomplish over the next year, which include:

- beginning formal in-person state consultations;
- releasing a draft request for comprehensive network proposals 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 November 6, 2014, we have received 29 completed state checklists;
- We have launched formal state consultations, meeting with 7 states since July, with an eighth state scheduled in December;
- We released and received approximately 122 responses to a Request for Information (RFI) with a draft Statement of Objectives (SOO) for our comprehensive Request for Proposals (RFP); and
- We released and received approximately 64 responses to a public notice for publication seeking comment on several key program policies and statutory interpretations.

I would like to briefly describe the progress we have made to date and highlight where these efforts are heading.

A. State Consultations

Our efforts to interact with the states, tribes, local jurisdictions, and federal departments and agencies are a centerpiece of the FirstNet mission and are an essential requirement of the Act.

Our state and local planning consultation process, coordinated through the governor-designated state single points of contact, ensures that FirstNet obtains key information from the public safety community of all 56 states and territories and understands their unique public safety operations. Our goal from this process is to develop a detailed state plan for each state's review. This plan will inform a state's opt-in or opt-out decision, as provided for in the Act, how the state radio access network (RAN) portion of the nationwide network will be developed.

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 throughout the process;
- collaborative, so that we are working together with the states 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
- informing inputs to RFPs, the delivery of the state plans, and the design, construction, and operation of the network.

Through the state consultation process, FirstNet anticipates holding numerous in-person meetings with each of the 56 states and territories over the next year and beyond. We formally launched our state and local planning consultation process on April 30, 2014, when we sent each state an Initial Consultation Package (ICP). The ICP provided key information to state leaders on the consultation process and topics that would be discussed during the initial consultation meetings.

FirstNet also included a readiness checklist to help each state provide FirstNet information about its governance structure, ongoing outreach to key public safety stakeholders, and other details the state believes are important as FirstNet and the state collaboratively plan the NPSBN.

In conjunction with the delivery of the ICP, FirstNet extended invitations to conduct pre-consultation teleconferences with each state and territory to provide clarity on the initial consultation topics, answer any questions the state may have about the process, and to begin the dialog between the states and FirstNet on the critical issues associated with the NPSBN. As of today 44 states and territories have held teleconferences with FirstNet for this purpose.

With this preparation effort underway, FirstNet held the first formal consultation pilot 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 NPSBN, and how we can build a strong partnership with Maryland going forward. As of today's hearing, we have completed an additional eight initial consultation meetings in Minnesota, Oregon, Washington, Montana, Utah, Puerto Rico and Iowa. We have one additional meeting scheduled for this year in Florida. We have planned an aggressive state consultation meeting schedule in 2015 and look forward to updating this committee on our progress.

Additionally, over the past year, FirstNet has conducted focused outreach with individual tribes, tribal organizations, and federal tribal government liaisons and is working with the Public Safety Advisory Committee to establish a Tribal Working Group. The intent and tone of these discussions has uniformly been positive. FirstNet will formulate a tribal outreach campaign in late 2014 that involves Indian Country through combined state and federal level engagement.

While we are pleased with our progress, we know much more needs to be done to continue to cultivate our relationships with each state, territory, and tribal nation, and we are working feverishly to meet our statutory obligation and roadmap goals. To that end, FirstNet is hiring 10 regional teams to ensure sufficient resources in support of our outreach and state consultation efforts. These FirstNet regions cover the same states, territories, and tribal nations as the 10 Federal Emergency Management Agency (FEMA) regions. Our teams will span the nation to participate in consultation meetings, join various regional and state governing body meetings and association conferences, and meet one-on-one with the state single points of contact and public safety agencies representing potential FirstNet network users. FirstNet expects to hire these 10 regional leads in late 2014 and early 2015, and bring on additional regional staff throughout 2015 as appropriate to meet our goals.

Complementing this effort is FirstNet's robust outreach and education strategy, committed to reaching the public safety community across all levels of government and through national and state associations. In the past year we have addressed over 24,000 stakeholders at various conferences, meetings, and speaking events, and we plan to dramatically exceed that number in 2015.

We are also working closely with federal agencies to drive collaboration and potential use of the NPSBN. Recently, 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 interoperable and operable emergency communications, and is administered by the DHS OEC. FirstNet has 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. A federal outreach team will be staffed in late 2014 to continue working with the ECPC and to expand efforts to engage one-on-one with the departments and agencies on a regular basis to better understand the unique needs of agencies and expand awareness of FirstNet.

Additionally, FirstNet's Public Safety Advisory Committee (PSAC), chaired by Mr. Harlin McEwen, and composed of key public safety stakeholders, will continue to be a key resource as we pursue our mission. Public safety's input via the PSAC is vital at all stages of the network's development so that it will be tailored to the needs of the end users—America's first responders and other public safety entities. Although there is plenty of work to do, we are excited about our mission, and confident that we are on the right path.

B. Request for Information/Statement of Objectives

As we engage states and public safety, FirstNet also is actively conducting extensive market research to gain as much insight as possible into the capabilities, opportunities, risks, and innovative business partnerships in the market today to support the construction of a nationwide public safety broadband network for public safety entities. FirstNet is seeking further input from the public this fall that will help shape the direction of our future procurements, including the planned comprehensive network RFP and the equipment and network services RFP.

On September 17, the FirstNet Board released an RFI that included a full draft Statement of Objectives (SOO). The RFI sought input from industry on some of the key approaches FirstNet is considering before finalizing the 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 will help industry better understand FirstNet's key program objectives in the creation, operation, and maintenance of the NPSBN. FirstNet is taking an objectives-based approach to our procurement, rather than a requirements-driven approach, in order to promote flexibility in achieving FirstNet's goals while helping FirstNet reduce the complexity we face in managing and integrating the diverse set of components needed to meet our mission. FirstNet will benefit

from the creativity and expertise of respondents in identifying multiple ways to achieve a stated objective. FirstNet will use the comments it receives on the RFI and draft SOO to refine the acquisition approach and draft the comprehensive network RFP.

We have received more than 120 responses to the RFI and are very encouraged with the interest it has generated. All responses are being kept confidential, to provide the necessary assurances to the RFI responders to allow them to provide comprehensive and forthright solutions, facilitating FirstNet's ability to thoroughly develop the next step in the procurement phase, the draft RFP.

As this Committee knows well, FirstNet is statutorily required to engage in an open, transparent, and competitive RFP process, and the release 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 issuance of a draft RFP estimated in early 2015.

C. Public Notice and Comment

FirstNet's Board coupled its September 2014 release of the RFI and draft SOO with a public notice. As a newly created entity under a unique statutory construction, FirstNet is confronted with many complex legal issues and terms that will have a material impact on our RFPs and our operations going forward. This public notice sought comment on certain key interpretations of the Act to help inform our approach to our various RFPs and ongoing operations. Specifically, the public notice sought comments on issues that include the definition of core and RAN; the definition of public safety entities – the ultimate primary users of the network; secondary users; rural area; user and other fees; and minimum technical requirements.

We were pleased to have received and are currently in the process of reviewing the more than 60 responses to the public notice. We received responses from a broad group of stakeholders including, commercial carriers and vendors, state, local, and tribal governments, and various associations that represent public safety interests. The feedback on these topics will provide important inputs into the draft comprehensive network RFP and on FirstNet operations. Many of these issues could have significant impact on the economics of the NPSBN and the various solutions proposed by vendors. FirstNet needs to clearly define these terms prior to releasing the draft comprehensive network RFP so potential offerors have a common framework to submit responsive and competitive proposals. These responses are all public and can be viewed at www.regulations.gov.

D. Technical Development

Other than looking at the development of our RFI and the technical components of a future RFP, the FirstNet technical team has been focusing on a number of core areas:

- standards development;
- testing and evaluation;
- modeling and simulation

As mentioned before we have been working very closely with the team at PSCR to ensure the sharing of ideas and open data and to eliminate information silos.

FirstNet utilizing PSCR for standards development

Working directly with PSCR has allowed FirstNet to make significant progress on the world wide standards body for LTE. The standards body through which we are working is 3GPP. According to the [3GPP website](#), “The 3rd Generation Partnership Project (3GPP) unites [Six] telecommunications standard development organizations (ARIB, ATIS, CCSA, ETSI, TTA, TTC), known as ‘organizational partner’ and provides their members with a stable environment to produce the Reports and Specifications that define 3GPP technologies.¹” As a result of this collaboration, FirstNet has helped to develop broad coalitions who have pushed for the prioritization of public safety standards development in LTE.

Testing, evaluation, modeling, and simulation

Through this effort we have validated certain key elements and features for priority and preemption within the LTE environment. Further refinement is required to fine tune these elements and this is underway. In addition the Technical team has assisted in validating certain of the key assumptions within the FirstNet program roadmap released back in March, including relating to the modelling of cell site location nationwide and the amount of excess capacity of our spectrum that might be available for secondary use.

Next steps

FirstNet will continue to work with PSCR throughout the development of the network. We have already seen tremendous benefit of our cooperative relationship and we are excited to achieve additional success. We will also be working very closely with the PSAC in order to help define the framework for priority and preemption on the network. Leveraging our public safety experts for this important task is crucial if we are to successfully reach a solution to this challenging topic.

IV. Conclusion

I am grateful to the Committee for the opportunity to update you on FirstNet's progress. As you can see, FirstNet has dramatically advanced its efforts in the past twelve months to meet our statutory obligations, reach those who will use and benefit from our network, and develop a business plan that will provide a self-funding, innovative broadband service to first responders long-term.

We still have much to do to achieve our mission, and are moving forward with a continued focus on our primary long-term objectives:

- Deliver advanced, resilient public safety wireless broadband services;
 - Minimize public safety user fees;
 - Minimize the amount of capital and operating expenses incurred by FirstNet;
 - Leverage synergies with existing infrastructure where economically desirable to FirstNet;
- and
- Maximize the value of our excess network capacity to keep costs low for public safety.

FirstNet has a difficult task ahead, but with the support of Congress, public safety, state and local jurisdictions, and the private sector, we will succeed in accomplishing our mission. 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.

Thank you for your time. I would be pleased to answer any questions that you may have.

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