

## **New Hampshire approves contract with Rivada Networks, but state official insists no FirstNet opt-out decision has been made**

Urgent Communications By Donny Jackson

September 8, 2016

New Hampshire's governor and executive council yesterday voted unanimously to approve a contract with Rivada Networks to build a public-safety [LTE](#) radio-access network (RAN) throughout the state, if New Hampshire decides to opt out of

[FirstNet](#)

—a choice that would not be made until next year, according to a state official.

All states and territories will have a choice whether to accept the FirstNet state plan for its jurisdiction or to “opt out,” which would require the state/territory to build and operate the RAN for FirstNet within its borders. With yesterday's vote, Rivada Networks would have the exclusive right to build the New Hampshire RAN, if the state chooses to pursue the opt-out alternative.

But the selection of Rivada Networks should not be interpreted as an indication that New Hampshire will opt out of FirstNet, according to John Stevens, the statewide [interoperability](#) coordinator who works with the New Hampshire department of safety.

“There is no intention, at this point in time, to make any decision in regard to opt in [to FirstNet] or opt out,” Stevens said during an interview with [IWCE](#)'s *Urgent Communications*. “This is just going to allow us to continue to move forward with alternative for the governor and council to consider once we get to some point in the future.

“There is no obligation at this point in time to do anything other than work with FirstNet, develop the state plan with FirstNet and work with the contractor to see if, in fact, we can build our own RAN. Then, we'll let the governor and [executive] council to make a decision as to what works best for New Hampshire.”

Rivada Networks understands that the contract approved yesterday does not mean that company necessarily will build a public-safety LTE system for the state, according to company spokesman Brian Carney.

“Basically, the contract says that we’re going to help prepare a state plan for the purposes of comparing that plan to the FirstNet [state plan],” Carney said during an interview with *IWCE’s Urgent Communications*

. “If they subsequently decide to opt out, we have the exclusive right to negotiate an agreement to build out the proposal that we prepare in the meantime.

“It’s a contract to deliver a RAN plan to the state, so they can compare it to the FirstNet [state plan].”

Carney noted that contract approved yesterday by the governor and the executive council is only 20 pages in length—a much smaller document than would be required if building a statewide network and operating it for 25 years was a certainty.

“The idea is that we would prepare a state plan,” he said. “If [New Hampshire officials] like that state plan better than the FirstNet plan, we would then go back to cross all of the t’s and dot all of the i’s to turn what we’re going to prepare now into a full-fledged contract to build out the state.”

Rivada Networks' co-CEO and Executive Chairman Declan Ganley acknowledged the circumstances surrounding the New Hampshire contract.

“While this is not a decision by New Hampshire to opt-out, by choosing Rivada to develop New Hampshire’s alternative to [FirstNet](#)’s state plan, the state has acted in a timely way to keep its options open,” Ganley said in a prepared statement. “Whatever the state’s final decision when the time comes, we’re confident that working with Rivada will ensure that New Hampshire’s interests are protected.”

Rivada Networks also is leading a bidding team—under the name of Rivada Mercury—that is vying for the nationwide FirstNet contract. Three bidding teams have announced their efforts, and FirstNet officials have expressed a desire to announce a winner in November.

“If we win the national bid, we will do our best to make sure that all states opt in, and that would include New Hampshire. We would want to make sure that opting in would not disadvantage New Hampshire relative to the contract that we have with the state.

“But, until we know what the process is going to look like with FirstNet—what kind of flexibility we have and everything else—it’s impossible to say exactly what New Hampshire’s going to be presented with.”

If FirstNet names its contractor on Nov. 1, then FirstNet is scheduled to deliver state plans by May 1. After the state plan is delivered, each governor will have 90 days to decide whether to accept the FirstNet plan or have the state assume the responsibilities associated with building and operating the RAN for the next 25 years.

Some of the challenges associated with FirstNet opt-out process—established by Congress in 2012—are the logistical timelines, one of which calls for a state or territory to complete a request-for-proposals (RFP) process and select a contractor in 180 days. Yesterday’s action means that New Hampshire largely has completed this significant step, Stevens said.

“We recognized early on that ... we would not be able to accomplish that in 180 days,” he said, noting that it has taken the state more than a year to make this award.

Exactly who will make the opt-out decision for New Hampshire is unknown at this time. Current Gov. Maggie Hassan (D) is running for the U.S. Senate, and several candidates are running for the post in next week’s primaries.

And the opt-out decision will not rest solely with the governor in New Hampshire, Stevens said. The state’s five-member executive council also will have input, he said.

“I know that FirstNet talks about a governor decision, but in New Hampshire, it would be a governor and council decision,” Stevens said.

That also is the case with all state contracts, such as one that would be established with Rivada Networks under an opt-out scenario, Stevens said.

“If we were to get to a point in time that we would look at an option to build our own RAN, we would go before the governor and council again—as would FirstNet, with their state plan—for approval,” he said. “The governor and council is the body that makes those decisions for the state of New Hampshire.”

[Link to Article](#)

[Link to Urgent Communications News Articles](#)