

Written Testimony of  
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Before the  
Joint House and Senate Committees on  
Veteran Affairs and Emergency Preparedness, and the  
Senate Committee on Communications and Technology,  
Commonwealth of Pennsylvania

Joint Public Hearing on the  
Commonwealth's future participation in the  
FirstNet communications system for emergency responders across PA  
October 19, 2017

Introduction

Chairman Vulakovich, Chairman Barrar, Chairman Aument, Ranking Member Costa, Ranking Member Sainato, Ranking Member Haywood and all Members of the Committee, I would like to thank you for the opportunity to appear here today to discuss the First Responder Network Authority (FirstNet) and provide an update on the progress we are making at FirstNet toward the deployment of an interoperable nationwide public safety broadband network (NPSBN or Network).

As a Pennsylvania native, now living outside of Philadelphia, I am honored to be here today to testify before my home state legislature regarding a project that will help save lives and make a difference in the public safety of my fellow Pennsylvanians.

I look forward to telling you about FirstNet, our work in the Commonwealth of Pennsylvania, and how FirstNet will improve public safety and emergency communications for Pennsylvania's first responders, other public safety personnel, and citizens in the years to come.

Progress towards a Network in Pennsylvania

First let me tell you what FirstNet is not. FirstNet is not a Land Mobile Radio (LMR) network, and we are not here to replace Pennsylvania's statewide LMR system, PA-STARNet. FirstNet, when it is deployed in Pennsylvania, will be complimentary to PA-STARNet, and I look forward to addressing any questions on the difference between LMR networks and the FirstNet offering.

Stemming from one of the last recommendations of the 9/11 commission, FirstNet is an independent authority within the U.S. Department of Commerce. Authorized by Congress in 2012, its mission is to ensure the building, deployment, and operation of the nationwide, broadband network that equips the public safety community with tools to help save lives and protect U.S. communities.

FirstNet intends to provide a cutting-edge wireless broadband communications system, with priority and preemption, 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 Network's deployment, FirstNet will

provide a dedicated, ubiquitous solution that helps solve public safety's decades-long interoperability and communications challenges.

The FirstNet service, when it is offered in Pennsylvania, will include advanced communications services, devices, and applications to help first responders and other public safety personnel make communities safer. Over the last several years, FirstNet has been working in direct consultation with the Commonwealth of Pennsylvania and its State Point of Contact (SPOC), Major Diane Stackhouse, and her team at the Pennsylvania State Police Department to develop a plan that is customized for Pennsylvania's public safety needs. I want to thank Major Stackhouse and her dedicated team at Pennsylvania State Police: Captain Sean Georgia, Joe Judge, Holly Caudill, Mark Wrightstone and all others on her team. This team of dedicated public servants have put in countless hours and travelled across the Commonwealth to brief public safety on FirstNet. The Pennsylvania team have been strong advocates for the Commonwealth's public safety agencies and a real partner to FirstNet as we have gathered data, analytics and their feedback on what Pennsylvania needs in their public safety broadband network. This type of consultation has been critical to putting together the State Plan that was delivered to Governor Tom Wolf on September 29, 2017.

FirstNet's goal of deploying the Network, and thereby meeting the needs of first responders in Pennsylvania and across the country, is a matter of critical importance for public safety, and today we are closer than ever before to accomplishing this goal. Since its inception, FirstNet has taken the necessary steps to build an organization, execute a vigorous consultation and outreach strategy, develop and release a comprehensive request for proposals (RFP), select an experienced and proven wireless industry leader for a first-of-its-kind public-private partnership, and lay the groundwork for a successful deployment of the NPSBN.

#### The Selection of AT&T

At a signing ceremony on March 30, 2017, Secretary of Commerce Wilbur Ross announced FirstNet's award of the nationwide NPSBN contract to AT&T. The attendees included AT&T CEO Randall Stephenson, Federal Communications Commission (FCC) Chairman Ajit Pai, Members of Congress and staff, FirstNet Board members, FirstNet leadership, and, most importantly, public safety representatives.

Prior to the ceremony, the FirstNet Board voted unanimously to authorize the award. With the Board's authorization, FirstNet and the Department of the Interior, who assisted FirstNet with the Network procurement, made the 25-year award to AT&T based on the determination that AT&T's proposal presented the overall best value solution for FirstNet and public safety.

We were able to move forward with an award to AT&T after a March 17, 2017 decision by the U.S. Court of Federal Claims to deny a protest filed by one of the unsuccessful bidders.

#### The Benefits of a Public Private Partnership for Pennsylvania

Before listing the details of the solution FirstNet and AT&T are delivering to public safety, it is important to understand the benefits of the public-private partnership. By leveraging private sector resources, infrastructure, and cost-saving synergies to deploy, operate, and maintain the Network, the NPSBN can be deployed quickly, efficiently, and far more cost-effectively than any other model.

Congress directed that such a partnership be formed, thereby allowing the private sector to do what it does best -- i.e., leverage the market to determine the best deal at the best price, while ensuring that a

dedicated, interoperable Network is built to public safety's requirements. The fact remains that neither party – FirstNet nor AT&T – on its own could build a network like the FirstNet Network. It would be too expensive and too burdensome. A public-private partnership ultimately will provide a Network that benefits public safety in a manner that would have been impracticable to achieve if left solely to the private sector or federal government.

FirstNet is confident that the Network will also provide many specialized features. In addition to priority, preemption, and robust rural coverage, public safety will have access to FirstNet-dedicated deployable equipment for use during disasters and pre-planned events, as well as in-building solutions – because FirstNet recognizes that first responders' communications do not stop at the curb.

The solution also includes a customer service center dedicated specifically to public safety – available 24/7, 365 days a year; a dedicated FirstNet core with built-in redundancy to provide end-to-end cybersecurity; and an entire eco-system of devices, apps, and tools for public safety, including a FirstNet app store. Each of these features will be a first for public safety as they are not currently available on any network today.

#### Details of the Partnership with AT&T

The FirstNet and AT&T public-private partnership is a significant investment in the communications infrastructure that public safety desperately needs for day-to-day operations, emergency and disaster response and recovery, and securing of large events. Some of the key broad terms of this 25-year agreement are:

- FirstNet will provide 20 MHz of spectrum and success-based payments of up to \$6.5 billion over the next five years to support the Network buildout; and in return AT&T will deploy and operate a nationwide high-speed mobile broadband network and support the digital communications ecosystem for public safety over 25 years.
- AT&T will spend a minimum of \$40 billion over the life of the contract to build, operate, deploy, and maintain the Network, and together with FirstNet will help to ensure the Network evolves with the needs of public safety and advances in technology. Additionally, AT&T will connect FirstNet users to the company's current telecommunications network assets, valued at more than \$180 billion.
- AT&T will utilize FirstNet's spectrum when not in use by public safety for other, commercial purposes. AT&T will prioritize public safety users over any other commercial users on the Network and over all of AT&T's commercial LTE bands. AT&T also will implement a preemption feature for primary FirstNet users.
- FirstNet will manage and oversee the contract to ensure AT&T delivers on its NPSBN commitments, including those related to innovation, technology, customer care, services, and coverage, and that the Network meets the needs of public safety throughout the nation.

The benefits for public safety and cost-savings to taxpayers are clear. If the federal government alone were to build, maintain, and operate this mission critical Network, the Government Accountability Office (GAO) has estimated it could cost up to \$47 billion over ten years.<sup>1</sup>

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<sup>1</sup> U.S. Government Accountability Office, GAO-15-407, Public-Safety Broadband Network: FirstNet Should Strengthen Internal Controls and Evaluate Lessons Learned 31 (2015), <https://www.gao.gov/products/GAO-15-407>.

With this partnership approach, FirstNet and AT&T do not need any additional federal funding to build and operate the Network – it is a fully-funded, self-sustaining Network. In return, Pennsylvania’s public safety responders and first responders across the country will receive specialized services far above and beyond what they have today over a first-class broadband network dedicated to their communications needs. In addition, this innovative public-private partnership is expected to create thousands of new jobs and will ensure public safety has a voice in the growth and evolution of the Network.

### How the Network Will Help Public Safety in Pennsylvania

The ability to communicate seamlessly across jurisdictions is critical for law enforcement, fire, and emergency medical services (EMS) when securing large events or responding to emergencies and disasters. In those instances, networks can become overloaded and inaccessible, limiting responders’ use of vital communication technologies, such as smartphones and applications dedicated to public safety services.

By providing unfettered, uninterrupted access to wireless spectrum, the NPSBN will help improve response times and situational awareness for public safety, improving service in urban areas and expanding coverage in rural areas alike, leading to safer and more secure communities.

Additionally, the market certainty the Network will provide through a long-term commitment, scale, and capacity will enable private sector investment and innovation for advanced life-saving technologies, tools, and services, such as:

- Applications that allow first responders to reliably share videos, text messages, photos, and other information during incidents in near real-time;
- Advanced capabilities, like camera-equipped connected drones and robots, to deliver images of wildfires, floods, or other events;
- Improved location services to help with mapping capabilities during rescue and recovery operations; and
- Wearables that could relay biometric data of a patient to the hospital or alert when a fire fighter is in distress.

Network technology will also be tested and validated through the FirstNet Innovation and Test Lab, located in Boulder, CO, to ensure first responders have the public safety grade, proven tools they need and can trust during disasters and emergencies.

### Pennsylvania’s State Plan

On June 19, 2017, FirstNet and AT&T delivered initial State Plans to Pennsylvania and all states and territories three months ahead of schedule. The initial plan for Pennsylvania was delivered to Major Stackhouse and her team and open for a three-month question and comment period where Pennsylvania continued to consult with FirstNet on the plan for building out the network in the Commonwealth. After this comment period, FirstNet and AT&T updated the plan for the Commonwealth based on the input received and delivered the State Plan to Governor Wolf on September 29, 2017.

Since 2013, FirstNet has worked hand-in-hand with Pennsylvania and the other states, territories, localities, federal authorities, tribes, and the public safety community to make sure the Network is

specifically built for their needs. FirstNet’s consultation efforts included more than 1,200 engagements with public safety stakeholders nationwide, and the collection of data from states and territories that accounted for more than 12,000 public safety agencies representing more than 2 million public safety personnel. In Pennsylvania, PA FirstNet and FirstNet participated in a roadshow across the Commonwealth, and made themselves available to discuss the project at major public safety conferences and events. This roadshow of engagements totaled 29 meetings in 12 cities with more than 1,200 public safety officials.

FirstNet took the input from the Pennsylvania team and stakeholders across the Commonwealth to customize the Pennsylvania State Plan, which outlines the coverage, features, and mission-critical capabilities FirstNet and AT&T will bring to first responders and other public safety personnel in the Keystone State. States had the opportunity to identify priorities and concerns related to Network coverage (including in rural areas) and services. Based on this feedback, FirstNet and AT&T determined how to evolve the solution, where possible, to address these requirements.

In conjunction with the release of the initial State Plans, FirstNet and AT&T also created a public website: [FirstNet.com](http://FirstNet.com). This website provides information about the FirstNet solution, the unique value of the FirstNet Network to public safety, and how public safety entities may subscribe to FirstNet once a state opts in. The site will host information on quality of service, priority and preemption; local control features; the applications store; devices and accessories for FirstNet; and coverage and rate plans.

#### Official Notice

We are now in a critical decision-making time for the FirstNet project. On September 29, 2017, FirstNet provided official notice to the Governor, as required by the Act, which included notification of completion of the RFP process for Pennsylvania, the delivery of the State Plan, and the funding level for the Commonwealth as determined by the National Telecommunications and Information Administration (NTIA) for a potential state RAN construction grant in the event the state opts out. The official notice initiated the 90-day clock that the Act provides for each state or territory governor to make an “opt in/opt out” decision on its State Plan. The deadline for Governor Wolf to make his decision is December 28, 2017.

FirstNet and AT&T will continue to actively engage with the states and territories to support their review of the State Plan and answer questions. We look forward to continuing to work with the team in Pennsylvania. As states and territories have already begun to opt-in to the FirstNet/AT&T build, we anticipate a significant number of opt-in announcements to continue in the weeks ahead now that the 90-day clock has started.

#### The Governors’ Decision

The decision that the Governor faces is one that will have profound consequences on the ability of public safety in Pennsylvania to gain access to mission critical broadband.

Opt in:

A governor’s decision to opt in will enable FirstNet and AT&T to begin the process of delivering services to that state or territory’s public safety community. It is a decision that will also drive infrastructure investments and job creation.

If a state affirmatively opts in or takes no action on the State Plan within 90 days of receiving notice, which under the Act is also a decision to opt in, FirstNet will be able to start the process of deploying the RAN portion of the FirstNet Network in the state at no cost to the state. States do not have to wait the full 90 days to make an opt-in decision. The opt-in path is a low-risk option that will support faster delivery of services to the state's public safety community and help create an interoperable, highly secure, sustainable Network for public safety.

#### Opt out:

If a state elects not to participate in the FirstNet RAN deployment, pursuant to the Act, it must provide notice to FirstNet, the FCC, and NTIA within 90 days after receiving official notice from FirstNet, and within 180 days of such notice to FirstNet, the state must develop and complete an RFP for the state RAN. Subsequently, it must submit an alternative plan to the FCC for the construction, maintenance, operation, and improvement of the RAN in the state within 60 days of RFP completion. The state RAN must be interoperable with the Network and comply with FirstNet's requirements and standards for the Network. Before the state's RAN deployment can begin, the FCC must approve the alternative plan, and, if approved, the state must then apply to the NTIA for the right to enter into a spectrum capacity lease with FirstNet, and ultimately agree to the terms of such a lease with FirstNet. The state may also apply to the NTIA for a state RAN construction grant under the State Alternative Plan Program.

It is important to know that if a state chooses to opt-out and deploy its own RAN, the Act requires the state to reinvest the revenue generated back into the state RAN. Opt out states will assume all technical, operational, and financial risks and responsibilities related to building, operating, maintaining, and improving their own RAN for the next 25 years. Given the statutorily mandated processes, it is possible a state pursuing opt out will be at least two years behind states that opt in.

If a state or territory wishes to opt out, FirstNet will do everything we can to make that opt-out process a success. Public safety cannot afford to have areas of no service throughout the country. We are encouraging states and territories to look at all the information in the State Plans to ensure that they fully understand the risks and requirements associated with opting out. We are confident that each State Plan will deliver the coverage, services, value, and experience states and territories expect for their first responders, bringing us closer to making the cutting-edge Network and technologies that public safety has been asking for a reality.

#### Conclusion

For more than three years, FirstNet has worked closely with Pennsylvania to develop a Network that meets the needs and objectives of its public safety community, as we have done with states and territories across the country. After rigorous and iterative consultation with Pennsylvania and a true partnership with the team here, we feel confident about the overall Network solution and individual State Plan that we have proposed for the Keystone State, because it has been driven by and reflects public safety's input throughout the state and throughout the country.

FirstNet has made a lot of progress over the past year. We successfully completed a comprehensive nationwide RFP process, which included prevailing in a protest action; awarded a 25-year contract to AT&T - an innovative private sector technology partner who has 140 years of experience serving the public safety community; and worked effectively and efficiently with AT&T to deliver State Plans three

months ahead of schedule and update those plans based on stakeholder input.

We are now focused on preparing for the deployment of the Network in opt-in states and territories and the next crucial phase of the project - public safety user adoption. The voluntary service must be compelling and offered at a price that Pennsylvania's public safety agencies can afford.

While there has been much success, we still have work to do. Ultimately, the most important action that FirstNet must take is to continue to listen to public safety. This is public safety's network.

On a personal note, as a proud son of Pennsylvania, I wouldn't be here before you if I didn't believe in this project. FirstNet is here for Pennsylvania and its first responders, and we are determined to deliver on our promise of reliability, performance, and a service that public safety can count on 24/7/365.