

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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May 2, 2013

Mr. Sam Ginn
Chairman
First Responder Network Authority
1111 Bayhill Drive, Suite 435
San Bruno, CA 94066

Dear Mr. Ginn:

Thank you for appearing before the Subcommittee on Communications and Technology on Thursday, March 14, 2013, to testify at the hearing entitled "Oversight of FirstNet and Emergency Communications."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

Also attached are Member requests made during the hearing. The format of your responses to these requests should follow the same format as your responses to the additional questions for the record.

To facilitate the printing of the hearing record, please respond to these questions and requests by the close of business on Thursday, May 16, 2013. Your responses should be e-mailed to the Legislative Clerk in Word format at Charlotte.Savercool@mail.house.gov and mailed to Charlotte Savercool, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Greg Walden
Chairman

Subcommittee on Communications and Technology

cc: Anna Eshoo, Ranking Member, Subcommittee on Communications and Technology

Attachments

Attachment 1—Additional Questions for the Record

The Honorable Greg Walden

1. In your testimony you state that one of the core concepts of the public safety broadband network will be interoperability with legacy public safety networks. How does FirstNet intend to achieve interoperability with the myriad land mobile radio systems that are already deployed? How will FirstNet ensure that devices from different jurisdictions can use legacy systems when responding to emergencies outside their jurisdiction?
2. FirstNet appears to be requiring recipients of BTOP stimulus grants for public safety projects to surrender assets as a condition of lifting the suspension of those grants. If the grantees refuse FirstNet's requirement to turn over state property will the public safety projects and the federal and state funds invested in them to date be stranded? Why does FirstNet believe that BTOP grantees must surrender assets to FirstNet in order to achieve interoperability?
3. Unlike the BTOP jurisdictions, the States are under no obligation to use FirstNet's services. How do you intend to encourage governors that face increasing budgetary pressure to not only participate in FirstNet by using the network, but by contributing existing state assets in some way? Does FirstNet intend to compensate states for their assets?
4. You stated in your testimony that you "want to work with Congress ... to explore obvious and reasonable measures" to avoid unnecessary costs or delays. We had a brief discussion about this during my question time at the hearing, but you did not provide details on the particular things you would like changed. Could you please specifically describe for the record the changes you are seeking?
5. One of the most common criticisms of the broadband stimulus is that grants were awarded before work was completed to determine where investment was needed. We heard testimony that FirstNet will produce its network build plans before it has finished asking states where they need additional assets. Why isn't FirstNet completing its consultation with the states before it decides where and how it will build?
6. You stated that once nationwide interoperability, security and reliability standards are in place, FirstNet is "open to states to do whatever they want." Is it your intent to encourage states to refrain from opting out by giving them the kind of flexibility they would want within the framework of the FirstNet model?
7. Is FirstNet constructing a cost model and conducting a financial analysis to determine if your plans are financially viable?
8. FirstNet's long-term funding structure is predicated on lease fees from opt-out states and user fees from all public safety users. How do you intend to collect these fees from states? If a state finds itself unable to pay, will FirstNet terminate their service?
9. It is my understanding that FirstNet has already contracted with at least one firm for consulting services. To my knowledge, that contract was not put out for competitive bid or made available on the NTIA website for FirstNet. How many consultants has FirstNet already retained? What process was followed to ensure that these contracts complied with federal law? Please attach to your answers to these questions any agreements with outside firms for the subcommittee to review.

The Honorable Marsha Blackburn

1. Mr. Ginn, the City of Oak Ridge in my state of Tennessee is home of the Oak Ridge Y12 National Nuclear Security Administration Laboratory. The City and the Y12 Lab have come to an agreement on how to work together to deploy a Public Safety broadband system. This system will be funded locally. In October, the City of Oak Ridge filed an application with the FCC seeking an experimental special temporary authorization to test and evaluate public safety broadband. On the same day they filed this application, Oak Ridge sent you a letter asking for FirstNet's support.

I understand that Oak Ridge has been told that authorization not just from the FCC, but also from FirstNet is required for them to move forward. This matter has now been pending for 5 months despite Oak Ridge's efforts to work with you. Will FirstNet support this project? Tennesseans don't want this to become a situation where the citizens of Oak Ridge end up the losers. Can you provide me with an update on the status of this project?

The Honorable Lee Terry

1. Mr. Ginn, The conceptual network architecture that you put forth at your first Board meeting relies heavily on leveraging commercial carrier tower sites. It is my understanding that the majority of commercial carrier sites are leased from tower companies. Has FirstNet developed an estimate of these leasing costs nationwide?

2. Mr. Ginn, my understanding is that most state and local tower sites are government-owned and, therefore, the costs of leveraging these sites would not necessarily have to be absorbed by FirstNet. While leveraging commercial carrier sites is certainly appropriate and something FirstNet should fully explore as contemplated by the statute, it should not do so to the exclusion of leveraging state and local infrastructure which could help stretch the \$7 billion available for deployment further. As a point of reference, I note that a comprehensive study issued last year estimated that the cost to deploy a public safety broadband network within the State of Minnesota would be in excess of \$300 million, even if use of existing state assets is maximized. (<https://dps.mn.gov/divisions/ecn/programs/armer/Documents/Minnesota%20Funding%20Grants%20v17%20Final.pdf>). Please inform me of how FirstNet intends to engage states on leveraging their sites in a timely manner when the planning grant program doesn't contemplate doing an inventory of state assets until the second phase of the program which may be two or three years off.

The Honorable Cory Gardner

1. As you know, Adams County, Colorado is one of the public safety BTOP grantees. During the last FirstNet Board meeting, a resolution was adopted with the purpose appearing to be resolving last year's suspension of seven public safety BTOP projects in 90 days. As you are well aware, states, localities, and private companies have all have committed resources to now dormant projects in those states. While the resolution adopted at your board meeting seems encouraging, I have some questions about what I've heard regarding the "Special Award Conditions" required to end the suspensions. I understand that there may be an indemnification condition that goes beyond ensuring that any BTOP system is interoperable with the FirstNet network. Can you please explain to me what those indemnification provisions entail? Is it your intent to impose such a condition?

2. I understand there may also be a condition requiring transfer of the BTOP assets to FirstNet. I have concerns that this may have the effect of forcing a state into a de facto "opt-in" position prior to being presented with a plan to make that decision as required by the law. Is it your intent to impose such a condition? Are these conditions necessary? Will this condition help achieve interoperability?

3. Existing rural telecommunications providers have invested in valuable wired and wireless infrastructure, and other technical and operational assets, to serve the most sparsely populated and remotely located areas of our

country. How does FirstNet plan to ensure that it does not overbuild existing communications networks and infrastructure? Will public safety be able to roam on an existing commercial broadband network with sufficient capacity and coverage instead of creating an entirely new network?

The Honorable Ben Ray Lujan

1. My state of New Mexico was awarded a grant from NTIA's BTOP program for a 700 MHz LTE last mile project as well as upgrades to the state-wide microwave communications tower network that backhauls public safety communications throughout the state. After FirstNet was established, the LTE last mile portion of this project was suspended to ensure that the purchased equipment would be compatible with the FirstNet network architecture. During the last FirstNet Board meeting, a resolution was adopted to resolve the suspension within 90 days. What sort of conditions is FirstNet placing upon New Mexico and the other suspended projects before the suspensions will be lifted and when could I expect to see work resume on building this network?
2. New Mexico is an extremely large state with a varied topography and sparse population density that presents a challenge to many communications networks. My state is also home to a number of tribal communities which have jurisdiction over an expansive amount of territory throughout the state. In your written testimony, you mention that you have undertaken a "listening tour" with tribal representatives. What lessons have you learned from this tour and how do you plan to implement them?
3. I understand that FirstNet will be deploying a nationwide network, and I'm fully supportive of that goal. I'm wondering, however, if in your view this deployment precludes states from supplementing the FirstNet network to further enhance their public safety system? For example, do you think states could purchase network control equipment that is not funded by FirstNet provided it's interoperable with FirstNet? And, if not, why not? This could be particularly important in a rural state like mine.

Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide information for the record. For your convenience, relevant excerpts from the hearing transcript regarding these requests are provided below.

The Honorable Anna Eshoo

1. Is it too early, or has the FirstNet board received threat and vulnerability briefings from agencies such as DHS or NSA?