

**Written Testimony of  
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Chairman  
First Responder Network Authority Board**

**Before the  
Committee on Energy and Commerce  
Subcommittee on Communications and Technology  
United States House of Representatives**

**Hearing on  
“Oversight of FirstNet and Emergency Communications”**

**March 14, 2013**

**I. Introduction**

Chairman Walden, Ranking Member Eshoo, and Members of the Subcommittee, thank you for inviting me to testify on behalf of the First Responder Network Authority (FirstNet). I am pleased to discuss FirstNet’s progress, working with states, tribes, local governments and public safety, to deploy a modern, nationwide, interoperable public safety wireless network.

It is truly an honor to be sitting before you here today. I have spent my entire career building wireless networks and creating and running the companies that design, operate and maintain those networks. To be appointed Chairman of FirstNet, and especially to be able to serve with such a deeply and diversely qualified Board, gives me an opportunity to give back some of that experience toward a mission of enormous importance to our country and America’s first responders: to deliver cutting-edge communications technologies to protect them and our citizens, both in their day-to-day operations and during times of disaster. You have my commitment, as Chairman of this Board, that we will do everything we can to get this done quickly and to get it done right.

What Congress did in the Middle Class Tax Relief Act was insightful. You recognized the serious consequences for first responders that flowed for decades from a fragmented communications architecture: high costs due to a lack of economies of scale, a lack of crucially needed interoperability, and technology that lags woefully behind that which many teenagers have on their smartphone. You saw the problem and you created FirstNet, finally establishing a solid foundation upon which to correct all of these problems and to set the stage for major, life-saving advances in public safety communications. You have put important assets at our disposal, including the use of 20 megahertz of prime spectrum on a nationwide basis, substantial initial Federal financial support, and a single, strong network governance structure that is paired with considerable collaborative opportunities and flexibility at the state and territorial level. The FirstNet Board agrees with your vision, and excited to have the opportunity to put our collective talents toward deploying this network.

In addition to the resources made available by the Act, FirstNet stands to gain considerable momentum from the years of intensive collaboration that public safety and industry have expended on public safety user requirements, interoperability principles, and technical standards. Such efforts are exemplified by the recommended minimum technical requirements developed by the Federal Communications Commission's Technical Advisory Board for First Responder Interoperability; the National Public Safety Telecommunications Council's (NPSTC) Statement of Requirements; NPSTC's Public Safety Broadband High-Level Launch Requirements - Statement of Requirements for FirstNet Consideration; the Emergency Communications Preparedness Center's (ECPC) Federal Broadband Mission Needs Assessment; and, the responses to NTIA's Notice of Inquiry on FirstNet's conceptual network architecture presentation. We are indebted to the hundreds of public safety professionals, state and local

officials, and other stakeholders who have given their time and energy to develop these invaluable documents that will help to guide and accelerate FirstNet's work.

## **II. Designing and Deploying a Nationwide Broadband Network For America's First Responders**

As Congress and the public safety community are well aware, the FirstNet model represents a significant step forward from the traditional model for public safety communications. Instead of having thousands of individual, dedicated, stand-alone public safety systems, built individually for law enforcement, fire and emergency medical services agencies, FirstNet will be an integrated, nationwide public safety network that brings together the assets of state, local, tribal, federal, terrestrial mobile, and satellite mobile communications into a single, complete network for first responders. This network will ensure that first responders have access to the same modern communications capabilities we all enjoy on our smartphones and mobile devices.

FirstNet's fundamental goal is to design and deploy a cutting-edge wireless broadband network that serves our Nation's first responders and the public safety community with highly-reliable, interoperable, nationwide wireless services, applications and user devices, at the lowest possible fees. A nationwide network that meets first responders' requirements for mission-critical coverage, interoperability, security and reliability. A network you can bet your life on.

We are driven by multiple, mutually reinforcing core concepts:

The network must have a single, standardized architecture that assures interoperability and seamless operation across and among jurisdictions and services, as well as interoperability with legacy public safety networks.

The nationwide network must enable local control, customization and optimization within a seamlessly interoperable framework.

It must meet the higher standards demanded by public safety – in terms of mission-critical reliability, security, resiliency, redundancy, fault tolerance and backup.

It must have standardized network services and applications, with a nationwide procurement platform for network, devices and service platforms.

It must provide ubiquitous coverage, exceeding even that of the largest commercial networks, in order to meet the needs of the first responders who serve in rural, remote and tribal areas of our country, many of which historically have not had access to the latest telecommunications technology, as well as urban and other critical areas, consistent with the recommendations of the 9/11 Commission.

It must, to the greatest extent possible, leverage existing infrastructure and benefit from the work of early deployers of 700 MHz long-term evolution (LTE) public safety systems.

It must be flexible to meet the current and evolving needs of public safety and to benefit from new technology innovations.

It must be a more secure network than its commercial counterparts; protecting data across all its network elements, resisting threats, and quickly mitigating any vulnerabilities.

It must promote an ever-developing array of applications from which local first responders can choose to customize and optimize the network to meet their needs.

Finally, the network, its devices and services *must* be affordable to all of its users. To this end, I am confident of one thing: FirstNet will offer public safety users across this country a network that provides the high level of security, resiliency and reliability they need, as well as

cutting edge applications and services, and we will do so in a way that is more affordable than any other alternative that could be provided.

The magnitude and complexity of our task is truly historic. Deploying a public safety grade wireless broadband network with the scale of U.S. nationwide geographic coverage is an international first. The FirstNet network will be distinctive from all other networks in two critical ways. First, it will be the only network that is ever built entirely to public safety-level specifications for security and reliability. Second, it will be the only network to cover an entire nation of our size geographically, as opposed to coverage by population centers. Combine these two features and you begin to see just how groundbreaking – and challenging – our task is.

The FirstNet network will need to cover all 56 states and territories, and serve more than 60,000 state, tribal, local and federal public safety entities. By our current estimates, to meet its coverage requirements, the network will require tens of thousands of cell sites and a large core network; the securing of satellite coverage for the hardest-to-serve areas; and negotiations with wireless carriers, rural telecommunications providers, utilities, networking and software engineers, and equipment vendors. And we do intend to partner with a wide range of carriers, vendors and other parties that have something valuable to offer.

Limited time and money, of course, compound our challenges. More than a decade after the tragedy of September 11, 2001 – and disasters such as Hurricanes Katrina and Sandy since then – we cannot afford a pace that is anything less than urgent. While our enabling legislation provided significant funding based on future spectrum auction proceeds, the sheer size, scope and complexity of the network require that FirstNet be as efficient as possible in everything we do, especially as we find innovative ways to leverage and optimize existing public and private assets. And of course, at the user end, FirstNet service will have to be affordable for first

responder agencies, whose budgets already are under pressure, along with the finances of states, tribes, counties and cities across the country.

### **III. FirstNet is Making Important Progress**

Less than seven months since the Board was fully constituted, I am pleased to report that we are making substantial progress toward our ultimate goal. Most importantly, we are benefitting from an experienced, skilled and motivated board of directors, made up of leaders from first responder agencies, former state and local officials, the mobile telecommunications industry and key federal government agencies. Taken together, the Board members bring more than twelve decades of experience designing, constructing, and maintaining wireless networks, both in the United States and internationally; more than thirteen decades of experience in public safety; and a perspective honed by nearly four decades of service in federal, state and local government. I can attest that every member of the Board is fully committed to bringing the benefits of wireless broadband data services to our first responders across the Nation.

Last month, FirstNet transmitted its first Annual Report to Congress for Fiscal Year 2012, as directed by the Middle Class Tax Relief and Job Creation Act of 2012 (Act). That report, which is appended to this testimony, addresses an array of activities conducted by, or on behalf of, FirstNet for the period beginning with the Act's passage on February 22, 2012, through the end of Fiscal Year 2012, including the work of the Federal Communications Commission's Technical Advisory Board for First Responder Interoperability, the National Telecommunications and Information Administration's (NTIA) actions to implement the State and Local Implementation Grant Program (SLIGP), the recruitment and appointment of the Commerce-appointed FirstNet Board members, and the outcomes of the Board's inaugural meeting in September 2012.

FirstNet is now focused on a number of key preliminary activities and objectives that we hope to complete in the coming months. These include:

- Building a world-class organization and management team capable of launching the nationwide wireless start-up dedicated to first responders;
- Executing an aggressive consultation and outreach strategy with all of FirstNet's key stakeholders, including states, tribes, local governments, and public safety agencies;
- Conducting extensive market research of terrestrial and satellite wireless carriers to identify optimal financial and operational deployment alternatives for the nationwide public safety network;
- Conducting business and financial modeling of the various network deployment scenarios, as key stakeholders and potential partners provide input to FirstNet, in order to produce a FirstNet business and financial plan;
- Evaluating network engineering technologies and potential network designs to determine if they can realistically be implemented and meet public safety standards;
- Working with standards-setting bodies to ensure public safety critical communications elements are included in standards;<sup>1</sup>

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<sup>1</sup> Notably, the current LTE standards development organization, 3GPP, announced in December 2012 that one of its top focus areas for Release 12 in 2013 will be standardization of LTE in support of Public Safety and Critical Communications. This is a result of the creation of FirstNet and the formal standards development activities that the Public Safety Communications Research program, a collaborative effort of NTIA and the National Institute of Standards and Technology (NIST), is performing on behalf of FirstNet. See <http://3gpp.org/New-Opportunities-for-3GPP-in-Rel>.

- Performing network coverage planning and engineering activities, including nationwide architecture planning for the core and transport architecture and moving towards procurement of required infrastructure; and
- Establishing standard operating procedures in consultation with the public safety entity network operators to ensure local control and incident response.

To allow FirstNet to get a quick start on this preliminary work, we have brought on a small team of accomplished experts on a temporary basis to provide immediate assistance with key areas such as coordinating outreach and possible network configurations. In the near-term, FirstNet will initiate an expanded talent search for our regular, full-time team of experts and staff.

It is important to emphasize that while FirstNet is gathering information and asking questions on possible network configurations, we will consult, as is required by the Act, before we make any final decisions on the architecture for the network deployment plan. We will keep the Committee informed of our progress on this preliminary work.

#### **IV. Consultation and Outreach**

While we are engaged in the preliminary activities discussed above, and working to identify and evaluate cornerstone components of the FirstNet network, we are undertaking simultaneously, and, in parallel, an aggressive and comprehensive stakeholder outreach campaign. These consultations are rightly mandated under the Act, as they are critical to ensuring that the nationwide network is tuned and optimized to meet the specific requirements of its users, and that FirstNet has a full understanding of the existing infrastructure that can be brought to bear for the network.



The Board has tasked its member Chief Jeffrey Johnson, Past President of the Western Fire Chiefs Association, who serves as FirstNet’s acting User Advocacy Officer, to develop a broad-ranging, comprehensive consultation and outreach strategy. This strategy is comprehensive. First, it encompasses the formal consultation process between FirstNet and state, regional, tribal, and local jurisdictions, which will identify, plan and implement the most efficient and effective way to utilize and integrate the infrastructure, equipment, and other architecture associated with the network. Federal agencies also will play a role in the successful deployment of the public safety broadband network, and the Board is excited about working with federal agencies to determine where and how federal assets and expertise can be leveraged for the benefit of the nationwide network and public safety first responders.

Our outreach must also extend across the full scope of both formal and informal interactions with our many stakeholders that we must engage to be successful. Certainly the Act’s formal consultation process, which will culminate in every state’s decision regarding its full participation in FirstNet’s network deployment plan, must have the highest priority on our agenda. We also know, however, that long after the states have made their decisions regarding our network deployment plan, first responders in public safety agencies at every level of government will make their own daily judgments on the value and effectiveness of FirstNet’s services and applications. This demands that we develop and maintain an ongoing dialogue with all stakeholders. The early phases of our consultation strategy include hosting a series of “listening tour” meetings, which will enable us to engage directly with the Governors of the states and territories, federal and state-level officials, and public safety stakeholders.

FirstNet’s outreach to public safety users – our customers – is critical to ensure our network meets the unique and specialized needs of first responders. Our outreach goal is to

create informed consumers and partners of FirstNet services so that we can design a network that achieves “street-level” demand. We will achieve this by directly engaging with state, tribal, county, local, and federal officials; as well as public safety trade associations, trade unions and others, through an array of meetings, workshops, conferences, media and print publications.

With respect to states and territories, our first priority is to develop lasting relationships with Governors, the states’ designated single officer or governmental body to coordinate implementation of the SLIGP grant funds, Statewide Interoperability Coordinators, state Chief Information Officers, and other state and territorial officials to fully understand their needs, their cost constraints, and what existing expertise, lessons learned and infrastructure they can offer to ensure the nationwide network meets those needs. We seek to build relationships built on mutual trust, understanding and open information exchange, while preparing for their full participation in the network.

FirstNet recently announced the final membership and structure of our Public Safety Advisory Committee, which is comprised of state, tribal and local organizations, and I’m pleased that its first face-to-face meeting is expected to take place in April. FirstNet will utilize this Advisory Committee not only as a key source of expertise and information, but also as a functional means of outreach to the representatives’ sponsoring organizations and the broader public safety community. We will provide periodic updates to the Public Safety Advisory Committee Executive Committee, utilize the Advisory Committee’s leadership as presenters at conferences and as advocates conducting direct outreach and, of course, solicit their feedback.

FirstNet is also committed to engaging with tribal jurisdictions to ensure their unique needs are met as we design and deploy the nationwide network. Our strategy includes immediate and ongoing meetings with tribal representatives at regional “listening tour” meetings and other

events to understand tribes' priorities and concerns, as well as working closely with both the Department of Justice, which has substantial presence through tribal public safety groups, and NTIA through its State and Local Implementation Grant Program.

The FirstNet Board has been hard at work trying to resolve issues associated with the seven partially suspended Broadband Technology Opportunity Program (BTOP) public safety projects, and has made significant progress to date. Led by member Sue Swenson, Board members conducted site visits before the end of last year with every one of the BTOP grantees to educate themselves on the specific project goals, their status and what they might offer FirstNet, both in terms of lessons learned and their incorporation into the nationwide network. Based on our site visits and other discussions with the projects' leaders and vendors, we've determined that these projects could provide benefits to FirstNet's nationwide deployment efforts and generate valuable lessons learned on the challenges we face. We are now engaged in a 90-day period to negotiate the terms and conditions of spectrum lease agreements that would provide FirstNet with the requisite confidence to recommend to NTIA that it allow these projects to resume and transform potential benefits into the tangible results of meaningful, working relationships between FirstNet and the BTOP grantees, as well as safeguarding taxpayers' investments.

FirstNet is also engaging with the vendor, manufacturing and services communities in order to maximize the quality of FirstNet products, offerings and operations. We have already received substantial and valuable input from an array of vendors in response to a Notice of Inquiry last fall, and have plans to hold several topic-specific open forums during the upcoming months where vendors can come together and learn about FirstNet requirements and provide valuable information about their company's capabilities. Additionally, we plan to engage vendor

trade associations through their advisory boards, trade conferences and other events. Finally, FirstNet already is and will continue to engage leaders in the technical community, including applications developers, who have contributions to make to FirstNet.

## **V. Flexibility Is Crucial to FirstNet's Timeliness and Cost-Effectiveness**

While the FirstNet Board has unmatched experience in deploying, managing, and operating large scale mobile networks, we also operate within the structure of the NTIA and Department of Commerce and the federal laws, regulations and processes required for procurements and staffing. The magnitude and complexity of FirstNet's task requires that we negotiate with hundreds of wireless carriers, equipment manufacturers, and other vendors on all aspects of the network. The challenges of the multitude of complex and multi-tiered regulations and requirements that currently apply to our activities will add significantly to the costs and timeframes for deploying the FirstNet network, especially compared to the Board's collective experience deploying private sector wireless networks.

Let me be clear: FirstNet does not seek to modify in any way – and indeed believes it crucial to ensure – its statutory obligation to conduct procurements in a manner that is open, transparent and competitive. We want to work with Congress, especially the members of this Subcommittee, to explore obvious and reasonable measures that could avoid added costs and ensure we can deploy the network without unnecessary expense or undue time delay. I appreciate the consideration of this Subcommittee on how FirstNet can most effectively meet this challenge and will continue to communicate with Congress regarding this matter as necessary and appropriate.

## **VI. Conclusion**

I want to again commend the bipartisan leadership of this Subcommittee, and Congress as a whole, for its leadership and support for the Middle Class Tax Relief and Job Creation Act of 2012. As the representatives of the taxpayers who are providing FirstNet with our start-up funding, Congress has a critical interest in FirstNet's operations. We recognize the importance of Congressional oversight over our activities, as well as our obligation to keep you informed of our ongoing activities, achievements and any challenges we face. FirstNet believes that your continued involvement is necessary to the success of our mission to deploy a nationwide, interoperable public safety broadband network for our Nation's first responders and for our country.

Thank you again. I am pleased to answer any questions you may have.

**First Responder Network Authority**  
**c/o National Telecommunications and Information Administration**  
United States Department of Commerce  
1401 Constitution Avenue, N.W., Suite 4898  
Washington, D.C. 20230

February 12, 2013

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the Board members of the First Responder Network Authority (FirstNet), I am pleased to transmit FirstNet's first Annual Report to Congress. As directed by the Middle Class Tax Relief and Job Creation Act of 2012 (Act), this report covers the activities conducted by, or on behalf of, FirstNet for the period beginning with the Act's enactment on February 22, 2012, through the end of Fiscal Year 2012. The report also includes notable activities of the Department of Commerce and its National Telecommunications and Information Administration (NTIA) during this period, including the early stages of implementation prior to the appointment of the non-permanent Board members in August 2012.

I firmly believe that the FirstNet Board is uniquely qualified to undertake the critical task that Congress has entrusted to it: to design, deploy and operate the nationwide interoperable public safety broadband network that first responders need and that was so grievously absent on September 11, 2001, and during subsequent disasters around the country. Taken together, the members of the Board bring more than twelve decades of experience designing, constructing and maintaining wireless networks, both in the U.S. and internationally; more than thirteen decades of experience in public safety; and a perspective honed by nearly four decades of service in State and local government. I can attest that every member of the Board is committed 100 percent to the success of FirstNet's mission to establish a superior organization and to build a network that not only meets the unique needs of public safety users, but also is technologically superior, cost-effective for users, and, ultimately, financially self-sufficient.

Although FirstNet has been in existence for only a brief period of time, a good deal of initial groundwork has already been performed by the Department of Commerce, NTIA, and by the Board. For instance, NTIA has worked expeditiously to implement its State and Local Implementation Grant Program, which will assist State, regional, tribal and local jurisdiction with their planning for the nationwide network. Additionally, the Board initiated a dialogue with stakeholders through its issuance of a Notice of Inquiry on how it might design a network and develop software applications. Board members have been engaged in extensive outreach with key constituencies, including public safety groups; State, local and tribal entities; jurisdictions planning and/or deploying local 700 MHz public safety networks; and others, to share ideas on how best to build the nationwide public safety network. We also are working with entities, such as the National Governors Association; the U.S. Conference of Mayors; public safety groups;

State, local and tribal organizations; and others, to leverage all available resources and expertise toward our shared goal of serving the urgent communications needs of America's State, regional, tribal, local and Federal first responders.

While this initial report provides information about activities undertaken through September 30, 2012, including FirstNet's inaugural Board meeting on September 25<sup>th</sup>, FirstNet and NTIA have undertaken substantial activity since then. Your continued support for FirstNet is enormously appreciated, and I look forward to keeping you updated on our activities as we move forward. If you have any questions regarding this report or any other FirstNet matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading "Sam Ginn". The signature is written in a cursive, flowing style.

Sam Ginn  
Chairman of the Board

Enclosure

**FIRST RESPONDER NETWORK AUTHORITY**

**ANNUAL REPORT TO CONGRESS  
FOR  
FISCAL YEAR 2012**

Submitted to the

Committee on Commerce, Science and Transportation  
United States Senate

and the

Committee on Energy and Commerce  
United States House of Representatives

February 2013



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## **I. Introduction and Background**

Pursuant to Section 6210 of the Middle Class Tax Relief and Job Creation Act of 2012 (Act), the First Responder Network Authority (FirstNet) provides this Annual Report on its operations, activities, financial condition and accomplishments during the preceding fiscal year.<sup>1</sup> President Obama signed the Act into law on February 22, 2012; thus, this is FirstNet's initial annual report, covering relevant activities from the date of enactment through September 30, 2012.

The Act establishes FirstNet as an independent authority within the National Telecommunications and Information Administration (NTIA) and authorizes FirstNet to take all actions necessary to ensure the building, deployment and operation of a nationwide public safety broadband network based on single, national network architecture. FirstNet is responsible for, at a minimum, ensuring nationwide standards for use and access of the network; issuing open, transparent and competitive requests for proposals to build, operate and maintain the network; leveraging, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network.

The Act also assigns specific responsibilities to NTIA, including implementation of the State and Local Implementation Grant Program, which will support the efforts of State, regional, tribal, and local jurisdictions to identify, plan and implement the most efficient and effective way to utilize and integrate the infrastructure, equipment, and other architecture associated with the network.

## **II. Activities Prior To Appointment of the Non-Permanent FirstNet Board Members**

A number of key implementation efforts took place during the period between enactment of the Act and the appointment of the 12 non-permanent Board members on August 20, 2012. These activities laid a crucial foundation for the successful launch of FirstNet and its initial efforts.

### **A. Technical Advisory Board for First Responder Interoperability**

Section 6203 of the Act established a Technical Advisory Board for First Responder Interoperability (Technical Advisory Board) within the Federal Communications Commission (FCC) to develop recommended minimum technical requirements to ensure a nationwide level of interoperability for the nationwide public safety broadband network, which are based on commercial Long Term Evolution (LTE) standards. The Act requires FirstNet to use these recommendations, without materially changing them, in its development of open, transparent, and competitive requests for proposals (RFPs) to private sector entities for the network's deployment, operations and maintenance.<sup>2</sup>

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<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, 126 Stat. 156 (2012).

<sup>2</sup> See Section 6206 of the Act.

On May 22, 2012, the Technical Advisory Board reported its recommended minimum technical requirements to the FCC, which it developed in consultation with NTIA, the National Institute for Standards and Technology (NIST) and the Office of Emergency Communications of the Department of Homeland Security (DHS). On June 21, 2012, the FCC issued these recommendations for FirstNet.<sup>3</sup>

## **B. NTIA Actions to Implement the State and Local Implementation Grant Program**

As noted above, the Act tasked NTIA with administering the State and Local Implementation Grant Program (SLIGP), which will support important consultation activities between FirstNet and State, regional, tribal, and local jurisdictions. Congress directed NTIA, in consultation with FirstNet, to establish certain programmatic requirements to govern the SLIGP not later than six months after the date of enactment (*i.e.*, by August 22, 2012). To help meet this milestone, NTIA issued a Request for Information (RFI) on May 16, 2012, seeking public comment on various issues relating to the development of the grant program. Specifically, the RFI requested comment on how FirstNet should conduct the consultation process with State, regional, tribal, and local jurisdictions; how to incorporate existing public safety governance and planning authorities into the development of the nationwide public safety broadband network; how best to leverage existing infrastructure for use in the nationwide public safety broadband network; what State and local actions should be eligible grant activities; and issues related to State funding and performance requirements.

In response to its RFI, NTIA received approximately 70 comments from a wide range of stakeholders, including States, local and tribal governments, Federal agencies, trade associations, private companies, consultants, and individuals. The majority of these comments discussed each of the issues identified in the RFI. NTIA considered the RFI comments to help shape the SLIGP's programmatic requirements.

Upon the Acting Secretary of Commerce's August 20, 2012, announcement of the appointed members of the FirstNet Board, NTIA initiated consultations with FirstNet on these SLIGP programmatic requirements. On August 21, 2012, NTIA issued a Notice, which described the programmatic requirements under which NTIA will award grants to assist State, regional, tribal, and local jurisdictions with planning for a nationwide interoperable public safety broadband network.<sup>4</sup>

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<sup>3</sup> As required by the Act, the Technical Advisory Board disbanded on July 6, 2012. The Technical Advisory Board's recommendations can be found at:

[http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2012/db0621/FCC-12-68A3.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db0621/FCC-12-68A3.pdf).

<sup>4</sup> Links to NTIA's RFI, the comments received in response, and its Notice on the SLIGP programmatic requirements can be found at: <http://www.ntia.doc.gov/federal-register-notice/2012/development-programmatic-requirements-state-and-local-implementation-gr>.

### **C. Recruitment of Candidates for the Non-Permanent FirstNet Board Members**

FirstNet is headed by a Board with 15 voting members. The Act names the Secretary of Homeland Security, the Attorney General, and the Director of the Office of Management and Budget as permanent members of the FirstNet Board, and charged the Secretary of Commerce with selecting the Board's remaining 12 members no later than 180 days after the Act's passage (*i.e.*, by August 20, 2012). At the direction of the Secretary of Commerce, NTIA conducted extensive outreach to the public safety community, all levels of government, industry, and the public at large to solicit nominations for candidates to the Board who satisfied the Act's requirements for membership.

While NTIA's outreach included numerous meetings and conversations with interested groups and individuals concerning Board membership issues, NTIA's formal recruitment efforts included a May 7, 2012, recruitment announcement, which it published in the *Federal Register*, as well as its May 22, 2012, release of a FirstNet Board Recruitment Prospectus, which NTIA posted on its website.<sup>5</sup> Both documents provided interested parties with additional background on FirstNet, statutory requirements for Board member eligibility, and the process by which candidates could be submitted for consideration.

NTIA also conducted due diligence for the Board member candidates. Based on the information it obtained, NTIA recommended a slate of candidates to the Acting Secretary of Commerce that met the mix of expertise and representation required by the Act.

### **D. NTIA's General Outreach and Education on FirstNet and the Act**

In addition to NTIA's outreach for Board membership purposes, NTIA engaged in extensive outreach and educational efforts across the breadth of FirstNet's stakeholders. NTIA conducted formal and informal meetings with a variety of interested groups and individuals about the Act, including representatives of State, local, tribal, and territorial governments; public safety and first responder associations; private sector groups; publicly and privately-owned utilities; rural interests; and Federal agencies. NTIA participated in informational webinars and briefings, sent representatives to speak to stakeholder meetings and conferences in the Capital region and throughout the country, and conducted numerous interviews with general and trade media. NTIA also expanded its website to facilitate public access to current information about FirstNet and public safety issues.<sup>6</sup>

NTIA's outreach efforts have continued following the appointment of the non-permanent FirstNet Board members on August 20, 2012, both with respect to NTIA's own responsibilities under the Act, as well outreach activities in support of FirstNet, as requested by the Board.

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<sup>5</sup> The May 7, 2012, Recruitment Announcement and the May 22, 2012 Prospectus can be found, respectively, at: [http://www.ntia.doc.gov/files/ntia/publications/fr\\_firstnet\\_bod\\_notice\\_120510.pdf](http://www.ntia.doc.gov/files/ntia/publications/fr_firstnet_bod_notice_120510.pdf) and <http://www.ntia.doc.gov/other-publication/2012/firstnet-board-directors-recruitment-prospectus>.

<sup>6</sup> See <http://www.ntia.doc.gov/category/public-safety>.

## **E. NTIA's Partial Suspensions of BTOP Public Safety Projects**

NTIA administers the Broadband Technology Opportunities Program (BTOP), a \$4.4 billion competitive grant program funded through the American Recovery and Reinvestment Act of 2009.<sup>7</sup> BTOP is intended to accelerate broadband deployment in unserved and underserved areas and enhance broadband capacity and adoption, particularly among vulnerable populations, while also spurring job creation and stimulating long-term economic growth and opportunity, key objectives of ARRA. Through BTOP, NTIA oversees approximately 120 investments to expand broadband infrastructure in communities nationwide. Seven of these grants, awarded in 2010, support projects to deploy public safety wireless broadband networks. NTIA awarded these grants after the FCC authorized these jurisdictions, on a conditional basis, to use 700 MHz spectrum to deploy public safety broadband systems.

The passage of the Act in February 2012 substantially altered the landscape for these seven projects by directing the development of a nationwide public safety broadband network based on single, national network architecture. As a result, on May 11, 2012, NTIA partially suspended the seven BTOP-funded 700 MHz public safety projects to ensure that they proceed in a manner that supports development of the nationwide, interoperable network that meets the letter and spirit of the Act. NTIA continued to work with the grantees so that the grant funds could remain in their communities and that any taxpayer dollars would be spent on facilities and equipment that could be incorporated into FirstNet's network. NTIA also required these jurisdictions to avoid "high risk" investments that would be likely to require replacement if they were incompatible with a single, nationwide interoperable public safety broadband network. NTIA asked the jurisdictions to submit a revised statement of work and budget to determine which non-LTE aspects of their project might continue.<sup>8</sup>

## **III. Operations, Activities and Accomplishments of FirstNet in Fiscal Year 2012**

### **A. Appointment of the Non-Permanent FirstNet Board Members**

The Act requires that FirstNet be led by a fifteen-person Board, with the Secretary of Homeland Security, the Attorney General, and the Director of the Office of Management and Budget serving as permanent members of the Board. Congress charged the Secretary of Commerce with appointing twelve non-permanent members. By law, the term of all non-permanent FirstNet Board members is three years. However, the terms of the inaugural non-permanent FirstNet Board members are staggered, with four members serving three years, four serving two years, and four serving one year.<sup>9</sup>

On August 20, 2012, in a speech at the Opening General Session of the Annual Conference of the Association of Public-Safety Communications Officials (APCO) International, Acting Secretary of Commerce Rebecca Blank announced her appointment of the twelve non-permanent members of the FirstNet Board. Each member of this diverse group brings considerable public

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<sup>7</sup> American Recovery and Reinvestment Act of 2009, Public Law 111-5, 123 Stat .115 (2009) (ARRA).

<sup>8</sup> More information on NTIA's BTOP program, including the public safety projects, can be found at: <http://www2.ntia.doc.gov/>.

<sup>9</sup> Non-permanent FirstNet Board membership is limited to two consecutive full three-year terms.

safety, network, technology, and/or finance expertise. They also have a broad range of experience in working with State, regional, territorial, tribal, and local jurisdictions. They include (noting length of term):

- Tim Bryan, CEO, National Rural Telecommunications Cooperative (3 years)
- Charles “Chuck” Dowd, Deputy Chief, New York City Police Department (2 years)
- F. Craig Farrill, Wireless telecommunications executive (3 years)
- Paul Fitzgerald, Sheriff, Story County, Iowa (2 years)
- Samuel “Sam” Ginn, Telecommunications executive (2 years)
- Jeffrey Johnson, Fire Chief (retired); former Chair, State Interoperability Council, State of Oregon; CEO, Western Fire Chiefs Association (1 year)
- William Kever, Telecommunications executive (retired) (1 year)
- Kevin McGinnis, Chief/CEO, North East Mobile Health Services (3 years)
- Ed Reynolds, Telecommunications executive (retired) (2 years)
- Susan Swenson, Telecommunications/technology executive (1 year)
- Teri Takai, Government information technology expert; former CIO, States of Michigan and California (1 year); and
- Wellington Webb, Founder, Webb Group International; former Mayor, Denver, Colorado (3 years)

Acting Secretary Blank appointed Samuel “Sam” Ginn as the Chairman of the FirstNet Board. Chairman Ginn, a pioneer and leader in the wireless telecommunications industry, brings more than four decades of senior operations and management experience.<sup>10</sup>

## **B. Inaugural Meeting of the FirstNet Board**

The FirstNet Board held its inaugural meeting in Washington, D.C. on September 25, 2012.<sup>11</sup> During this meeting, the Board adopted (unanimously) ten resolutions executing organizational and administrative matters, which are described below.<sup>12</sup>

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<sup>10</sup> Additional information on the FirstNet Board, including brief biographies of its members, can be found at: <http://www.ntia.doc.gov/other-publication/2012/acting-secretary-rebecca-blank-announces-board-directors-first-responder-netw>.

<sup>11</sup> Board meetings are webcast, and archives of meetings (including webcasts and transcripts) can be found at: <http://www.ntia.doc.gov/category/public-safety?page=1>.

<sup>12</sup> The complete text of each Resolution can be found at: <http://www.ntia.doc.gov/other-publication/2012/firstnet-board-actions-09252012>.

## ***1. Organizational and Administrative Resolutions***

### **a) Resolution to Adopt FirstNet Bylaws**

The Board adopted its Bylaws and made them accessible to the public on NTIA's website.

### **b) Resolution on State and Local Consultation Process**

The Board resolved to establish a State, Regional, Local and Tribal Consultation Committee and directed the Committee to establish and implement a State, Regional, Local and Tribal Consultation Plan. The resolution also requested that NTIA assist the Committee in the development and implementation of the Plan.

### **c) Resolution on State and Local Implementation Grant Consultation Process**

The Board directed its State, Regional, Local and Tribal Consultation Committee to consult and collaborate with NTIA on the administration of the State and Local Implementation Grant Program, and to help ensure the program's success.

### **d) Resolution on Public Safety Advisory Committee**

The Board resolved to establish its standing Public Safety Advisory Committee (PSAC) by drawing upon the existing membership of SAFECOM (which is administered by the Department of Homeland Security (DHS)) and directed the FirstNet Chair to work with DHS to establish the PSAC and appoint its Chair and Vice Chairs.

### **e) Resolution on FCC Notification on the FirstNet Spectrum License**

The Board directed its Chair to formally request the FCC to immediately issue its license for the consolidated broadband spectrum to be utilized by the network. Accordingly, on September 25, 2012, Chairman Ginn transmitted a request for the license to the Chief of the FCC's Public Safety and Homeland Security Bureau.<sup>13</sup>

### **f) Resolution on BTOP Public Safety Projects**

The Board directed its Planning and Technical Chair, in consultation with NTIA, to examine the BTOP-funded public safety projects and make recommendations to NTIA on whether and how such projects could support the development of the network.

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<sup>13</sup> Chairman Ginn's letter can be found at:

[http://www.ntia.doc.gov/files/ntia/publications/letter\\_from\\_firstnet\\_chairman\\_sam\\_ginn\\_to\\_pshs\\_bureau\\_chief\\_turetsky\\_9-25-12.pdf](http://www.ntia.doc.gov/files/ntia/publications/letter_from_firstnet_chairman_sam_ginn_to_pshs_bureau_chief_turetsky_9-25-12.pdf). Subsequently, on November 15, 2012, the FCC granted FirstNet's license, a copy of which can be found at <http://wireless2.fcc.gov/UlsApp/UlsSearch/license.jsp?licKey=3422973>.

**g) Resolution on Service Level Agreement with NTIA**

The Board directed its Chair to negotiate and execute a service level agreement with NTIA, under which NTIA would provide administrative, technical, staffing and other resources to FirstNet, as requested.

**h) Resolution Appointing FirstNet Secretary**

The Board appointed Uzoma Onyeije of NTIA as Secretary of FirstNet, pursuant to the NTIA service level agreement, with the powers and duties as set forth in FirstNet's Bylaws and as assigned by the Board or its Chair.

**i) Resolution on FCC Advocacy**

The Board requested that NTIA monitor activities at the FCC that might affect FirstNet's interests, and, as needed, represent FirstNet's interests consistent with the Act. In doing so, NTIA will take direction from the Board's Chair on policy matters and coordinate on FCC technical matters with FirstNet's Planning and Technical Chair.

**j) Resolution on Standards Advocacy**

The Board directed its Planning and Technical Chair to develop and implement a plan to coordinate efforts with NTIA to ensure that public safety network users' interoperability interests are represented effectively in standards-setting venues, and requested the assistance of NTIA and NIST in developing this plan.

**2. *Conceptual Presentations by Board Members and Notice of Inquiry***

In addition to adopting the resolutions described above, two Board members shared conceptual presentations on a possible network design and on developing software applications for public safety use. These presentations were intended to provide a starting point for discussions within the Board, as well as with FirstNet's many stakeholders.

**a) Presentation on a Conceptual Network Architecture**

Board member Craig Farrill shared a presentation outlining a possible framework for designing the public safety network architecture in a manner that leverages existing resources and infrastructure, as is contemplated in the Act. Specifically, the FirstNet Nationwide Network (FNN) concept presented by Mr. Farrill would leverage the significant investments and combined efforts of the public sector and the commercial wireless industry to achieve the major elements of the nationwide wireless network called for under the Act, including ubiquitous coverage, reliable, redundant, and interoperable service, at reduced costs and with accelerated availability.<sup>14</sup>

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<sup>14</sup> Mr. Farrill's presentation can be found at:  
[http://www.ntia.doc.gov/files/ntia/publications/firstnet\\_fnn\\_presentation\\_09-25-2012\\_final.pdf](http://www.ntia.doc.gov/files/ntia/publications/firstnet_fnn_presentation_09-25-2012_final.pdf).



#### **b) Presentation on Public Safety Applications**

Chairman Sam Ginn also discussed a general concept for developing applications designed specifically for public safety users. Under this general concept, FirstNet would seek to understand what applications Federal, State, tribal, and local public safety users would like to see developed. FirstNet would define interface and certification requirements for FirstNet applications, and would call on innovators to develop applications for the public safety community to use to do its job better and more safely. The public safety community could download these applications, thus enabling public safety users nationwide to benefit from individual innovations.

#### **c) Notice of Inquiry to Seek Public Comment on Board Presentations**

At the conclusion of these presentations, the Board requested NTIA to issue a Notice of Inquiry (NOI) to solicit comment and input from all interested parties. On October 1, 2012, NTIA issued this NOI, which was published in the *Federal Register* on October 4, 2012. The NOI had an initial comment deadline of November 1, 2012, which was subsequently extended to November 9, 2012, to accommodate those impacted by Hurricane Sandy.<sup>15</sup>

### **IV. Financial Condition of FirstNet**

Section 6413 of the Act establishes the Public Safety Trust Fund (PSTF) and requires that proceeds of various Federal Communications Commission (FCC) spectrum auctions be deposited into the PSTF. Section 6413 of the Act also provides that amounts in the PSTF be used for repayment of authorized borrowings, specific programs, and deficit reduction. Section 6207 of the Act establishes that prior to the deposit of proceeds into the PSTF, NTIA may borrow up to \$2 billion from the Treasury to implement Subtitle B of the Act.

Section 6206(e)(1) of the Act establishes the Network Construction Fund (NCF). Section 6413(3) requires that \$7 billion less approximately \$2 billion (any borrowing NTIA made under Section 6207 for FirstNet's initial funding and its own costs in implementing Subtitle B of the Act) be deposited into the NCF from the spectrum auction proceeds deposited into the Public Safety Trust Fund. In May 2012, NTIA and Treasury signed formal agreements establishing borrowing capability and roles and responsibilities between the two entities. In June 2012, the U.S. Treasury established the PSTF and the NCF.

On June 14, 2012, the Office of Management and Budget approved an apportionment in the amount of \$2,238,000.<sup>16</sup> The apportionment request was estimated to cover necessary expenses of NTIA in establishing FirstNet, among other activities, as directed in the Act.

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<sup>15</sup> The NOI can be found at: <http://www.ntia.doc.gov/federal-register-notice/2012/notice-inquiry-firstnet-conceptual-network-architecture>; the comments received in response are posted at: <http://www.ntia.doc.gov/federal-register-notice/2012/comments-nationwide-interoperable-public-safety-broadband-network-noi>.

<sup>16</sup> Prior to funds being obligated by a program, an apportionment must be requested by the program and fully executed by the Office of Management and Budget (OMB). An apportionment is an OMB-approved plan to use budgetary resources as defined in 31 U.S.C. §1513(b) and Executive Order 11541. It typically limits the obligations

Snapshot of FirstNet Funding as of September 30, 2012:

Funds borrowed from Treasury	\$2,238,000
Obligations	\$1,017,679
Outlays	\$213,921
Auction Receipts Deposited into the PSTF	\$0
Funds Deposited into the NCF	\$0

NTIA is working closely with FirstNet to ensure apportionments are accurate and reasonable. The obligations consist primarily of salaries, benefits and costs associated with NTIA personnel and Board members of FirstNet. Additionally, NTIA awarded a contract for management oversight and acquisition planning assistance associated with the formation of the FirstNet. NTIA borrows funds as necessary to timely cover outlays of NTIA and FirstNet. Once spectrum auctions are held and the FCC deposits receipts to the deposit account established in Treasury, NTIA and the FCC will work closely to record these revenues to the PSTF. At that point, NTIA will repay any borrowings to Treasury, as required by the Act.

Additionally, NTIA will transfer funds to the NCF as required by the Act for the activities of the NCF up to \$7 billion.

## **V. Recommendations for Legislative and Administrative Actions**

The FirstNet Board – including its members with expertise in designing and constructing wireless networks, public safety communications, and State, Federal and local matters – believes, as a general matter, that it can achieve its mandated goal of a nationwide public safety broadband network under the statutory framework established by Congress. Indeed, by establishing FirstNet, having it hold a single public safety 700 MHz wireless broadband license, and empowering it to take all actions necessary to ensure the design, deployment and operation of the nationwide public safety broadband network, the Act promises to finally overcome the many technical, cost, and governance-related challenges that doomed prior efforts to ensure nationwide interoperability.

During Fiscal Year 2012, and to date, FirstNet has focused on establishing the organizational infrastructure and processes necessary for its baseline operations, as well as soliciting input from, and initiating consultations with, key stakeholders regarding a conceptual network design that will best serve the needs of the public safety community and that can be made operational expeditiously and within its limited budget. FirstNet seeks the necessary flexibility to negotiate with wireless carriers, manufacturers, and other vendors to expedite deployment of a high-quality, reliable, and efficient nationwide wireless broadband network for our first responders at the best value to the American taxpayers and the public safety community. To this end, FirstNet has been working with acquisition, legal, and other officials within the Department of

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that a program may incur for specified time periods, programs, activities, projects, objects, or any combination thereof. It may also place limitations on the use of other resources such as personnel, or property. An apportionment is legally binding, and obligations and expenditures (disbursements) that exceed an apportionment are a violation of, and are subject to reporting under, the Anti-deficiency Act (31 U.S.C §1517(a)(1), (b)).

Commerce, and consulting with officials in other agencies that have undertaken acquisitions for related first responder-type services. This outreach is helping FirstNet both to understand how flexibilities within current procurement laws and regulations may best be used to support its statutory responsibilities and if additional legislative or administrative authorities may increase the likelihood of successful and timely deployment. Importantly, FirstNet does not seek to modify in any way – and indeed believes it crucial to ensure – its statutory obligation to conduct procurements in a manner that is open, transparent and competitive.

Similarly, FirstNet has been reviewing current personnel laws and regulations and considering if legislative and/or administrative relief might help to attract and retain senior level experts to design the network and to develop and execute a viable, sustainable plan. FirstNet will continue to communicate with Congress regarding this matter as necessary and appropriate.