

**STATEMENT OF  
RAYMOND LEHR, INTEROPERABILITY DIRECTOR FOR  
THE STATE OF MARYLAND  
HEARING ON “OVERSIGHT OF FIRSTNET  
AND EMERGENCY COMMUNICATIONS”  
HOUSE SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY  
COMMITTEE ON ENERGY AND COMMERCE  
MARCH 14, 2013**

Chairman Walden, Ranking Member Eshoo, members of the Committee, thank you for the opportunity to be here today. This committee, the entire Congress and the President have taken a major step in providing the latest tools to our nation’s first responders. As identified in the 9/11 Commission Report, the ability to communicate and share information in times of crisis as well as routine emergencies will save lives and increase the efficiency with which Police, Fire and Emergency Medical personnel perform their vital services.

I will focus my remarks on the need for strong and continuing involvement of the States in the next critical steps in getting the Nationwide Public Safety Broadband Network designed, deployed and operational for today’s needs, as well as planning for the operation, maintenance and upgrade of the network in a reliable and cost effective manner for decades to come.

As this Committee knows, it took a united effort by a dedicated and diverse group—public safety organizations, governmental groups such as the National Governors Association (NGA), commercial and manufacturing groups—to secure passage of the Middle Class Tax Relief and Job Creation Act of 2012 with the Title VI provision that creates FirstNet and the funding to takes the Nationwide Public Safety Broadband Network a step closer to reality. And having been in the fire service for over 30 years, I can tell you that getting police and firefighters to agree is not always easy. But this need for a public safety focused broadband capability is so bold and necessary that advocacy groups that seldom agree, joined the cause encouraging Congress to pass bi-partisan legislation to set the stage for this once in a lifetime opportunity.

I'm grateful to our Governor, Martin O'Malley for his leadership through NGA and their appointment of me as the NGA Board member on the Public Safety Spectrum Trust (PSST), the precursor to FirstNet. Over the last three years I've been able to participate in much of the preliminary work to get us this far, and as historic as the passage of the legislation was, it clearly marked the start of a much more difficult and challenging process to make this network a reality. With the appointment of the FirstNet Board, Chaired by Mr. Ginn, we have the platform for advancing the design and implementation of the network. But even with the strong public safety, industry and government backgrounds of the board members, they can't do it alone or in isolation. The next several months will be critical since FirstNet must gather the requirements for the network. As this committee well knows, our country is as diverse in its geography as it is in its culture and people. The needs of urban areas differ dramatically from our nation's rural areas and farmlands. However emergencies can and do happen in all types of locations. First responders face large fires in high-rise buildings as well as forest fires that burn for weeks in our country's most remote areas. All of these locales need the ability to reach the network when the next crisis hits and that is a challenge even commercial providers haven't met. The public safety broadband network must also be resilient and able to serve our responders during hurricanes and floods and mass power outages, because those are the critical times when they rise to the challenge and serve while the public is being evacuated to safer locations.

So how do we get there? I can tell you from our personal experience in Maryland building a statewide 700 MHz voice communications system for all of our first responders, that you have to go to the source—the end users of the systems. As we were designing coverage for our system in Maryland, we found one small ½ mile by ½ mile area of one of our rural counties that didn't have radio coverage. Looking at it on the map, it was heavily wooded, only had a single road and a farm house on the edge where we could get coverage. When we spoke to the local emergency management folks, we found out this area is one that sees a high level of public safety activity.

Because of its isolation, criminals from a neighboring State urban area have used it as a dumping ground for stolen vehicles and even a body was discovered in the woods there. There have been field fires in the summer and a few traffic accidents due to the windy nature of the single lane road. This area needs coverage for police, fire, EMS and even some Federal task forces that are now working in the area. We never would have known these facts without local input during the design phase.

FirstNet faces a challenge that is at least 54 times greater when you consider all of the States and territories they must serve. We want to help. States either have the mechanism for gathering this data already in place through our previous interoperability activities, or can develop it through the soon-to-be released State and Local Implementation Grant Program administered by the National Telecommunications and Information Administration (NTIA) in the Department of Commerce. As Maryland's Statewide Interoperability Coordinator (SWIC), I know our national organization, the National Council of Statewide Interoperability Coordinators (NCSWIC), has been working with the Department of Homeland Security's Office of Emergency Communications to use the proven models for governance and outreach that have advanced the cause of interoperability in every part of the country.

I urge FirstNet to build on the foundations that already exist in the States not only for the network infrastructure, but also for the working groups that have been resolving communications problems for first responders over the past decade. All of us who have worked so hard to get to this point want FirstNet to succeed and involvement of States and their first responder communities is essential to that goal. I can assure you the States are ready to partner with FirstNet and we welcome the outreach mentioned in Mr. Ginn's testimony. In return, the States will need many questions answered between now and the "Opt-in/Opt-out" decisions Governors will face in the next few years. I believe the Nationwide Public Safety Broadband Network has a much

greater chance for success if all States “Opt-In.” That would make interoperability much easier and also take advantage of a seamless design. To make that an easy decision for States, we’ll need information that clearly lays out these important components:

- **Network design, security, redundancy and reliability** - Public Safety needs a robust network and broadband devices that can operate during the worst conditions imaginable. Because that’s when the nation depends on their unwavering service.
- **State assets that can be leveraged (towers, fiber, microwave, Network Operations Centers, etc.)** – By using State assets, which are built to higher standards than commercial networks, we increase reliability and States should realize some cost offsets by virtue of their infrastructure investments in the nationwide broadband network.
- **Coverage: In-building and rural** – As stated earlier, only the States and local public safety leaders can speak to their needs. This early input will ensure the network meets the expectations of each community.
- **Network Priorities** – The Long Term Evolution (LTE) standards allow for a wide range of priorities for network access under different types of emergencies. It will take experienced Federal, State and local emergency managers to determine when the Fire Chief’s communications are more critical than the Sheriff or Bomb Squad. Often, those priority settings will be dynamic as the event evolves, so local control is essential.
- **Cost to operate and maintain** – This is of great concern to States. We understand the huge commitment Congress and the President have made through the Middle Class Tax Relief and Jobs Creation Act of 2012 to build the Nationwide Public Safety Broadband Network. But we also understand it will be the States who will have to pay some yet to be determined amount to have access and maintain this investment in critical infrastructure. FirstNet needs to work with States to ensure the costs are no greater than commercial networks available today and provide innovative ways to allow States to form public-private partnerships as a way of making the operation and maintenance affordable for all.

At last month’s National Governors Association meeting, Mr. Ginn was asked about public-private partnerships and expressed his belief that FirstNet could negotiate with the national carriers from a stronger position in order to gain the best possible deal. I can’t fault that logic, as long as States are consulted during the negotiations. But there are other potential partners at the

regional and local level, such as utilities that may also want to lease idle spectrum. I have had discussions with one utility that would lease spectrum to take wireless meter readings during non-emergency times with the guarantee that public safety could preempt if an incident occurred. States need the ability to work with our local business partners to help raise revenue where feasible.

In summary I'd just like to express our excitement about this once in a lifetime opportunity to provide our first responders with state-of-the-art technology that will ultimately save lives, protect people and property, and enhance our performance during times of national crisis as well as every day. We are committed to the success of this mission and stand ready to assist FirstNet in developing the requirements that will meet the needs of each State's first responders and thereby increase our chances for success.

Thank you again for this opportunity to address this important topic and I look forward to your questions.