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4 PROGRESS TOWARD A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK

5 TUESDAY, JUNE 16, 2015

6 House of Representatives,

7 Subcommittee on Communications and Technology

8 Committee on Energy and Commerce

9 Washington, D.C.

10 The Subcommittee met, pursuant to call, at 2:15 p.m., in
11 Room 2322 of the Rayburn House Office Building, Hon. Greg
12 Walden [Chairman of the Subcommittee] presiding.

13 Members present: Representatives Walden, Latta, Shimkus,
14 Blackburn, Lance, Guthrie, Olson, Kinzinger, Bilirakis,
15 Johnson, Long, Ellmers, Collins, Cramer, Eshoo, Doyle, Welch,
16 Clarke, Loeb sack, DeGette, Matsui, McNerney, Lujan, and

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17 Pallone (ex officio).

18 Staff present: Ray Baum, Senior Policy Advisor for
19 Communications and Technology; Andy Duberstein, Deputy Press
20 Secretary; Gene Fullano, Detailee, Telecom; Kelsey Guyselman,
21 Counsel, Telecom; David Redl, Counsel, Telecom; Charlotte
22 Savercool, Legislative Clerk; Jeff Carroll, Democratic Staff
23 Director; David Goldman, Democratic Chief Counsel,
24 Communications and Technology; Ashley Jones, Democratic
25 Director of Communications, Member Services and Outreach;
26 Lori Maarbjerg, Democratic FCC Detailee; Margaret McCarthy,
27 Democratic Senior Professional Staff Member; Tim Robinson,
28 Democratic Chief Counsel; and Ryan Skukowski, Democratic
29 Policy Analyst.

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30 Mr. {Walden.} I will call to order the Subcommittee on
31 Communications and Technology, and I apologize for the delay
32 in getting started. We had some votes, and a couple of
33 member things I had to deal with, so--but we are here now.

34 When we last convened to discuss FirstNet, my goal was
35 to leave that hearing with a higher level of comfort with
36 regard to FirstNet's progress and confidence in the way it
37 was conducting its business. As we all recognized then, and
38 continue to acknowledge today, FirstNet has before it an
39 undertaking which rivals the network deployments of our
40 largest national carriers. In fact, given its mandate to
41 build an interoperable wireless broadband service for all of
42 our nation's first responders, its task will take to all
43 corners of the United States.

44 Now, early shortcomings in FirstNet's approach to
45 consultation with states and other interested parties had
46 resulted in considerable uncertainty and concern among
47 stakeholders. Confused messaging, a perceived lack of
48 transparency, and unanswered questions regarding FirstNet's
49 vision for the network, and even FirstNet's vision for itself

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50 further complicated things. Questions like, how would
51 FirstNet provide service? Would it build a network, or
52 partner with commercial carriers? What is FirstNet going to
53 charge, and how does the opt-out work? Each contributed to
54 the concerns raised at the hearing, and answers were far from
55 forthcoming. Now, on top of all the policy concerns,
56 FirstNet was also under investigation by the Inspector
57 General of the Department of Commerce into alleged conflicts
58 of interest and contracting concerns when we gaveled in last
59 time.

60 Now, much has happened since then. There has been some
61 turnover in management, and--with the release of the IG's
62 report in December of last year confirming much of what we
63 feared, that FirstNet had been operating without proper
64 processes in place, and without compliance with the laws that
65 guard against impropriety. It is my hope that the missteps
66 are now behind us, and I believe they are. But that is not
67 to say that there aren't additional challenges.

68 On April 28 the U.S. Government Accountability Office
69 released a report on FirstNet's progress in establishing the
70 network, concluding that while FirstNet has made progress

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71 carrying out its responsibilities, weaknesses in FirstNet's
72 internal controls remain. For example, it remains unclear
73 how FirstNet is internalizing the lessons learned from the
74 Early Builder projects. Those are the five jurisdictions
75 that are already deployed--or deploying public safety
76 broadband networks using FirstNet spectrum. And while the
77 GAO report recommends fixes, it is GAO's succinct statement
78 of what lies ahead that must inform our oversight. FirstNet
79 faces a multitude of risks, significant challenges, and
80 difficult decisions in meeting its statutory
81 responsibilities, including how to become a self-funding
82 entity.

83 To give FirstNet credit, it has made progress. We
84 witnessed FirstNet's information collections, and
85 consultation, and outreach activities accelerate through
86 2014. The feedback gathered has informed discussion on
87 deployment and brought productive debate among all
88 stakeholders. Today's hearing reflects the Subcommittee's
89 commitment to continued and thorough oversight of FirstNet.
90 We all share the goal of ensuring that our nation's first
91 responders realize the promise of truly interoperable state

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92 of the art emergency communications networks envisioned by
93 the law. With those early missteps behind us today, we look
94 not only at the progress FirstNet has made, but also what new
95 challenges lie ahead, our goal being to leave with a higher
96 level of comfort in FirstNet's progress, and confidence in
97 the way it is conducting its business.

98 So I look forward to hearing from Mr. Kennedy, who can
99 provide an update on FirstNet's progress, put some of the
100 pieces together, and share with more specificity developments
101 in FirstNet's considerations and visions for the public
102 safety broadband network. I also would like to thank Mr.
103 Davis for appearing a second time before the Subcommittee to
104 share his experience as a state Chief Information Officer,
105 and his assessment what needs improvement, and where FirstNet
106 is headed.

107 [The prepared statement of Mr. Walden follows:]

108 ***** COMMITTEE INSERT *****

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109 Mr. {Walden.} With that, I turn to the Vice Chair of
110 the Subcommittee, Mr. Latta, for any opening comments that he
111 may have.

112 Mr. {Latta.} Well, thank you very much, Mr. Chairman,
113 and again, thanks for holding today's hearing, and again,
114 thanks to our witnesses for being back with us today, I
115 really appreciate it, especially Mr. Davis, coming from Ohio.
116 And, pardon me, public safety and emergency communications
117 are critical to protecting the lives of Americans. That is
118 why we must ensure that the implementation of FirstNet is
119 very successful. A reliable nationwide network is essential
120 for first responders to facilitate their communication needs
121 and support their everyday missions.

122 While I understand developing a nationwide interoperable
123 public safety network is a significant undertaking, it is
124 imperative that as properly--it is properly established to
125 meet the needs of all Americans, especially our first
126 responders. Furthermore, I am eager to see the future
127 developments, as consultations are underway to better
128 incorporate the states' input into planning and

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129 implementation of the broadband network.

130 Mr. Chairman, I look forward to today's hearing, and

131 again thank our witnesses for appearing.

132 [The prepared statement of Mr. Latta follows:]

133 ***** COMMITTEE INSERT *****

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134 Mr. {Walden.} I thank you for your comments and
135 leadership. Turn now to the Ranking Member, my friend from
136 California, Ms. Eshoo, for 5 minutes.

137 Ms. {Eshoo.} Thank you, Mr. Chairman. Good afternoon,
138 everyone, and thank you to the witnesses for being here. It
139 has been a year and a half since our Subcommittee last held a
140 FirstNet oversight hearing, and progress has been made. I
141 think that there are--we have a lot of questions. Obviously,
142 since we haven't been together for a year and a half for--to
143 do the oversight that needs to be done. But--and we look
144 forward to--I look forward to asking those questions, and I
145 am sure that my colleagues do as well.

146 Now, in terms of progress, I think amongst the biggest
147 milestones include the release of a strategic road map,
148 ongoing collaboration with states, and most recently the
149 draft request for proposals intended to provide FirstNet with
150 extensive stakeholder input. And that is--in my book, that
151 is one of the--that is really key. You have to talk to
152 customers. You are not in touch with customers, your company
153 or endeavor is going to flop, in my view.

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154 So, thanks to the success of the recently completed
155 AWS-3 auction, FirstNet will soon have the funds it needs to
156 deliver on the first ever nationwide interoperable public
157 safety network. And I remind everyone that this was the one
158 recommendation of the 9/11 Commission that the Congress had
159 not made good on, but we did for the American people. So a
160 lot rides on this effort. A lot rides on this effort, and we
161 got the money for you, and did the legislation. It became
162 law, and we want to make sure that this is not only done, but
163 done very well, because it is a very big deal. It is a big
164 deal for our country.

165 Going forward, I think there are three key areas which
166 FirstNet's leadership should give special consideration to.
167 First, I think it is critical that wireless carriers of all
168 sizes have an opportunity to partner with FirstNet, just be
169 an equal opportunity outfit, in my view. In particular,
170 regional and/or rural providers will have an important role
171 to play, both in building the network, as well as being able
172 to provide consumers with enhanced wireless broadband service
173 when the network is not needed by emergency personnel.

174 Second, device competition is critical to the success of

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175 FirstNet. \$5,000 public safety radios are out, o-u-t, so
176 there is--I don't even--I don't want to hear about them
177 anymore. As far as I am concerned, they don't exist, and I
178 don't think any of the dollars that are being provided should
179 go to anything like that. That is yesterday. What is in?
180 Highly innovative broadband enabled devices that can transmit
181 live video from a robot sent to, for example, to assess a
182 suspicious package, view floor plans of a burning building,
183 access medical history of a patient in distress, as well as
184 the wide range of other mobile applications. In other words,
185 you have to be just as 21st century as the rest of the--of
186 this ecosystem is in our country. These devices have to be
187 truly interoperable, and capable of withstanding the physical
188 challenges that first responders face very day.

189 And finally, I think that FirstNet should ensure its
190 core operations align with the standards and the technologies
191 related to next generation 911. Congressman Shimkus has
192 been, you know, a great, great advocate, a coach here of the
193 e-911 caucus. We have been working on these issues for more
194 years than we want to count, and so there has to be alignment
195 with that operation. The call centers around the country are

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196 upgrading to NG-911, and they are becoming capable of
197 receiving photos, and videos, and text messages, so it only
198 makes sense that this information can be seamlessly
199 transmitted to first responders headed to an emergency
200 situation. So the--your operations have to be absolutely
201 aligned.

202 So as we work toward advancing the next generation of
203 public safety communications, I want to thank you for the
204 work that you have already done, for what you are going to
205 do, and for being here today to testify and give us a good
206 deep dive on where things are, and how you see the future.
207 Thank you, and I yield back, Mr. Chairman.

208 [The prepared statement of Ms. Eshoo follows:]

209 ***** COMMITTEE INSERT *****

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|

210 Mr. {Walden.} I thank the gentlelady, and would like to
211 insert in the record a letter from the Rural Broadband
212 Association, without objection.

213 [The information follows:]

214 ***** COMMITTEE INSERT *****

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215 Mr. {Walden.} Turn now to the Vice Chair of the full
216 Committee, the gentlelady from Tennessee, Mrs. Blackburn.

217 Mrs. {Blackburn.} Thank you, Mr. Chairman, and I want
218 to thank you all for being here to give us an update. As the
219 Chairman said in his comments, this is something we have
220 followed, will continue to follow, and do appropriate
221 oversight with you. We are so focused on your funding
222 mechanism, how you moved to self-funding after that initial
223 tranche of money is exhausted, and then how you are going to
224 see that business model developing.

225 Also, the issue of interoperability, those of us that
226 have worked through the issues of some of our natural
227 disasters want to make certain that that is being addressed,
228 and that the stakeholders, with all of the first responders
229 across the country, are going to understand, participate, and
230 that we are going to realize this objective of having
231 something that is interoperable.

232 The other thing I want to touch on, and I will get to
233 this in my questions a bit more, the aspects of a secure
234 network. We are realizing more and more the importance of

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235 having a secure network, and, of course, we realize, closed
236 systems, we are going to deal with those one way, enterprise
237 systems another way. When you look at something that meets
238 the interoperability component that you are going to have,
239 the security of the system is just so important to us.

240 We are living in an age where we face cyberattacks not
241 just on a monthly basis, a weekly basis, but an hourly basis.
242 So please talk with us about this issue of security. It is a
243 heightened concern for us as we move into the age of the
244 Internet of everything, and look at 50 billion devices being
245 attached by the time we get to the end of this decade. So
246 that secure wireless network that is the goal, we want to be
247 certain that indeed it is secure, and hear from you as much
248 as you can divulge to us that--how you are achieving that.

249 With that, I will yield the balance of my time to anyone
250 who is seeking time. No takers? Time goes back--

251 Mr. {Walden.} No takers?

252 Mrs. {Blackburn.} --to Mr. Chairman. I yield back.

253 [The prepared statement of Mrs. Blackburn follows:]

254 ***** COMMITTEE INSERT *****

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255 Mr. {Walden.} And the gentlelady yields back, and I am
256 told the Ranking Member of the full Committee has asked Ms.
257 Matsui to take his time, so I now recognize the gentlelady
258 from California.

259 Ms. {Matsui.} Thank you, Mr. Chairman, for yielding Mr.
260 Pallone's time to me. First of all, let me say FirstNet is a
261 startup, let us not forget that. Like every startup, it has
262 had its growing pains. For so long there were questions on
263 how FirstNet would be funded, but now we know that it was
264 fully funded, and will be operational, due to this
265 Subcommittee's diligent work on AWS-3's record setting
266 spectrum auction. Last year FirstNet laid out a road map,
267 and I am pleased that they are hitting their milestones so
268 far.

269 From the beginning I remained focused on the need for a
270 strong governance structure at FirstNet to responsibly govern
271 any nationwide public safety interoperability network.
272 Despite some initial concerns about the role of states taking
273 a back seat, I am pleased that the FirstNet board took this
274 issue head on and developed a strong coordinated relationship

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275 with the states. It is my hope that we can work together in
276 a bipartisan manner to achieve success for America's first
277 responders. And I yield to anyone on my side who would like
278 to take the rest of the time. No? I yield back the balance
279 of my time.

280 [The prepared statement of Ms. Matsui follows:]

281 ***** COMMITTEE INSERT *****

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282 Mr. {Walden.} Gentlelady yields back the balance of her
283 time. We go to our witnesses now, and start with Mr. T.J.
284 Kennedy, Acting Executive Director, First Responder Network
285 Authority. We want to thank you for your leadership, and
286 appreciate the progress that you have been making. And
287 please go ahead with your comments.

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288 ^STATEMENTS OF T.J. KENNEDY, ACTING EXECUTIVE DIRECTOR,
289 FIRST RESPONDER NETWORK AUTHORITY; AND STU DAVIS, STATE CHIEF
290 INFORMATION OFFICER, ASSISTANT DIRECTOR, OHIO DEPARTMENT OF
291 ADMINISTRATIVE SERVICES

|

292 ^STATEMENT OF T.J. KENNEDY

293 } Mr. {Kennedy.} Thank you, Chairman Walden, Ranking
294 Member Eshoo, members of the Subcommittee. I really
295 appreciate being here on behalf of the First Respondent
296 Network Authority. I welcome the opportunity to brief you on
297 FirstNet's progress, and the development of deploying an
298 interoperable nationwide public safety broadband network. It
299 is also a pleasure to appear here today with the CIO of the
300 State of Ohio, Stu Davis. We just recently conducted the
301 Ohio consultation last week in Ohio, and his team has been
302 very active not just in Ohio itself, but even within the
303 region, in setting a great example for our country in how to
304 make this network possible.

305 I would like to welcome several members of the public

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306 safety community who join us here today. This network is all
307 about them. When we put reliable, resilient broadband
308 technology in the hands of police officers, firefighters,
309 emergency medical services personnel across this country, we
310 will enhance public safety like never before. We will create
311 new ways that first responders can save lives, and improve
312 first responders' own safety. As this Committee is aware, we
313 are experiencing growing pains in our early days of
314 existence, but we have worked very hard to shore up areas of
315 weakness, and to take on as much responsibility as we can.
316 And I am very confident that today you will find our
317 processes and procedures in line with your expectations.

318 I am leading a dedicated team of professionals, who are
319 working tirelessly to achieve both the goals that you have
320 created for us, and the internal goals that we strive to
321 achieve every day. Each day we work on recruiting and
322 building the most talented team possible in order to make
323 this program successful. Under the direction of the
324 Chairwoman of the Board, Mrs. Sue Swinson, we have
325 implemented a culture measured by results, while always
326 remembering who we are working for. The network that we will

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327 deploy is public safety's network, and this is the key
328 principle that guides our work each day.

329 The pace at which we are working is very high, and this
330 leads to a demanding, but rewarding, work environment.
331 FirstNet resembles a startup, and we have a team that has
332 rolled up its sleeves, and is focused on consultation and/or
333 acquisition that will result in the successful deployment of
334 a nationwide public safety broadband network. Having a
335 wireless startup inside of government is a challenge that we
336 are overcoming, and you are able to see the progress that we
337 have made. Since the release of our strategic road map in
338 March of 2014, we have been doing something unusual. We are
339 actually doing what we told you we would do. We released a
340 plan, and we are sticking to it, and we are meeting the goals
341 that we set out to achieve.

342 Since we last testified before this Subcommittee in
343 November of '13, we have accomplished the following. We
344 released 13 RFIs, which examined numerous aspects of the
345 network. We published a statement of objectives with a
346 comprehensive network RFI. This brought together all of the
347 information that we had received into a single document. We

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348 conducted three public notices addressing various aspects of
349 our enabling statute, and in April we released a special
350 notice with draft RFP documents. We have been consulting
351 with states and territories, and conducting an enormous
352 amount of outreach to our stakeholders.

353 While we have taken great strides in the right
354 direction, significant work remains, and we at FirstNet are
355 committed to completing the mission that Congress has given
356 us. One area that I believe we have improved on is engaging
357 with our Public Safety Advisory Committee, known as the PSAC.
358 A lot of the credit for this improvement must go to
359 Chairwoman Swinson and the PSAC Chairman, Chief Harlin
360 McEwan. The PSAC is actively engaged in task teams that are
361 working on critical topics, such as priority and pre-emption,
362 public safety grade, and end user devices. The 40 members of
363 the PSAC are public safety's voice with FirstNet, and by
364 leveraging it, we will ensure that we integrate public safety
365 into the fabric of the network at every stage of planning and
366 deployment.

367 Our consultation and outreach efforts have been
368 impressive, but more work remains to be done. We have held

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369 consultations with 35 states to date, with a further 15
370 scheduled. In fact, Mr. Chairman, your home state of Oregon
371 was one of our early consultations, and we have seen an
372 impressive outreach in organizational structure in Oregon,
373 and many other states. FirstNet is collaborating with states
374 in public safety to conduct outreach and consultation, and
375 are leveraging the state and local implementation grant
376 program that has helped fund these important efforts
377 throughout the country.

378 As we work towards the end of the year, and the planned
379 release of the comprehensive network RFP, the consultation
380 process continues to inform the composition of the RFP, and
381 so it is very important that states are involved at every
382 stage in development of the network. States have many
383 avenues for consultation beyond our in person meetings and
384 regular conference calls. States can have significant
385 consultation feedback through the responses to our public
386 notices and our draft statement of objectives. I have
387 directed the organization to focus on these very two topics
388 in 2015, consultation, and our acquisition of the network.
389 These are our top priorities to meet the requirements of the

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390 Act.

391 FirstNet currently has a number of draft RFP documents
392 open for public comment, and we have been very encouraged by
393 the feedback that we received up to this point from both
394 industry, from public safety, and from states. Mr. Chairman,
395 it is the mission, that of deploying a much needed nationwide
396 public safety broadband system that our first responders
397 deserve, that has me excited to come to work every morning.
398 This is not an easy task, but it is extremely rewarding to
399 the hard working team members of FirstNet, and we all
400 understand the critical importance to our country of getting
401 this right for public safety.

402 [The prepared statement of Mr. Kennedy follows:]

403 ***** INSERT A *****

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404 Mr. {Walden.} Mr. Kennedy, thank you for your
405 leadership, and that of your team's, and the progress that
406 you are making, and your forthright commitment to do what you
407 told us you would do. That is novel. We were just
408 suggesting bringing you back more often.

409 Now we go to Mr. Stu Davis--we have got a few other
410 agencies we can assign you to, to--State Chief Information
411 Officer, Assistant Director, Ohio Department of
412 Administrative Services. Mr. Davis, we are delighted to have
413 you back before the Subcommittee. Please go ahead.

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414 ^STATEMENT OF STU DAVIS

415 } Mr. {Davis.} It is good to be here. Good afternoon,
416 Chairman Walden, Ranking Member Eshoo, and members of the
417 Subcommittee. Thank you for the opportunity to testify on
418 FirstNet and the National Public Safety Broadband Network.
419 As State CIO, I also chair the Multi-Agency Radio
420 Communication System, or MARCS, and the Steering Committee,
421 Ohio's land mobile radio system that supports voice and data
422 communications for statewide public safety and emergency
423 response. And I also chair Ohio's next generation 911
424 steering committee as well.

425 I first testified before you in November 2013 and
426 expressed concerns that the Ohio General Assembly had about
427 FirstNet. It called for this Subcommittee to continue these
428 meetings, and we commend you for doing so. I also expressed
429 concerns relative to some key components that are necessary
430 for success. FirstNet has been--has made significant
431 progress in further defining and communicating the mitigation
432 of these concerns. Regarding the state's relationship with

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433 FirstNet, it is important that FirstNet views this as a
434 partnership. FirstNet has come a long way in this regard,
435 and, over the past year and a half, many states have had the
436 opportunity to meet with representatives from FirstNet and
437 discuss issues and concerns. FirstNet's message has been
438 clear. They are listening, reacting to our concerns. Ohio's
439 FirstNet consultation was held last week, and by all accounts
440 was a positive interaction.

441 From a planning and development perspective, states,
442 including Ohio, have received planning grants to support
443 stakeholder outreach, governance, and data collection
444 activities in support of FirstNet. Ohio has been pursuing a
445 regional, or a multi-state approach. The FEMA region, five
446 states of Michigan, Minnesota, Indiana, Illinois, Wisconsin,
447 and Ohio, have long been partners in the pursuit of obtaining
448 the best possible public safety communication networks for
449 the region. Region five states met often on FirstNet, and we
450 have found the same issues emerge for all of us, local
451 control issues, leveraging existing systems, next generation
452 911 integration, and, of course, business models.

453 At our request, FirstNet participated in these meetings,

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454 and provided additional communication, and a consistency in
455 their message regarding interactions with the state. Their
456 outreach efforts are appreciated. Region 5 has taken steps
457 to identify assets that support emergency responder
458 communication to tower to other technical infrastructure. Of
459 course, there are necessary legal, financial, and
460 jurisdictional considerations when leveraging public
461 infrastructure. Due to the complexity of these
462 considerations, recent FirstNet discussions have been around
463 foregoing leveraging state assets, which is understandable.
464 These considerations, multiplied by 50 states, will take an
465 enormous amount of time and effort. However, leveraging
466 MARCS towers in Ohio could greatly assist in achieving NPSBN
467 coverage necessary.

468 There are some continued concerns. The FirstNet
469 business model is still somewhat undefined, and, based on
470 recent discussions at our state consultation, it will be
471 defined by the successful bidder through the RFP process. A
472 sustainable business model is critical to know and
473 understand, and building the cost recovery and usage rates
474 will be instrumental in the adoption of this effort. The

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475 FirstNet Chief Financial Officer recently discussed a
476 potential user fee of \$30 a month, based on four to 13
477 million users. This sets an expected bar for fees, and is
478 close to what some current service providers are charging,
479 but FirstNet should provide as good or better service at an
480 equal or lower cost. As Vice Chairman Latta knows, we have
481 MARCS users today that indicate that they cannot afford the
482 \$20 a month fee we charge.

483 Additionally, further clarity around user community
484 access and secondary use is required. Utilities are asking
485 questions and making a strong case regarding priority access
486 and spectrum for the critical data systems they support.
487 Their inclusion as partners on the NPSBN could also provide
488 sustainability for that future business model.

489 There continue to be concerns regarding coverage.
490 Recent discussions have focused on the urban areas, with a
491 phased approach to address rural and remote areas. Currently
492 Ohio's marked service coverage is 97.5 percent of the state.
493 We would expect at least the same from FirstNet in Ohio. I
494 understand the reason for this current focus, but I am
495 concerned in the long run the rural remote areas of the state

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496 will be underrepresented. I will continue to press for a
497 FirstNet coverage plan and schedule that clearly extends to
498 these areas in Ohio.

499 It is important to note that we are supportive of
500 FirstNet and the Nationwide Public Safety broadband network.
501 Ohio is uniquely positioned to take advantage of the
502 significant opportunity to coordinate and converge multiple
503 efforts. These efforts include the upgrade to our LMRS,
504 MARCS, and Ohio's next generation 911 system. I look forward
505 to our continued partnership with FirstNet, and ensure
506 impacts to current initiatives are in alignment with Ohio's
507 direction. Thank you for your time, and I will respond to
508 any questions.

509 [The prepared statement of Mr. Davis follows:]

510 ***** INSERT B *****

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|

511 Mr. {Walden.} Mr. Davis, thank you for your testimony,
512 and that of Mr. Kennedy's as well.

513 So, Mr. Kennedy, it appears there may be some
514 conflicting information regarding the release of the final
515 RFP, and I just would love to get some clarification. I
516 understand FirstNet Chair Swinson estimated early 2016 when
517 she testified before the Senate. Is that a pretty good
518 estimate, early 2016?

519 Mr. {Kennedy.} It is. I mean, we are shooting for the
520 end of this year, but early 2016 is a very accurate estimate.

521 Mr. {Walden.} All right. You state in your testimony
522 that FirstNet has received more than 670 questions to the
523 draft RFP you just released, and the comment period doesn't
524 close until July 27. Sounds like a lot of stakeholders have
525 a lot of questions. Given that level of inquiry, do you
526 think you will be able to hold on to the early 2016 release
527 of the RFP?

528 Mr. {Kennedy.} Currently we are still holding on to
529 that date, and we have been responding to the questions that
530 have been coming in. We actually released the first

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531 responses last week, and we are going to continue to respond
532 to the questions on an ongoing basis so that those questions
533 can be acted upon by the teams, and the states, and the
534 public safety stakeholders, who have been submitting
535 questions.

536 One of the things that we have done with the draft RFP
537 is we have asked for feedback, and so both the questions and
538 the responses that we hope to get by July 27, we are
539 expecting a lot of interaction not just from vendors in
540 industry, but also from states, and so we are excited to see
541 the feedback that we are getting.

542 Mr. {Walden.} And I assume that has been a pretty
543 helpful process?

544 Mr. {Kennedy.} It has.

545 Mr. {Walden.} All right. What do you see as--I was
546 just reading through this document that we entered in the
547 record for the Rural Broadband Association, and some of their
548 concerns about special issues, the rural areas, and being
549 able to be a partner, and maybe partnering, or, conversely,
550 if you end up commercializing some of the surplus spectrum,
551 the effect that might have on the marketplace. Are those the

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552 sort of issues you are going to be addressing?

553 Mr. {Kennedy.} We are, and we have asked for, in the
554 draft RFP documents, ways to address not just the urban and
555 suburban areas, but rural areas, as we look at rollout. One
556 of the things with the capacity on the network, certainly
557 there will be more excess capacity in the more rural areas.

558 Mr. {Walden.} Right.

559 Mr. {Kennedy.} We have also been working with groups
560 like the Rural Broadband Association, and many others, to go
561 out and reach out to the rural carriers and rural telecom
562 providers and make sure that they are getting involved. We
563 have been encouraging them to respond--

564 Mr. {Walden.} Good.

565 Mr. {Kennedy.} --to the draft RFP--

566 Mr. {Walden.} Good.

567 Mr. {Kennedy.} --and respond with solutions. And
568 whether that is individually, or that is as teams, or working
569 together in regions or different parts of the country, we are
570 absolutely encouraging them to participate.

571 Mr. {Walden.} Because it just seems to me the more you
572 can minimize overbuild, or prevent it altogether, the better,

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573 because you have got to leverage the money that you have in
574 the most effective way. So what are the next steps once the
575 final RFP is released?

576 Mr. {Kennedy.} Once the RFP is released, there will be
577 certainly questions to come in on the final RFP. We will
578 respond to those. We expect proposals to be returned after
579 that. There is an evaluation period of those different
580 proposals, and the ranking and rating that would normally
581 happen with an--

582 Mr. {Walden.} Um-hum.

583 Mr. {Kennedy.} --evaluation, and then any kind of
584 orals, or other parts that could take part of the evaluation
585 process. These do take some time. As you know, with large
586 Federal procurements, we expect that this will take a
587 significant amount of 2016 to occur, but we want to move with
588 as much urgency for public safety as we can because we know
589 they need this network, and we want to move into deployment.

590 Mr. {Walden.} Our antennae always go up when we hear
591 the IG is looking at an organization. I understand, while
592 they are done with their first audit, they are back looking
593 at some of the Federal issues. Can you elaborate a little

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594 bit about what they are looking at?

595 Mr. {Kennedy.} Sure. The most recent request was to
596 take a look at Federal outreach. Nothing out of the
597 ordinary. We have been working closely with any requests
598 that come from either the IG, or the Government
599 Accountability Office, and we have been definitely following
600 up with them. And we expected this to be a normal, routine
601 cause of business as we go through deploying this network.

602 Mr. {Walden.} And how soon before we would see some
603 form of deployment of the network after you get through the
604 RFP and all?

605 Mr. {Kennedy.} We would expect that, once the RFP is
606 awarded, that we will move into that first phase of
607 deployment. We currently have about 5 years of deployment
608 that is in the plan, the way the draft RFP is scripted today,
609 so we are expecting about a 5 year build out, post award of
610 the contract for the initial build out.

611 Mr. {Walden.} All right, see if I have anything else.
612 Yeah, in your testimony you speak of a vision of developing a
613 recapitalization model that will lead to the deployment of a
614 fully self-sustained network. Could you describe this model,

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615 and what it means from the perspective public safety user
616 states, and states that opt out of the network?

617 Mr. {Kennedy.} Sure. The recapitalize model, from an
618 opt-in and an opt-out perspective, is trying to make sure
619 that the nationwide network, the core network itself, and the
620 overall network will not be like a lot of past public safety
621 projects, where we invest a large amount of government grants
622 and other funding into a system that cannot be maintained or
623 upgraded--

624 Mr. {Walden.} Um-hum.

625 Mr. {Kennedy.} --into the future. As all of you know,
626 you are currently using phones that are leveraging 3G
627 technology, leveraging 4G and LTE, and we are going to be
628 leveraging advanced LTE, 5G, 6G, into the future. And so as
629 we build this network, the goal is to make sure that we plan
630 those costs, and that recapitalization, into the network
631 cost, whether that is core fees related to an opt-out state,
632 or whether that is actual user fees, and the covered leasing
633 agreements related to opt-in states, and making sure that we
634 have the ability to maintain and upgrade the network.

635 Mr. {Walden.} All right. My time has expired. Thank

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636 you again for your testimony, and the answers to my
637 questions. Turn now to the gentlelady from California, Ms.
638 Eshoo.

639 Ms. {Eshoo.} Thank you, Mr. Chairman. Before I begin
640 my questions, I would just like to acknowledge the uniformed
641 first responders that are in the audience with us here today.
642 We salute you, we thank you for your service, and I will
643 never forget how you were really the backbone of the effort
644 moving the legislation through, so thank you for being here,
645 and for everything that you do for our whole country. Thank
646 you.

647 Mr. Kennedy, circling back to the GAO, what prompted the
648 review? Is this something that is--

649 Mr. {Walden.} You mean the IG's--

650 Ms. {Eshoo.} The IG review, yeah.

651 Mr. {Kennedy.} We are not aware of anything in
652 particular that prompted the review itself. We believe it is
653 a routine course of business--

654 Ms. {Eshoo.} It is a routine--um-hum.

655 Mr. {Kennedy.} --and this was the next area that they
656 wanted to audit, which was Federal outreach.

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657 Ms. {Eshoo.} Good. Okay. Well, we will have to make--
658 avail ourselves to the report, and become familiar with it.
659 We have had enormous struggles with interoperability in the
660 radio space, and I want to make sure that the same thing
661 doesn't happen again between FirstNet and NG-911. So can you
662 tell us what FirstNet is doing to ensure that we don't have a
663 standards mismatch between the LTE network built by FirstNet
664 and our NG-911 systems built by states and localities?

665 Mr. {Kennedy.} Our statute clearly calls out and
666 requires us to promote integration of the network--

667 Ms. {Eshoo.} It does. Uh-huh, yes, the law does.
668 Um-hum.

669 Mr. {Kennedy.} --and we have absolutely built that into
670 our draft RFP documents. We have leveraged it in our
671 outreach, and we have worked very closely with the 911
672 community.

673 Ms. {Eshoo.} Good.

674 Mr. {Kennedy.} Today in the audience some of the team
675 from APCO was here. APCO has been very much a supporter of
676 FirstNet in making sure that we maintain this integration
677 focus that needs to occur between next gen 911--

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678 Ms. {Eshoo.} Um-hum.

679 Mr. {Kennedy.} --and existing 911 and public safety
680 answering point services. We are also bringing on a 911
681 subject matter expert onto the FirstNet team to make sure
682 that we are very focused in reaching out to all of the
683 dispatch centers, and all of the communicators across the
684 country, so that their needs are included. And they are
685 often at our consultations and our different discussions as
686 we go across the country. So we believe that we are working
687 very closely with the 911 community, and that that
688 integration will occur.

689 Ms. {Eshoo.} Good. That is excellent. Mr. Davis,
690 thank you for the work that you are doing. You gave quite an
691 extensive report in your testimony. Thank you very much. I
692 mean, it represents a ton of work, as my kids would say.
693 How, in your view, do you think the whole issue of
694 interoperability between FirstNet, the states, the NG-911
695 systems, is working?

696 Mr. {Davis.} I think it is too early to tell, from a
697 State perspective. Right now we are working through the
698 technical requirements on how we would do that from a state

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699 perspective. Historically, that has come from local
700 government, and we are trying to put guidance out to local
701 government to make sure that they are following the standards
702 and the--

703 Ms. {Eshoo.} Um-hum.

704 Mr. {Davis.} --approach that we would take. I am
705 excited to hear you have a 911 expert on your team, because I
706 am sure we will be reaching out and trying to leverage the
707 technology and the standards that you guys will be
708 implementing.

709 Ms. {Eshoo.} Um-hum. Beyond what you just shared, do
710 you think that the atmospheric have become--I don't know
711 what other word to use. I mean, there were tensions in the
712 beginning, and the--on the part of some, a reluctance to be a
713 part of this effort. Can you tell us anything about how that
714 has improved, in your view? Do you think that it has?

715 Mr. {Davis.} Significantly improved.

716 Ms. {Eshoo.} Good.

717 Mr. {Davis.} I think--

718 Ms. {Eshoo.} That is wonderful.

719 Mr. {Davis.} --in the last year--

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720 Ms. {Eshoo.} That is so important.

721 Mr. {Davis.} --and a half, in terms of the outreach,
722 the collaboration, the communication, these 35 states--I
723 mean, that says a lot, when you are going out and talking to
724 the states.

725 Ms. {Eshoo.} Um-hum.

726 Mr. {Davis.} And we do get together from--regional
727 perspective. We get together from--even a national
728 perspective, and we talk. And so that--and you know that,
729 right? So the consistency of the message is very concerning
730 for us to hear that, you know, somebody said something in a
731 different state. And that message is clear. It--the
732 collaboration, I think, is there. The integration and the
733 communication has been consistent, and I think things are
734 moving in the appropriate direction.

735 Ms. {Eshoo.} And is there a comfort level to advise the
736 Board as to how--if there are ways to improve that, do you
737 feel comfortable saying so, or others?

738 Mr. {Davis.} I think there is always room for more
739 communication--

740 Ms. {Eshoo.} Um-hum.

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741 Mr. {Davis.} --and transparency. I think it will be
742 interesting to see the responses that come back from the RFI-
743 -

744 Ms. {Eshoo.} Um-hm.

745 Mr. {Davis.} --and the sharing of the information, and
746 the--

747 Ms. {Eshoo.} Um-hum.

748 Mr. {Davis.} --comments that come back from that. I
749 think that will be a significant assistance and help.

750 Ms. {Eshoo.} Great. Thank you very much. Yield back,
751 Mr. Chairman.

752 Mr. {Walden.} The gentlelady yields back. The Chair
753 recognizes the Vice Chair of the Subcommittee, Mr. Latta, for
754 5 minutes.

755 Mr. {Latta.} Well, thank you, Mr. Chairman. And again,
756 Mr. Kennedy, Mr. Davis, thanks again for being here today
757 with us. We really appreciate it, for the update. And, Mr.
758 Davis, I could ask you, I noted in your testimony that you
759 advocate a regional approach to planning and development,
760 capitalizing in part on the partnership between the states in
761 FEMA regions, and the history of that kind of collective work

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762 with regard to the land mobile radio communications. Would
763 you be able to expand on that for us, please?

764 Mr. {Davis.} Sure. There is a long history of
765 communication between the states in the FEMA five region.
766 They all have land mobile radio systems that we share and
767 share alike, and lessons that were learned in Minnesota are
768 things that we, you know, don't have to break our teeth on,
769 if you will, in another state, in Ohio, for example.

770 So that communication came out, and it was really more
771 about making sure that we could be heard through the process.
772 In the early days, in 2013, there were concerns that, as a
773 state, our voice might be minimized, and we felt it as--
774 moving into a regional approach like that, we could not be
775 dismissed, when you start to talk about the population that
776 is served, the towers and the infrastructure that is there,
777 and the way that those land mobile radio systems are working
778 today. So there have been very, very strong communication
779 between all of those coordinators in those states.

780 Mr. {Latta.} Just not between the states, do you think
781 FirstNet's doing enough to take advantage of that regional
782 approach, then, that you have already been working on?

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783 Mr. {Davis.} I think it is starting to take some root,
784 if you will. I think originally there were some--

785 Mr. {Latta.} Yeah. Would you want to elaborate on
786 that?

787 Mr. {Davis.} I think originally--I think FirstNet was a
788 little concerned, and this is my own perspective, I probably
789 shouldn't say that, but I will. And then I think, as they
790 began to see the opportunity, that that really brought it to
791 the table, and we had FirstNet come to one of those region
792 five meetings. And it is a great opportunity for us to hear
793 the same things, and to get everything out on the table, and
794 have that constructive debate on how this thing is going to
795 come together. And so I think that regional approach has
796 been helpful, and I think--I would hope that T.J. would say
797 the same thing.

798 Mr. {Latta.} Would you like to comment, Mr. Kennedy?

799 Mr. {Kennedy.} Sure. As somebody who did go out to
800 that region five meeting, and I brought with me my Director
801 of Consultation, as well as Director of State Plans, the
802 interaction was terrific. It was a nice snowy day in
803 Chicago. We got together with all the states in region five.

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804 And I think what was very beneficial was the pros and cons
805 from different states, with different geographies, and
806 different issues, and common problems and issues as well.

807 And I think it made for a great dialogue and discussion.

808 We have also been staffing up our consultation and
809 outreach teams by region now, and we actually are leveraging
810 the FirstNet regions, which are the same as the FEMA region.
811 So we are leveraging that kind of regional cooperation, much
812 like region five set as a good example. So we are taking
813 that example and leveraging it in other parts of the country.

814 We also did something this year that I think is even
815 taking that to the next step, in that we held a nationwide
816 single point of contact meeting. So--both Stu Davis, and all
817 of the other single points of contacts from all the 50
818 states, and the territories, and the District of Columbia we
819 invited to a nationwide--meeting where we all came together.
820 Over--I think 52 of the states actually brought different
821 team members to that meeting, and we were able to share the
822 differences in the issues, and talk very openly in 2 full
823 days of discussion.

824 I think you could kind of rate the discussion by--at 5

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825 o'clock on the second day, everyone was still in the room,
826 having a very fruitful discussion. We had breakout sessions
827 where we could dive deep into elements around the RFP, or the
828 public notices. And that kind of dialogue has been extremely
829 helpful, I think, both for FirstNet, but also for the states,
830 and I think that we both gained from it.

831 Mr. {Latta.} Let me ask Mr. Davis, if I could, just on
832 a follow up, if you are going to look into the crystal ball
833 and look into the future, where do we need to be with the
834 states and FirstNet right now? You know, the--in the--where
835 do we want to be in the next year? What do we need to be
836 doing? What else?

837 Mr. {Davis.} Well, I think right now, I think, with all
838 the planning that is going on from each individual state, and
839 that coalescing of all that information across the--at least
840 the FEMA five regions, I think that is really on us to sort
841 of get some of that together and make sure that we are
842 getting it to FirstNet.

843 I think that the next steps are really the schedule, and
844 how this thing comes out, and how it gets rolled out at some
845 point in time. Because, again, like I said, I am concerned

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846 about the rural and remote areas of the state, to make sure
847 that we have the appropriate coverages. I certainly
848 understand the logic behind the approach that they are
849 taking, but some of this can be done on parallel. We just
850 need to make sure we are doing it.

851 Mr. {Latta.} If I could just touch real briefly, and my
852 time is about it, because--especially when you are talking
853 about the rural parts of the state, because, you know, when I
854 look at my district, you know, in northwest/west-central
855 Ohio, I go from urban, suburban, to very, very, very rural
856 areas. And especially when I am out talking to my first
857 responders out in the rural areas, there is always that
858 question about coverage. And when you have talked to folks
859 in, you know, the rural parts of Ohio, I don't care if it is
860 in the northwest, or the southwest, or northeast, or
861 southwest, what are they telling you right now?

862 Mr. {Davis.} Well, they are all interested to know what
863 kind of coverage they are going to have to--

864 Mr. {Latta.} Right, and--but do they think that they
865 will get that coverage?

866 Mr. {Davis.} I think that they do assume that that is--

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867 I think the original message that was coming out of FirstNet
868 in the very early days was consistent coverage across the
869 entire country. And, you know, my--obviously our fervent
870 hope is that that actually happens. But the question is the
871 timing for those rural and remote areas is going to be
872 critical, because--and that goes back to the business model
873 as well, because how much are you willing to spend for what
874 you are going to get form that out of the gate.

875 Mr. {Latta.} Well, thank you very much. Mr. Chairman,
876 my time has expired, and I yield back.

877 Mr. {Walden.} The gentleman yields back. The Chair
878 recognizes the Ranking Member of the full Committee, Mr.
879 Pallone, for 5 minutes.

880 Mr. {Pallone.} Thank you, Mr. Chairman. I wanted to
881 ask Mr. Kennedy first about Jersey Net, and then I wanted to
882 ask a question about tribal lands, so I am trying to get this
883 all in.

884 Nearly 3 years ago Hurricane Sandy devastated New
885 Jersey. The natural disaster was compounded by communication
886 failures across the state, and that is why I have been such a
887 supporter of making New Jersey's one of FirstNet's early

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888 builder projects. I know that early on, however, critics
889 pointed to the struggles Governor Christie had getting this
890 project off the ground as an example of why FirstNet couldn't
891 work, and I believe that we have been able to turn this
892 project around since then.

893 I had hoped to ask one of the architects of the success
894 in New Jersey about how he did it, because I thought his
895 experience would help make other jurisdictions successful,
896 but, unfortunately, the governor prevented him from being
897 here today, so I have to ask you, Mr. Kennedy, what do you
898 think of the progress Jersey Net has made, and can you
899 elaborate on the lessons that FirstNet hopes to learn from
900 New Jersey's early deployment of its public safety broadband
901 network?

902 Mr. {Kennedy.} New Jersey and Jersey Net are currently
903 deploying and testing their first sites this week, so the
904 program is making terrific progress, and Fred Scalera, and
905 the team in New Jersey, are very eager to get this project
906 completed by September of this year. They are on track to do
907 that. They have been working very closely with the FirstNet
908 team as well, and sharing lessons learned as they move

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909 forward.

910 The project is helping drive a strong ecosystem to
911 lessons learned across devices, looking at early devices, and
912 ways to leverage the network, and also looking at ways to use
913 deployables so that in events like Hurricane Sandy in the
914 future, those deployables could be moved into an area that
915 has been affected by a natural disaster or other event, and
916 actually really leverage both capacity and coverage needs
917 that may change due to those kinds of planned and unplanned
918 events that occur.

919 So I do believe that the Jersey Net system is a great
920 platform for FirstNet to learn from. I do think the team is
921 on track to complete the project by September of this year,
922 and that we will be getting lessons of an operational flavor
923 as early as fall of this year, and we look forward today.

924 Mr. {Pallone.} All right. FirstNet was created to be
925 part of NTIA, which is part of the Department of Commerce.
926 It seems to me, though, that you might be able to deploy the
927 network faster if FirstNet was spun out of the agency. So do
928 you think FirstNet has reached the point where it can stand
929 on its own as an independent corporation, and if we are not

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930 there yet, what needs to happen first?

931 Mr. {Kennedy.} I think FirstNet has grown a lot from
932 the early days. I believe that, when we started, we relied
933 very heavily on NTIA and the Department of Commerce for a lot
934 of key functions. As we have been able to build up our
935 staff, we have been able to take on some of those key
936 corporate and governance functions of the organization. We
937 have moved things like finance entirely into the FirstNet
938 organization, and now we are looking at key elements, like
939 human resources, and procurement, and how that can be taken
940 on by FirstNet in the future.

941 So I do believe that we are maturing, and I do think
942 that that kind of responsibility and accountability for
943 FirstNet is something that we are growing into, very much so.

944 Mr. {Pallone.} Okay. I want to ask you about tribal
945 lands. I try to bring up American Indian issues when I can.
946 Nowhere is our nation's digital divide more apparent than on
947 tribal lands. The lack of communications on tribal lands has
948 not just had an economic impact, it is also led to real
949 difficulties with public safety communications. And I think
950 one of the overlooked virtues is this potential importance to

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951 improve deployment of broadband infrastructure to tribal
952 lands.

953 So how is FirstNet coordinating with tribal public
954 safety entities, and how will FirstNet address areas like
955 tribal lands, which may have very little existing
956 communications infrastructure?

957 Mr. {Kennedy.} FirstNet understands the special
958 importance of reaching out to the tribal communities, many of
959 which have an acute need for broadband deployment. We have a
960 tribal outreach lead that is full time on FirstNet, and does
961 nothing but interact on a regular basis with the public
962 safety community on different tribal lands, as well as the
963 telecommunications, and different elements of communications
964 on the tribal lands, and what they can do to help as FirstNet
965 deploys. We have actually created a tribal working group on
966 the Public Safety Advisory Committee. I personally have
967 spent time meeting with them all day, talking about the
968 issues that are different in tribal communities that need to
969 be supported by FirstNet as we develop the network and deploy
970 the network.

971 I see a lot of desire for FirstNet to succeed on--with

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972 supporting tribal public safety. They have been very eager
973 to work with us and help us understand their needs and
974 desires. And I do think that our recent consultations in
975 states like New Mexico, just recently last week, and we are
976 looking at specific tribal needs as we go through state by
977 state consultations, really is a great opportunity for us to
978 make sure that we get it right.

979 Mr. {Pallone.} All right. Thanks a lot. Thank you,
980 Mr. Chairman.

981 Mr. {Walden.} The gentleman yields back. The Chair
982 recognizes the other gentleman from New Jersey, Mr. Lance,
983 for 5 minutes.

984 Mr. {Lance.} Thank you, Mr. Chairman, and good
985 afternoon to the panel. New Jersey's project is notable for
986 its use of deployable long term evolution communications
987 technology for its first responder network, called Jersey
988 Net. This mobile network system can be incorporated on
989 towable trailers, SUVs, vans, and other platforms to be
990 deployed quickly in emergency situations or natural
991 disasters, like Hurricane Sandy, or to places where
992 communications are limited or non-existent. It is my

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993 understanding that rural areas, which comprise about 90
994 percent of the country, in geography, are particularly
995 vulnerable, since there is no built-out fixed infrastructure.

996 In this regard, and I go to you, Mr. Kennedy, could you
997 provide guidance on how you plan to incorporate deployables
998 into your build out plans?

999 Mr. {Kennedy.} We have been looking at deployables not
1000 just for rural deployments, where it may not be cost-
1001 effective to have terrestrial elements, we want to have as
1002 much terrestrial in rural areas as well, but also from the
1003 capacity and the reconstitution of a network. There are
1004 special events that occur, large gatherings, you, you know,
1005 Super Bowls, large sporting events, other things that would
1006 require an additional capacity in certain areas where
1007 deployables can be effectively--

1008 Mr. {Lance.} All Super Bowls should be in New Jersey,
1009 Mr. Kennedy.

1010 Mr. {Kennedy.} Absolutely. The--

1011 Mr. {Lance.} It is on the record.

1012 Mr. {Kennedy.} The temperature of Super Bowls in New
1013 Jersey in that time of year can be a little cold at some

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1014 times--

1015 Mr. {Lance.} No.

1016 Mr. {Kennedy.} --just wanted to throw that out. The
1017 need for reconstituting a network after a natural disaster,
1018 though, is an excellent opportunity for deployables, where we
1019 can have deployables that are moved out of the way of a
1020 particular disaster, if we have warning, and can move them
1021 back in to make sure that public safety can communicate
1022 immediately after a major event. It also is supportive of
1023 terrorist events, or other events that may take out existing
1024 infrastructure, critical infrastructure.

1025 Lastly, there are many parts, as you mentioned, of the
1026 United States that are very rural, and it may make more sense
1027 to have deployable assets leveraging satellite backhaul, and
1028 other elements, to get to parts of the United States that are
1029 very difficult to get to. When I was a first responder, I
1030 was a police officer and a firefighter in very rural parts of
1031 Utah. I went to places that were not covered by cellular
1032 networks or land mobile radio networks, in many cases. So,
1033 having that ability to get communications much deeper into
1034 our rural communities for public safety is absolutely

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1035 critical.

1036 Mr. {Lance.} Thank you. And, on another topic,
1037 FirstNet has sought comments on the definition of public
1038 safety entity on two occasions, and, as I understand it,
1039 based on press reports, there seems to be some debate among
1040 stakeholders. Mr. Kennedy, could you describe this debate,
1041 and the implications of the definition of that term for
1042 FirstNet's deployment?

1043 Mr. {Kennedy.} We have actually had a terrific, I
1044 think, conversation with both public safety, the states, and
1045 industry on the definition of public safety entity. It was
1046 in both our first public notice, and our follow-up third
1047 public notice. We saw overwhelming support from the states.
1048 Many states, including Ohio, mentioned the elements related
1049 to leveraging a broad user base to support the network that
1050 public safety needs to have access to. But, most
1051 importantly, that user base is somebody that needs to be
1052 contacted by the incident commander during big incidents.

1053 And if we look at emergencies that occur, everyone
1054 understands that police, fire, and emergency medical services
1055 are part of our everyday public safety response. But also

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1056 there are others, whether it is a utility worker, or whether
1057 it is to access some key transportation support on a major
1058 accident scene on an interstate highway. You may have other
1059 users that are in contact with public safety every day,
1060 supporting public safety operations, and, most importantly,
1061 needing to be prioritized by an incident commander to be
1062 spoken to during those large emergencies, when networks get
1063 congested.

1064 And so we have tried to be very clear on making sure
1065 that we get input from states on who should be on the
1066 network, and we have received a lot of input on that issue.
1067 We have not issued our final recommendation for the outer
1068 guardrails of that public safety entity definition, but I
1069 think with the tremendous amount of input that we have
1070 received, it has helped us build a broad definition that will
1071 cover what needs to occur, and also be prudent in acting with
1072 the Act.

1073 Mr. {Lance.} In the press there has been some
1074 discussion as to the difference between six million to 13
1075 million users, estimates. Could you give your best advice to
1076 the Committee on that?

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1077 Mr. {Kennedy.} Sure. In general, our market research
1078 has shown that there are about four million public safety
1079 traditional users that would want to engage on the network,
1080 if they were given that opportunity, and so we look at that
1081 as an addressable market. It is about four million police,
1082 fire, and emergency medical services personnel. The nine
1083 million, or up to 13 million, number comes from those other
1084 types of users we just described, so Department of
1085 Transportation officials that may be supporting that. They
1086 may be buses or transportation that moves folks during an
1087 evacuation. That is commonly needed when you have a
1088 hurricane coming into an area, or you are evacuating a
1089 hospital, or a nursing home, or other large facilities that
1090 you might need to evacuate during an actual emergency.
1091 Having that kind of broader public safety first responder
1092 community that can support that is important, and so that is
1093 where that other nine million comes from.

1094 Mr. {Lance.} Thank you. My time is done. Thank you,
1095 Mr. Chairman.

1096 Mr. {Walden.} Thank you, Mr. Lance. We turn now to the
1097 gentlelady from New York, Ms. Clarke. Do you have any

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1098 questions?

1099 Ms. {Clarke.} Well, I do--I am curious--Mr. Kennedy,
1100 Mr. Davis, thank you for testifying here today. Coming out
1101 of the New York experience in 9/11, and understanding that
1102 there have been a host of iterations of I guess ways of
1103 becoming interoperable, I want to know whether we are looking
1104 at how we maximize on the infrastructures that have already--
1105 that are already in existence, whether FirstNet will be an
1106 underlay of those systems, or are we talking about
1107 essentially putting those systems aside, and deploying
1108 FirstNet as the main vein, if you will, of communications not
1109 only in the New York region, but I guess across the nation.

1110 And I say that because I look at the major investments
1111 that have been made in a city like New York. A whole new 911
1112 infrastructure has been put in place. There are a lot of
1113 taxpayer dollars there. Is there a way that you have looked
1114 at the assets of various regions around the nation and looked
1115 at what could be amenable to the new deployment from a
1116 broadband perspective, or whether you see those being phased
1117 out, basically, over time so that this becomes sort of the
1118 primary tool for communication and coordination?

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1119 Mr. {Kennedy.} So to your 911 public safety answering
1120 point--question specifically, I absolutely believe that the
1121 integration both with the existing public safety answering
1122 points, and those that are upgrading to next gen 911, is a
1123 key part of what we are doing, and that integration will
1124 leverage those investments that have already been made.

1125 When it comes to using voice capability with land mobile
1126 radio, and using voice, video, and data related to LTE and
1127 broadband technology, I believe they are complimentary, and I
1128 believe that the land mobile radio systems that agencies have
1129 today should be--continue to be maintained, and those systems
1130 are very valuable to public safety. It is what I have used
1131 in my career. It is a very valuable tool to public safety.
1132 I do think that broadband will bring a richness of
1133 applications, and the ability to have not just interoperable
1134 voice communications, but interoperable data communications.
1135 I am able to share more information across police, fire, and
1136 emergency medical services.

1137 So I believe that they are complimentary to each other,
1138 and that the richness that you can get in a broadband
1139 environment will add to saving lives in different ways than

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1140 we do today by being able to share video, and sharing data
1141 much quicker, and in ways that, in some cases, we haven't
1142 even thought of the amazing applications that will be
1143 supporting our police officers, our firefighters, and our
1144 paramedics.

1145 Ms. {Clarke.} That was a good answer. My next question
1146 to you is, for those parts of the country where you have sort
1147 of a voluntary first responder infrastructure, have you
1148 thought about how the usage of FirstNet will be communicated,
1149 and are they already integrated into I guess networks of
1150 conversation around the deployment of FirstNet, and how they
1151 will interact with it? Because, of course, their--primarily
1152 stand up their operations on a volunteer basis, and--but they
1153 play a very crucial role in responding in remote areas, where
1154 there isn't necessarily a municipality that does so. Could
1155 you give us some insights into that as well? And any
1156 feedback you may have gotten from those communities.

1157 Mr. {Kennedy.} Volunteers are absolutely critical in
1158 public safety. You can go to almost any state in this
1159 country, and volunteers are a backbone of what occurs in
1160 public safety. There are volunteer firefighters and EMTs

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1161 across this country who serve big communities and small
1162 communities. There are communities in New York that are
1163 quite large that are served by volunteers every single day,
1164 and so they are a part of this network. They are a key
1165 component that are going to leverage this network. When we
1166 go out and do consultations, we are consulting with paid
1167 professional services, we are consulting with volunteer
1168 professional services, and we are making sure that they are
1169 at the table, and invited, and part of those conversations.

1170 One of the biggest things we hear is they want to make
1171 sure that they are able to buy service, and we have made sure
1172 in our definitions that volunteers are clearly called out as
1173 being able to buy service, and be a part of that. And so we
1174 think they are a critical component, and will greatly benefit
1175 from having costed--affordable devices that they can get
1176 their hands on, not just for voice communications, but also
1177 for applications and other uses as well.

1178 Ms. {Clarke.} And in the protocols that are I guess
1179 being established, is there a component of that that looks at
1180 the security of the system, and how is that being baked in,
1181 and also how are you containing sort of access to that? You-

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1182 -everyone in the nation is just concerned about cyber, and I
1183 just wanted to get your feedback.

1184 Mr. {Kennedy.} Cyber is an absolutely critical element
1185 for us in--at FirstNet, and--with public safety. And we are
1186 trying to, and we have the unique opportunity, as we develop
1187 a network that is going to be deployed, that we can start
1188 from the beginning and bake in security from day one. We
1189 brought on a security architect, who is now part of our team,
1190 who is focused on this. He has been leveraging the
1191 Department of Homeland Security and other key agencies that
1192 have a number of cyber efforts that are already underway.

1193 We are not reinventing the wheel. We are leveraging a
1194 lot of the best practices that are in place, both in the
1195 private sector and in government today. But we want to make
1196 sure that the unique environment of a number of networks that
1197 have typically been stove-piped are separate, that when you
1198 bring them together it is going to be absolutely critical
1199 that, when we have all these different agencies that are
1200 leveraging this network, that--not just cyber security, but
1201 also identity and access management will be a critical
1202 component of what we do. And it is going to be unique,

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1203 because we have folks at the local level, we have folks at
1204 the state level, and folks at the Federal level who will be
1205 leveraging the network.

1206 Ms. {Clarke.} I thank you very much for your response.
1207 I yield back. Thank you, Mr. Chair.

1208 Mr. {Walden.} The gentlelady yields back. The Chair
1209 recognizes the gentleman from Ohio, Mr. Johnson.

1210 Mr. {Johnson.} Thank you very much, Mr. Chairman. Mr.
1211 Kennedy, you know, the law governing the FirstNet included a
1212 provision that would allow the states to opt out of FirstNet
1213 network and deploy their own network, then connect to
1214 FirstNet, so I have got a few questions about how this opt
1215 out process will work, particularly given that--the region of
1216 the nation--region of the state that I represent is very
1217 rural. So I have some questions.

1218 Given the projected release of the FirstNet request for
1219 proposal at the end of 2015, or the beginning of 2016, what
1220 is the likely timeline for governors to make their decisions
1221 as to whether their states will opt out, or in, to FirstNet?

1222 Mr. {Kennedy.} The anticipated timeline would be late
1223 in 2016 to early in 2017 timeframe, when they would be

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1224 presented with a state plan. It is at the presentation of a
1225 state plan when a state governor then would have the
1226 opportunity to opt in to the network, or to take on that
1227 responsibility for themselves to deploy the radio access
1228 network in their state.

1229 Mr. {Johnson.} Okay, all right. Will the governors
1230 have all of the data points, such as specific cost per user,
1231 available to them in time for them to make an informed
1232 decision to opt in or opt out, and what are your plans to
1233 communicate the kind of information that the governors will
1234 need to make that decision?

1235 Mr. {Kennedy.} Our plan is to do a very a detailed RFP
1236 process that will produce the kinds of information that
1237 outlay the costs and the expected offsetting revenues that
1238 can support the network, and to drive all that information,
1239 in addition to things such as coverage objectives, into a
1240 state plan. It is that state plan that is that document that
1241 provides the information that will give them the ability to
1242 make that as an informed decision.

1243 And, as part of the consultation efforts that are now
1244 started and ongoing, we expect ongoing conversations over the

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1245 next 18 months on exactly these topics--

1246 Mr. {Johnson.} Um-hum.

1247 Mr. {Kennedy.} --and to discuss them, and to share
1248 information in a two-way dialogue, so that when that state
1249 planning gets to the desk of a governor, it should not be the
1250 first time that they are hearing about it.

1251 Mr. {Johnson.} Um-hum.

1252 Mr. {Kennedy.} Many folks, just like Mr. Davis here, as
1253 a CIO, have been very actively involved for exactly this
1254 reason, in addition to wanting to see the importance of this
1255 network, but they have a job to inform their governors. They
1256 have a job to make sure that they are watching this closely,
1257 and they are participating.

1258 One of the things that I have seen is the more that
1259 folks are participating, the more informed they are, and the
1260 more that we can share and have that kind of informed
1261 dialogue, and I think that is absolutely critical. Having
1262 CIOs, state public safety commissioners, and also local
1263 police, fire, and EMS leadership, in addition to the
1264 governors themselves, you know, learning and getting involved
1265 with FirstNet is one of the best ways to understand that key

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1266 decision to opt into the FirstNet deployment of the network,
1267 or to take on that responsibility to deploy it themselves in
1268 the state for the radio access network.

1269 Mr. {Johnson.} Well, let us say a state opts out. Are
1270 there revenues, and if so, what type of revenues might be
1271 available to them to help support their end of the network?

1272 Mr. {Kennedy.} This is a complex topic, in that there
1273 are revenues that could come from spectrum management lease
1274 agreements, both to FirstNet, but also for supporting that
1275 kind of deployment. But one of the things that we have
1276 explored in our second notice is exactly how this mechanism
1277 will work, and we are still digesting the comments that we
1278 have recently received on that, so there is more to come on
1279 that in the future.

1280 Mr. {Johnson.} Okay, great. Mr. Davis, you state that
1281 FirstNet has made significant progress in communicating with
1282 you on concerns that are being raised. So, as we get closer
1283 and closer to the endgame here, to the expected final RFP, do
1284 you have any specific recommendations on how we can improve
1285 this communicating process?

1286 Mr. {Davis.} Actually, you know, the--Executive

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1287 Director Kennedy has been pretty transparent. I think the
1288 more transparent they are, the more that we have--that
1289 conversation is going on, so that there isn't surprises in
1290 the end. And even if we know it may not be perfect, it is
1291 still better to know--

1292 Mr. {Johnson.} Um-hum.

1293 Mr. {Davis.} --early so that maybe we can assist in
1294 that process. But I think--right now I think everything
1295 seems to be rolling along fairly well. The proof will be in
1296 the pudding, as we get all of our planning documents
1297 together. There has been a lot of communication in Ohio with
1298 the--all different levels of first responders, the volunteer
1299 firemen, I mean, everybody. We have those meetings on a
1300 regional basis just within Ohio to communicate what is
1301 coming, and what they should be expecting, and what
1302 information we need from them so that we can be able to
1303 articulate that--

1304 Mr. {Johnson.} In 10 seconds let me ask you one final
1305 question. So who are the current users of the Ohio land
1306 mobile radio system, and once deployed, do you envision the
1307 public safety broadband network in Ohio to have a similar

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1308 user base? And if so, why or why not?

1309 Mr. {Davis.} There are quite a few folks. I think
1310 there--right now, today, I think there is about 50,000 users
1311 on our system. The majority of those are coming out of
1312 public safety and state agencies, as well as the sheriff's
1313 office, and others, and local law enforcement and emergency
1314 response.

1315 I think that right now our network doesn't handle the
1316 data requirements that you will see from FirstNet. I mean,
1317 that is the key, is getting access to the applications in a
1318 quick fashion. That push-to-talk component is a pretty
1319 critical thing. It is a closed system. We have other
1320 entities on there besides state and local government folks.
1321 I think the Federal government has some process in there.
1322 But I think we have three towable towers that we pull in too
1323 when there are emergency situations.

1324 But, for the most part, that is focused on really that
1325 push-to-talk communication piece, and nothing is more
1326 important than somebody outside, by himself, being able to
1327 press a button and get a response.

1328 Mr. {Johnson.} Okay. Thank you. Mr. Chairman, I yield

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1329 back.

1330 Mr. {Walden.} The gentleman yields back. The Chair
1331 recognizes the gentleman from Missouri for 5 minutes. I am
1332 sorry. I am sorry, Mr. Doyle. Sorry, I got ahead of myself.

1333 Mr. {Doyle.} Thanks, Mr. Chairman, and thank you to the
1334 witnesses for your testimony today.

1335 Mr. Davis and Mr. Kennedy, I have heard some concerns
1336 from some of the public safety community in Pennsylvania
1337 about who will qualify to use FirstNet, who will make the
1338 final decisions about eligibility. Beyond police,
1339 firefighters, and other first responders, there are other
1340 individuals and organizations that play an important role in
1341 emergency response. Shouldn't states ultimately decide who
1342 has both permanent and temporary access to the first
1343 responder broadband network? For instance, if a building is
1344 on fire, and police or firefighters, they might find it very
1345 valuable to be able to communicate with the building
1346 security, or those in charge with managing the evacuation.
1347 Shouldn't the incident commander in these cases be able to
1348 make the final decision about who has access to the network?

1349 Mr. {Kennedy.} From our perspective, we have

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1350 overwhelmingly heard that from states as well, and our
1351 current definition would allow them to do that. Our current
1352 definition would allow the incident commander to have access
1353 to all those type of entities that would allow them to
1354 communicate and handle that scene, no matter how large or
1355 small that it is. Our third notice was very much focused on
1356 that, and our third notice just closed last week. As we
1357 digest those comments that came in from states and from
1358 others, we will come out with a final determination, but our
1359 goal was to be very responsive to those requests that have
1360 come in from the states.

1361 Mr. {Doyle.} Great, thank you. Mr. Kennedy, first
1362 responders in Pittsburgh, and many other cities across the
1363 country, use the T band for communications, and, as part of
1364 the Spectrum Act, the FCC will reclaim that spectrum. Do you
1365 see the deadlines that are set for that process as being
1366 problematic for first responders that depend on that spectrum
1367 to communicate, or do you believe FirstNet will be online in
1368 the effective localities in time to mitigate this shift?

1369 Mr. {Kennedy.} There are a couple elements to this. We
1370 are aware of the concerns of those public safety

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1371 jurisdictions using T band spectrum today, and the T band
1372 relocations provisions that are part of the Act. It is the
1373 FCC, however, that is in charge of that T band relocation,
1374 and it would be better for them to answer specific questions
1375 about timing and so forth related to that effort.

1376 FirstNet, we have been very focused on working with the
1377 international standards community, the 3GPP community, Third
1378 Generation Partnership Project, that is focused on making
1379 sure that we have a standards-based approach that goes to
1380 putting mission critical voice in the future on our network.
1381 At deployment of the network, we are looking at having non-
1382 mission critical voice, or what you would look at as
1383 cellular-type communications, or over the top communications,
1384 on broadband, and plan to offer that as part of the initial
1385 deployment.

1386 But when it comes to mission critical voice
1387 communications, we are really looking at leveraging those
1388 international standards to make sure that we only go to those
1389 key seven functions that are part of the mission critical
1390 voice standards that are being done right now, and that they
1391 are implemented not just in the standards bodies, but that

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1392 they are being utilized, and that public safety builds a
1393 trust up that those standards are ready for them. And public
1394 safety will decide when they are comfortable with mission
1395 critical voice on broadband in the future.

1396 So that is happening. The standards bodies are working
1397 to have that initial standard done by mid-2016. It will take
1398 some time for that technology to get into the actual
1399 technology ecosystem. And there are some other countries
1400 around the world that are actually looking at moving to
1401 mission critical voice sooner than the United States that
1402 will be doing some testing. But, for us, we want to make
1403 sure that public safety is confident in both the technology,
1404 and in the standards, and that they have been rolled out, and
1405 that they are using the network for other purposes first.

1406 Mr. {Doyle.} Great. Gentlemen, thank you. Mr.
1407 Chairman, I will yield back.

1408 Mr. {Walden.} Thank you very much. The gentleman
1409 yields back. Now the gentleman from Missouri is recognized
1410 for 5 minutes.

1411 Mr. {Long.} Thank you, Mr. Chairman. Mr. Kennedy, it
1412 appears that, in many rural areas, first responders will have

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1413 to rely on roaming with existing rural wireless providers for
1414 network coverage, instead of using the national public safety
1415 broadband network. How and when are you planning to address
1416 roaming coverage?

1417 Mr. {Kennedy.} Roaming is certainly something that was
1418 envisioned in the Act, and we are allowed to enter into
1419 roaming agreements, but we are also looking at leveraging
1420 rural build-out milestones, and making sure that we have
1421 rural build-out at every phase of deployment of the network.
1422 So we are looking at both the deployment that needs to occur,
1423 but also looking at, when we get to a final RFP, what kind of
1424 efforts can be leveraged for roaming that is cost-effective
1425 that can be added to the network as part of that solution as
1426 we go forward.

1427 Mr. {Long.} Any speculation on how long that building
1428 would take, the--

1429 Mr. {Kennedy.} As far as building the network right
1430 now, we proposed in the draft RFP that 20 percent of the
1431 rural build-out milestones would be covered in each phase,
1432 which would be a year. So 20 percent in year 1, 40 percent
1433 in year 2, 60 percent in year 3, and so on. And so we

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1434 believe that that will allow for ongoing rural build-out at
1435 each phase, rather than saying it is all just waiting to the
1436 end, which is one of the concerns that we have heard.

1437 So we have tried to be very clear to proposers who are
1438 looking at bidding on the network that rural build-out is
1439 very important to us. We are also trying to encourage rural
1440 telecommunication to--telecommunication firms to be a part of
1441 those solutions, and to bid on the network, and be a part of
1442 bringing solutions to the table that will allow that rural
1443 deployment to occur.

1444 Mr. {Long.} Okay. FirstNet's partners are allowed to
1445 use the excess capacity on the FirstNet network to offer
1446 wireless services to commercial subscribers. How will
1447 FirstNet ensure its partners do not compete against existing
1448 commercial networks, particularly in the high cost rural
1449 areas where there population density often will not sustain
1450 more than one network to begin with?

1451 Mr. {Kennedy.} One of the things in the Act is that it
1452 requires us to look at the economic desirability of anyone
1453 proposing to bid on the network, and look at the different
1454 approaches to both, you know, leveraging different types of

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1455 infrastructure, rural telecommunications infrastructure,
1456 existing government infrastructure, commercial
1457 infrastructure. And so we are going to look at what is most
1458 cost effective to deploy the network, and also to have
1459 sustainability on the network.

1460 As part of those offers, they actually have to bring to
1461 the table what kinds of revenues would they bring to the
1462 table to offset the costs of public safety in both deploying,
1463 maintaining, and operating the network. And so it is
1464 important for us to look at the greater good of public
1465 safety, and how they would be served by those covered leasing
1466 agreements, or those agreements by potential partners or
1467 offers to leverage the network, whether that is in rural
1468 areas or in urban areas.

1469 Mr. {Long.} That is my next question. In terms of
1470 location, where will the service first and most likely be
1471 available, urban areas, or urban and rural, or what can we
1472 expect?

1473 Mr. {Kennedy.} It is urban and rural. And--so just
1474 like I mentioned earlier, we want to have those rural build-
1475 out milestones at each phase, so certainly urban areas will

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1476 get built out. Your largest number of population and public
1477 safety providers, public safety entities, are actually in the
1478 more populated areas. But we also see that going to the
1479 rural area, so we want to make sure that those rural build-
1480 out milestones help drive that as an incentive to make sure
1481 that rural was built out at each phase.

1482 Mr. {Long.} And 3 years behind us, when do you think
1483 that FirstNet will actually start providing service?

1484 Mr. {Kennedy.} I believe that FirstNet will start
1485 providing service as soon as we start to deploy the network,
1486 and states and areas are actually built out, and up and
1487 tested, and on the network. Currently we see the network
1488 starting to be awarded, as far as deployment, in 2017, and so
1489 you will see it probably--in the year after that that you
1490 will start seeing deployment of the network, and actually
1491 being up and operating in different areas.

1492 Mr. {Long.} So you think the--it will be up in 2018?

1493 Mr. {Kennedy.} I think parts of the network will be up
1494 in 2018, and it will continue to deploy on a regular basis.
1495 One thing with wireless networks is they are ongoing
1496 deployments, and so we have the initial deployment, which we

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1497 are talking about a 5 years build-out of that deployment,
1498 from 2017 through 2022, but we also believe that the overall
1499 network will continue to grow after that, but there will be
1500 additional coverage that is added. There is additional
1501 capacity that is added. It is not a static network. So
1502 every part of the country that even has initial deployment
1503 will continue add to that deployment as time goes on.

1504 Mr. {Long.} Okay. Thank you. Mr. Chairman, I yield
1505 back.

1506 Mr. {Walden.} The gentleman yields back. The Chair now
1507 recognizes the gentlelady from Colorado for 5 minutes.

1508 Ms. {DeGette.} Thank you, Mr. Chairman. I just wanted
1509 to ask--Mr. Kennedy, I wanted to ask you about some of the
1510 efforts in Colorado. As part of the successful AWS-3
1511 auction, NIST, which as--has labs in Colorado, received \$300
1512 million for research on standards, technologies, and
1513 applications to advance wireless public safety
1514 communications. Now, my understanding is that this research
1515 is in consultation with FirstNet, so even though NIST only
1516 recently received the funding, I am wondering if you can give
1517 us the status of those consultations?

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1518 Mr. {Kennedy.} I can. We actually met with NIST last
1519 week. One of the things that we have right now--every June
1520 is a public safety communications research conference, and
1521 that conference is done with NIST and the public safety
1522 communications research lab at NIST. And it was held just
1523 last week, and literally over 500 key stakeholders came
1524 together to talk about the technical aspects, and the
1525 different research and development aspects of not just the
1526 public safety network, but public safety communications in
1527 general.

1528 We actually sat down with the NIST team and started to
1529 consult and discuss on that grant program regular ongoing
1530 communications with both the NIST director and Dereck Orr,
1531 who was the Program Director of the PSCR labs. I believe we
1532 worked hand in glove with them, and that the team at NIST is
1533 very focused on bringing solutions to--

1534 Ms. {DeGette.} Yeah.

1535 Mr. {Kennedy.} --public safety on the LTE--

1536 Ms. {DeGette.} Great. Okay, good. Now, you told some
1537 of the other members that FirstNet has worked hard to improve
1538 its outreach efforts to all stakeholders, including states,

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1539 and--as well as NIST, I understand you have had an official
1540 consultation with the State of Colorado. Can you tell me
1541 what is next for FirstNet in Colorado?

1542 Mr. {Kennedy.} Right now in Colorado we are asking them
1543 to start performing data collection, and I know that they are
1544 doing that. Brian Shepherd, who is the single point of
1545 contact on the Colorado team, has been sending out
1546 communication to the public safety community in Colorado, and
1547 currently their data collection is due September 30, and so
1548 they are working to gather that data on different public
1549 safety users, where re they located throughout the state,
1550 what kinds of 911 calls do they have, where do they need to
1551 respond to? And so that is the current activity that they
1552 are working on.

1553 Once that data is received, we plan to go back out and
1554 meet with states to validate that data and discuss what that
1555 data is telling us to become part of the state plan. And so
1556 that is what is going to--

1557 Ms. {DeGette.} So that will be sometime in the fall,
1558 you think, maybe? Didn't you say September--

1559 Mr. {Kennedy.} In the fall would probably be the

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1560 follow-up to that, after September--

1561 Ms. {DeGette.} Yeah.

1562 Mr. {Kennedy.} --30.

1563 Ms. {DeGette.} Right. Okay. And, lastly, Adams
1564 County, Colorado has one of the five early builder public
1565 safety projects. What lessons do you think you could learn
1566 from that project in Adams County?

1567 Mr. {Kennedy.} Well, the good news is we have already
1568 been learning lessons from that project, and we look forward
1569 to the ongoing lessons now that the network is operations.
1570 They are one of two networks that are already operational.

1571 Ms. {DeGette.} Right.

1572 Mr. {Kennedy.} There are users who are on the network
1573 today, and they are looking to add a lot more users to the
1574 network. As those users come on board, we are going to be
1575 looking at network management of that particular network, how
1576 those users interact, and really look for key use cases for
1577 the benefits of broadband for public safety, and how we can
1578 leverage that across the country with a nationwide public
1579 safety network.

1580 Ms. {DeGette.} Thanks. Thank you very much. I yield

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1581 back, Mr. Chairman. Thank you.

1582 Mr. {Walden.} The gentlelady yields back, and the Chair
1583 now recognizes for 5 minutes the gentlelady from North
1584 Carolina.

1585 Mrs. {Ellmers.} Thank you, Mr. Chairman, and thank you
1586 to our panel. Mr. Kennedy, I have a couple question--or,
1587 actually, I have one question. Mr. Long asked my other
1588 question. My colleague from Missouri was hitting on some of
1589 the rural issues, and I would like to follow up on a couple
1590 of those as well. Since FirstNet is proposing a nationwide
1591 and state and regional approach as potential paths for
1592 network acquisition, I am concerned with how this affects the
1593 rural carriers in limiting their abilities to grow as well.
1594 They have smaller service territories, and I am afraid that
1595 they are going to get cut out of the process.

1596 In addition, there is no clear incentive for large
1597 carriers to partner with the small providers to serve the
1598 rural communities. Large carriers lack presence in the--and
1599 experience in these rural areas, and the smaller carriers are
1600 there. How can--how is this process going to move forward,
1601 and, you know, how is FirstNet going to ensure that the

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1602 effective and efficient creation of the network in rural
1603 areas is provided?

1604 Mr. {Kennedy.} We have been really trying to outreach
1605 to the rural carriers themselves. We have been working with
1606 the different associations, whether it is the rural broadband
1607 association, whether it s NRTC, many of the other different
1608 groups that support rural telecommunications across the
1609 country. We have been engaging them early on. We have been
1610 encouraging them to participate in our draft RFP that is out
1611 right now, as well as our public notices, so that they can
1612 share with FirstNet what their needs and desires are.

1613 Part of releasing a draft RFP, which is not required--

1614 Mrs. {Ellmers.} Um-hum.

1615 Mr. {Kennedy.} --was to get that kind of feedback, both
1616 from states, but also from industry, and industry includes
1617 the rural telecommunications--

1618 Mrs. {Ellmers.} Um-hum.

1619 Mr. {Kennedy.} --providers.

1620 Mrs. {Ellmers.} Um-hum.

1621 Mr. {Kennedy.} And we want them to come forward with
1622 solutions that will help make it cost-effective to build out

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1623 further into rural areas that will make the operation to
1624 sustainability of FirstNet a success, because that is a
1625 requirement of the Act, and to make sure that, as we look at
1626 things like rural build-out milestones. That is one of the
1627 things that we are looking for comments on, and we expect to
1628 receive comments on that. We think it is really important.
1629 We have asked for a definition of rural, set of--

1630 Mrs. {Elmers.} Um-hum.

1631 Mr. {Kennedy.} --comments in a public notice. Lots of
1632 communication from the rural community on that as well. So I
1633 think that we have heavily engaged both public safety
1634 entities that are in rural--

1635 Mrs. {Elmers.} Um-hum.

1636 Mr. {Kennedy.} --areas, as well as the rural
1637 telecommunication entities, to be a part of making this
1638 network a success. We think that, whether it is teaming,
1639 whether it is bringing folks together, whether it is coming
1640 up with unique and innovative business models that will
1641 support that, that we have looked at different ways that we
1642 can, and are--

1643 Mrs. {Elmers.} Um-hum.

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1644 Mr. {Kennedy.} --continuing to get input on that. We
1645 actually have, as part of our RFP, have laid out ways that
1646 people can put themselves forward to team with others so that
1647 different parts can get together and make sure that they can
1648 be a viable entity to bid on different parts of the network,
1649 and be a part of the solution.

1650 Mrs. {Elmers.} Great. Thank you, Mr. Kennedy. I
1651 yield back the remainder of my time, or if anybody wants it,
1652 you know, I have got about 2 minutes left.

1653 Mr. {Walden.} The gentlelady yields back. The Chair
1654 now recognizes the gentleman from New Mexico for 5 minutes.

1655 Mr. {Lujan.} Mr. Chairman, thank you so very much, and
1656 to Mr. Davis and Mr. Kennedy, thank you both for being here.

1657 Mr. Kennedy, as you know, before the establishment of
1658 FirstNet, my home state of New Mexico was the recipient of a
1659 BTOP grant to support the development of a public safety
1660 wireless system, and it is my understanding the FirstNet and
1661 New Mexico have reached a spectrum licensing agreement in
1662 this space. Can you give us an idea if this is indeed going
1663 to be completed by September 30?

1664 Mr. {Kennedy.} To my knowledge right now, from CIO

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1665 Darryl Ackley, who is leading the New Mexico team, and his
1666 staff, Jackie Miller and others, who are working on that BTOP
1667 project, they are on track to meeting their September 30
1668 deadline. I know there is a lot of work to be done, and they
1669 are working hard to make that happen.

1670 We know that they have been collaborating to get those
1671 sites on board, and they have also had a significant part of
1672 that project that was already deployed for microwave
1673 backhaul, and other elements that are the backbone of that
1674 system. So we are really looking forward to additional
1675 lessons learned coming out of the State of New Mexico. You
1676 have some unique issues with the border that we are also
1677 learning to get some key learnings out of, and so really
1678 excited, and looking forward to that project coming online.

1679 Mr. {Lujan.} Well, since you went there, Mr. Kennedy, I
1680 will jump right to that question that I had for you is--New
1681 Mexico is one of the many states that has a complexity of
1682 jurisdictions with local, state, Federal Government, as you
1683 named, and--namely being a border state, with Border and
1684 Customs as well. Has the dynamic presented any unique
1685 challenges that you have seen, or that you anticipated?

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1686 Mr. {Kennedy.} I think there are two things. One,
1687 certainly challenges related to spectrum on the border.
1688 Mexico is looking at different ways to deploy broadband for
1689 their government needs, including public safety, than the
1690 United States, as far as their band plan. There have been
1691 some very positive announcements on the northern border that
1692 Canada is actually matched up with our same exact spectrum
1693 that we are utilizing for the FirstNet network for their
1694 public safety first responders, so we are in much better
1695 shape there, as far as dealing with those issues. So that is
1696 an issue that is ongoing when you get on the border.

1697 I will say that there has been collaboration and
1698 cooperation on sites near the border with the Federal
1699 Government, and Federal law enforcement agencies that work on
1700 the border with the State of New Mexico. And I think,
1701 working through some of that, that key early engagement and
1702 discussions has been very positive both for those Federal law
1703 enforcement agencies, and for the State of New Mexico, and
1704 the lessons learned from that engagement hopefully can be
1705 applied to other parts of the border in New Mexico, as well
1706 as other parts of the southern border in the country. So

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1707 that kind of relationship building, and discussions, and
1708 working through the details to get sites online I think will
1709 be very beneficial to this project.

1710 Mr. {Lujan.} And you have heard a lot of questions from
1711 those us that represent rural states as well. What lessons
1712 learned in a state with geography like we have in New Mexico,
1713 where it is large and land based, as well--we have amazing
1714 mountains ski areas as well, so sometimes that gets in the
1715 way of transmission of some of the communications services,
1716 where you can drop service here and there, because it is so--
1717 such a big state. So what have we learned that we will be
1718 able to deploy in other states?

1719 Mr. {Kennedy.} Sure. I mean, as somebody who has been
1720 a state trooper in Utah, and understands some of the rural
1721 geography that you have in New Mexico, and has traveled to
1722 New Mexico, I think it is really important that we understand
1723 that there are many areas that are very difficult to
1724 communicate with today, and the needs are critical for public
1725 safety to have additional communication avenues, both in land
1726 mobile radio, and in cellular and LTE communications.

1727 I think that the kinds of things we are looking at in

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1728 different communities in New Mexico today with the initial
1729 build-out will be helpful, but because your geography and
1730 terrain is so varied, I think that, you know, all the
1731 different things that we need to bring forward for options
1732 and solutions to serve very rural areas are going to be
1733 critical for New Mexico, and all the rural states.

1734 And I think as we move forward, finding unique solutions
1735 that can leverage very long ways of dealing in rural areas,
1736 we are looking at boomer sites as one of the unique elements
1737 that we have that can cover large areas with a stronger cell
1738 site that can do that. We are looking at high powered mobile
1739 devices. We are looking at satellite backhaul in some areas,
1740 and deployable units. So many different ways to try to serve
1741 rural communities, all of which I think will be important for
1742 New Mexico, and many states that have the same kind of
1743 terrain.

1744 Mr. {Lujan.} And in your testimony, Mr. Kennedy, you
1745 also outlined the establishment of a tribal working group,
1746 and hiring a tribal liaison as well. Can you provide more
1747 detail on FirstNet's efforts to ensure robust tribal
1748 consultation? And, in addition to that, I understand that

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1749 you recently had a session in Santa Fe, New Mexico. If you
1750 could let us know what the next steps are?

1751 Mr. {Kennedy.} Sure. I think the establishment of that
1752 tribal working group has been very successful. Early in in
1753 FirstNet's existence Chairman Ginn appointed Kevin
1754 McGuinness, one of our Board members, to be the tribal
1755 liaison from the Board. Kevin has been actively involved in
1756 making sure that tribal communities are involved every step
1757 of the way with FirstNet. We have gone so far as even making
1758 sure that we reach out--we recently had some public notices,
1759 and actually sent notices to all of the recognized tribes to
1760 make sure that they give us input, and we have received input
1761 from tribal communities as part of that. And so we are
1762 looking forward to continuing to try to have that
1763 involvement.

1764 When I talked earlier about the 56 state SPOC meeting,
1765 where we got all the single points of contact together, we
1766 actually invited the tribal working group to that meeting as
1767 well, and we had sessions where the tribal working group met
1768 with states. These breakout sessions had 15 or 20 states in
1769 there, and talked about issues that affect tribal communities

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1770 related to public safety broadband, and shared their
1771 concerns, and how to get each side to be more involved with
1772 each other. So I think we have done a great job of trying to
1773 bring them together, but there is a lot more to do as we
1774 continue to develop and deploy the network.

1775 Mr. {Walden.} Thank you very much. The gentleman
1776 yields back. The gentleman from Texas is recognized for 5
1777 minutes.

1778 Mr. {Olson.} I thank the Chairman, and welcome Mr.
1779 Kennedy and Mr. Davis. One of the early build-out projects
1780 is in the eastern end of my district, Harris County, Texas,
1781 population four million people, the third most populous
1782 county in America, number one in Texas. The last 2 weeks
1783 back home have been pretty rough. We had a 100 year flood on
1784 Memorial Day, with homes being lost, businesses being lost.
1785 Tragically, a few lives were lost, including one woman in my
1786 district. And now Tropical Storm Bill has rolled ashore, a
1787 little bit south of Harris County. Made landfall about 150
1788 miles south, meaning the worst side of the hurricane, the
1789 northeast quadrant, is hitting my hometown directly. We are
1790 managing, but we can always use more weapons in this battle.

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1791 Bill came ashore between Palacios, Texas, a population of
1792 4,661, and Port O'Connor, Texas, booming with 1,253. Those
1793 two towns can't respond like Harris County, Houston can to a
1794 crisis, and that is why I am so excited about what FirstNet
1795 promises. But FirstNet starts with these early builder
1796 programs, like in Harris County.

1797 So my question is, Mr. Kennedy, the recently released
1798 GAO report recommended that FirstNet develop a plan to better
1799 evaluate their early builder projects and capitalize on the
1800 experience gleaned from them. What is the status of those
1801 recommendations, sir?

1802 Mr. {Kennedy.} So, first of all, we put together that--
1803 an evaluation plan to incorporate those lessons learned. We
1804 have received many lessons learned from each of these
1805 projects, including Harris County. We most recently even had
1806 the Harris County team up to our Reston headquarters here in
1807 Northern Virginia, meeting with both our technical team and
1808 our RFP team, and sharing those lessons that they have
1809 learned so far to make sure that they are incorporated both
1810 into our acquisition, and into our overall plans and
1811 procedures, and development of the network.

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1812 Mayor Parker, who is the Mayor of Houston, is on our
1813 Board. Our Board is made up of an amazing group of talented
1814 individuals both from the wireless and telecommunications
1815 industry, also from state and local government, and from
1816 public safety, police, fire, emergency medical services, and
1817 sheriff's departments. That Board, including Mayor Parker,
1818 are giving us advice on the deployment of this network, and
1819 how critical this is. And we know she has been quite busy,
1820 as well as all the officials in Texas that have been dealing
1821 with your recent flooding, and the ongoing issues that are
1822 affecting you there.

1823 We think that is an absolutely perfect reason why we
1824 need to deploy this network and move very quickly, and with
1825 focus, to have consultation so that we can take in these
1826 lessons learned to work through the acquisition as the Act
1827 requires us to so that we can deploy this network as quickly
1828 as possible for public safety.

1829 Mr. {Olson.} Have there been real surprises, something
1830 that came out of nowhere, whoa, what happened here? I mean,
1831 any big surprises, or are things marching along? Challenges,
1832 gotten through them, over them? Anything we should be

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1833 concerned about? Some challenges that came out of nowhere,
1834 like--I mean, real world example, right now back home, we
1835 have real big problems. FirstNet could be a big part to
1836 solving those problems, and so--any idea, if we had some big
1837 problems, that--might want to help out us here in Congress,
1838 or are you guys doing all right right now?

1839 Mr. {Kennedy.} As far as big problems, I don't think
1840 there has necessarily been unforeseen major issues, but there
1841 have been things that we were worried about that have come
1842 true. So, as a good example, the intricacies in working
1843 through memorandums of agreement, and understanding to get
1844 sites, and access to sites that are government sites to help
1845 build the network, very time consuming, can be political at
1846 times, and take a lot of time and effort to put some of those
1847 in place. And so that is just one example of more than 60
1848 lessons learned that we have from these early builder projects
1849 so far. We continue to incorporate those in our development.
1850 I think the time that it takes to consult and work through
1851 acquisition takes time, but we are working through that as
1852 quickly as we can.

1853 Mr. {Olson.} As you build FirstNet through early

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1854 builders, are there any insights to use actual real world
1855 situations, like what we had in Harris County, Texas the past
1856 month as a real world example of how this thing can save some
1857 lives, get this thing up and running? Any effort to try to
1858 include real world examples in your--going forward with the
1859 early builder's program, and then FirstNet?

1860 Mr. {Kennedy.} There are. We have asked for actual use
1861 cases and lessons learned that are real world use cases that
1862 are coming out of these projects. Many of them are not live
1863 and on the air yet today. Harris County and AdCom are two
1864 that are, but they have a small number of users, in some
1865 cases, that are on the network today. And as they continue
1866 to add users, I suspect we will have more lifesaving examples
1867 that we can bring forward.

1868 These projects were funded through the Broadband
1869 Technology Opportunities Program pre-FirstNet, but because
1870 they are leveraging the FirstNet spectrum, it is something
1871 that we are going to be able to get those kind of use cases,
1872 and be able to share them with public safety across the
1873 country.

1874 Mr. {Olson.} And that is important, because most of

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1875 these homes that were lost and lives lost were lost in small
1876 towns. Even--I mean, suburban towns, but small police force,
1877 not capable like the big Houston police force, or my police
1878 force in Sugarland, Texas, where I live. And so please,
1879 please, please, get going, get going, get going, we need
1880 this. I yield back.

1881 Mr. {Walden.} The gentleman yields back. The Chair now
1882 recognizes the gentleman from New York for 5 minutes.

1883 Mr. {Collins.} Thank you, Mr. Chairman. In a--excuse
1884 me. In a prior life I was the County Executive of Erie
1885 County, the largest upstate county in New York, 44 cities,
1886 towns, and villages, and 100 separate volunteer fire
1887 companies. I went through, 7, 8 years ago, the whole issue
1888 of low band, 400 megahertz, 800 megahertz. I was the one
1889 that killed the 800 megahertz plan in New York State when
1890 they came to our county, where it had to work, as the largest
1891 upstate county. In my talking to the volunteer fire folks,
1892 first of all, we knew it probably wouldn't work, and
1893 secondly, we had no money to implement it anyway. So I
1894 pulled the county out, it cratered the whole thing across New
1895 York State.

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1896 So talk to me as though I am this local volunteer fire
1897 guy. I just went from low band to 400 megahertz, and it
1898 works. It works really, really well. I knew 800 megahertz
1899 was a disaster. Now, tell me what my life is going to look
1900 like 5 years from now. Do I have to throw all my radios
1901 away? Am I going to go to 700 megahertz? Am I going to go
1902 to a 4G LTE? Who is going to buy me my equipment?

1903 Our emergency services, central police, you know, I was
1904 county exec when Flight 3407 went down. I have had floods, I
1905 had blizzards. It was critical that we all talked to each
1906 other. Rural areas, some of our areas, believe it or not, do
1907 not today have cell coverage. So tell me what my life is
1908 going to look like. Make it really simple. I am a volunteer
1909 fire chief. What is my life going to look like 5 years from
1910 now? Tell me what it is going to be.

1911 Mr. {Kennedy.} When we have been out talking to a lot
1912 of volunteer firefighters and EMS personnel, most of them
1913 carry a personal smartphone today, or cell phone today, if
1914 they have coverage. To your point, there are still some
1915 areas without coverage, but let us assume they are in an area
1916 that has coverage.

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1917 Mr. {Collins.} No, I don't know, I--mine in particular
1918 doesn't.

1919 Mr. {Kennedy.} Okay. So, as part of the--

1920 Mr. {Collins.} That is my excuse when someone reaches
1921 me. I tell them I am out in Wyoming County, and--sorry, I
1922 just lost coverage. And they go, I understand.

1923 Mr. {Kennedy.} And the really--

1924 Mr. {Collins.} Talk to me as--both ways. Sorry.

1925 Mr. {Kennedy.} If you are in a rural county, we want
1926 you to participate in the New York State consultation
1927 process. We want you to be a part of that consultation
1928 process, get your needs on the table for the New York State
1929 plan. As we talked about a little bit earlier in the hearing
1930 today, our goal is to work with New York State to bring
1931 forward a plan for New York State that has coverage
1932 objectives, that has data coming back from our request for
1933 proposal process on cost, and deployment, and coverage, and
1934 those kind of key elements that will come to the table.

1935 And every state has a different set of issues. We heard
1936 from New Mexico and border issues. You have border issues in
1937 New York State as well, but different issues on the northern

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1938 border and the southern border. So we want all those to be
1939 captured as part of that plan. And then coming forward to
1940 them is they will have the opportunity to buy service, if it
1941 meets their needs. So, for the average volunteer fire chief
1942 in your communities, if we provide the coverage at the cost
1943 that they are willing to pay for, they can do that. And if
1944 we don't--

1945 Mr. {Collins.} Yeah, but I think--

1946 Mr. {Kennedy.} --then we have--

1947 Mr. {Collins.} Here is--

1948 Mr. {Kennedy.} --not met their needs.

1949 Mr. {Collins.} You know, excuse me, here is the big
1950 issue. There are separate budgets, in some cases no budgets.
1951 As I said, we have 100 separate volunteer fire companies. We
1952 have 44 separate cities, towns, and villages. This is one
1953 county. You know, this all sounds good, but, you know, the
1954 tail wags the dog. I have got this small community, who is
1955 going to buy me my new stuff? I have no budget for anything,
1956 and yet, I can tell you, as County Executive, I needed every
1957 one of them to be listening to the same channel. I needed
1958 every one of them to be able to respond, which is why we went

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1959 400 megahertz across the board, no ifs, ands, or buts. The
1960 county paid for the equipment. We put every--took them off
1961 of low band, killed the 800. It works perfectly.

1962 So now it is like, are we turning this all upside down?
1963 And if I have got to start over, one thing I can assure you,
1964 New York State doesn't exactly talk to the localities. They
1965 may talk to New York City. They don't talk to the other
1966 localities. That is what happened on the 800 megahertz,
1967 which was a debacle. I just--I mean, should I be worried?
1968 If I am a County Executive, if I am Commissioner, Central
1969 Police Services, if I am the Commissioner of Emergency
1970 Services, I just kind of see, in a perfect world, this is
1971 great, but, boy, we don't live in a perfect world.

1972 Mr. {Kennedy.} I think you should look at it as an
1973 opportunity that FirstNet will have to provide the kinds of
1974 services at a cost that can be afforded in those rural
1975 counties, and that we can expand coverage that will give them
1976 coverage that they don't have today, and try to meet those
1977 needs that they would want to partake in the service. We
1978 will be judged on whether or not we provide that kind of
1979 service and meet their needs.

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1980 One of the things I think that is very important, and
1981 you mentioned this, is we will be building an operable system
1982 that will be interoperable between all those different
1983 agencies from the very beginning. Doesn't matter at what
1984 level they are, doesn't matter if it is police, fire,
1985 emergency medical services, emergency management,
1986 transportation, and that will be--the opportunity will be to
1987 partake in a system that has those abilities.

1988 Mr. {Collins.} I have got 4 seconds, but what do you
1989 envision? I--now, I am not talking about just the beginning.
1990 Are we going to be there in 5 years, is it 10 years, is it 20
1991 years? What--

1992 Mr. {Kennedy.} I think right now we are planning a 5
1993 year deployment that will start when the RFP is awarded in
1994 early--

1995 Mr. {Collins.} Well, deployment is different than--it
1996 is working--it is just like 400 megahertz. Don't even think
1997 about it, take out my radio, everyone is listening.

1998 Mr. {Kennedy.} You have two different types of systems,
1999 land mobile radio and LTE. They are not exactly the same,
2000 and so it would not necessarily a replace. It is maintain

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2001 the existing radio networks that you have now, and leverage
2002 broadband as it comes forward. As public safety builds trust
2003 in that network, they will leverage and--

2004 Mr. {Collins.} That is--

2005 Mr. {Kennedy.} --utilize--

2006 Mr. {Collins.} --part of the key, so--my time has
2007 expired. Thank you, Mr. Chairman.

2008 Mr. {Walden.} Thank you very much. The gentleman's
2009 time has expired. The Chair now recognizes for 5 minutes the
2010 gentleman from Illinois.

2011 Mr. {Shimkus.} Thank you, and thanks for staying.

2012 Usually I get done earlier, but it is kind of good that I was
2013 kind of last, because--going to follow up on a little bit of
2014 what my colleague from New York mentioned, and some other
2015 concerns. Thanks for being here. Testimony has been great.
2016 Mr. Davis, thank you, because you give me a little more
2017 comfort, having someone more local to the state. Because,
2018 you know, the basic debate the last couple years was to make
2019 sure our first line responders had a dedicated system by
2020 which we could communicate, and then bring on hopefully new
2021 technologies and devices, with how the world changes so

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2022 quick.

2023 Mr. Kennedy, you have been very articulate, and I think
2024 that has been helpful, but I get--always get concerned when
2025 we have--we use the terms government business model,
2026 independent corporation. I am not sure I have seen the
2027 Federal Government be able to operate that without
2028 challenges. So, I don't want to be a fly in the ointment,
2029 but the--it really follows up on some of Mr. Collins's
2030 comments too, because it is not just--he is trying to get a
2031 picture of where we are going to be, but he also said, you
2032 know, for the local devices, we have got the--obviously the
2033 radio communications, but, of course, we are talking about
2034 broadband, and the issue of how do you get--eventually get to
2035 hardened commercial devices, which I don't know we talked
2036 much about. He did mention who is going to pay for this?

2037 And so when we have a network with seven billion in
2038 capital to deploy, and be able to match the coverage,
2039 capacity, apps and functionality of the commercial network--
2040 commercial networks spend about 20 billion or more a year in
2041 upgrades. How are we going to do this? If we--if you only
2042 have seven, and the commercial side spends 20 yearly to keep

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2043 up to date, aren't you a little concerned?

2044 Mr. {Kennedy.} This is a complex funding mechanism to
2045 make this work, but I do believe Congress has come up with a
2046 very unique model that is doable. We have three major
2047 funding sources, the \$7 billion in construction funding that
2048 you discussed, leveraging the excess capacity on the 700
2049 megahertz spectrum that is part of the network, which is
2050 absolutely critical. One of the elements in the Act was
2051 called covered leasing agreements, which allows us to lease
2052 that excess capacity to be able to leverage that funding both
2053 in deployment and maintenance and operations of the network.

2054 Mr. {Shimkus.} And that will be leased to other users?

2055 Mr. {Kennedy.} As part of the RFP process, that is
2056 allowed to be leased to commercial users, who can go ahead
2057 and then resale that network to consumers, which we are not
2058 allowed to do as part of the network. That resale, or that
2059 covered leasing agreement, the way it works in there is a
2060 much larger portion of the funding than the \$7 billion
2061 portion. Those two elements, along with fees, user fees, for
2062 the most part, core network fees, those are the three
2063 elements that will come together to make this a successful

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2064 network.

2065 Also, we are going to have to provide a network to
2066 public safety that meets their needs. We are going to have
2067 to meet the key objectives of public safety for reliability,
2068 for resilience, and providing devices, both commercial
2069 devices and hardened devices, that will meet their needs.
2070 One of the things we have seen in the commercial networks
2071 today is that they have a larger variety of devices that can
2072 met the needs for both voice, video, and data, and we believe
2073 that that rich ecosystem, on a nationwide scale, with
2074 millions of users that can come forward and create devices
2075 that are cost effective, will be able to bring down those
2076 prices that the Ranking Member mentioned earlier to very
2077 affordable prices for devices both for vehicles and for
2078 individuals.

2079 Mr. {Shimkus.} Can you give me some comfort that in 10
2080 years we don't have a--well, we will have a--maybe a somewhat
2081 vibrant LTE system, and the rest of the world has moved on?

2082 Mr. {Kennedy.} I think very similar to my earlier
2083 comments, that we are planning on building a recapitalized
2084 network that can be upgraded and maintained into the future.

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2085 Part of the reason we have been so focused on the 3GPP
2086 standards, and sticking with international commercial
2087 standards for building this network is that we will continue
2088 to upgrade and maintain the network for those new standards
2089 as we move to 5G and 6G in the future.

2090 Mr. {Shimkus.} Well, we want you to be successful. We
2091 wish you good luck, and we look forward to following this.
2092 Mr. Chairman--and I yield back.

2093 Mr. {Latta.} [Presiding] Thank you very much. The
2094 gentleman yields back, and I believe we have exhausted all of
2095 our members here to ask you all questions, but I know on--I
2096 want to thank you for your time today. I want to also, from
2097 Chairman Walden, and also the Ranking Member, the gentlelady
2098 from California, for your time, your answers today. It was
2099 very, very informative. And, judging from the folks that
2100 were in the audience today, that they had to fight for a
2101 seat. So--but really want to thank you for your time and
2102 your effort for being here. Mr. Davis, thanks very much for
2103 coming in from Ohio on pretty short notice. Mr. Kennedy,
2104 again, thank you for your testimony today. And if there is
2105 no further business to come before the Committee, we stand

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2106 adjourned.

2107 [Whereupon, at 3:57 p.m., the Subcommittee was

2108 adjourned.]