

Written Testimony of
TJ Kennedy
Acting Executive Director
First Responder Network Authority

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Hearing on

“Progress Toward a Nationwide Public Broadband Network”

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Introduction

Chairman Walden, Ranking Member Eshoo, and Members of the Subcommittee, on behalf of the First Responder Network Authority (FirstNet), I would like to thank you for the opportunity to appear before you to discuss the progress that we have made since our last testimony before this panel in November 2013. Congressional oversight is a vital component to the success of FirstNet, and I look forward to sharing with this panel the progress that we have made in planning for the deployment and operation of a network that will meet the needs of our nation’s first responders.

Background

Signed into law on February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) (Act) created FirstNet. The law gives FirstNet the mission to ensure the deployment and operation of a Nationwide Public Safety Broadband Network (Network). The Network will provide a single interoperable platform for emergency and daily public safety communications. We expect the Network to provide cutting-edge, prioritized, and preemptive wireless broadband communications to millions of public safety personnel that respond to emergencies at the local, state, tribal, and Federal levels.

The Act has been a compass for FirstNet, guiding the organization through its creation, planning, and execution phases. The Act establishes FirstNet as an independent authority within the National Telecommunications and Information Administration (NTIA), provides our mission, emphasizes the key role that consultation plays in the development of the network architecture and operational parameters, and outlines key requirements that FirstNet must follow in planning and deploying the Network.

Public safety, and thus the American people, will benefit from: (1) the availability of an interoperable, dedicated, hardened, resilient, and secure wireless broadband network for public safety personnel; (2) the economies of scale afforded by a nationwide, standards-based network;

and (3) the force of innovation in applications that to date has only been enjoyed by commercial consumers. This vision of developing a recapitalization model that will lead to the deployment of a fully self-sustaining network is what we are working towards at FirstNet.

Timeline of Events

In March 2014, the FirstNet Board (Board) released our Strategic Program Roadmap Executive Summary (Strategic Roadmap).¹ Much of our planning is embodied in this document, which set out goals to achieve over 12 months, including to:

- Initiate formal state consultations;
- Initiate a public notice and comment process on initial statutory interpretations;
- Release Requests for Information (RFI) for certain network and equipment services; and
- Release a Special Notice containing draft portions of a Request for Proposals (RFP) for the comprehensive network solution for comment.

I am pleased to report that FirstNet has met all of these goals. We began formal state consultations in July 2014 to understand public safety's unique needs within each state and territory. We have published three public notices that seek input on key legal interpretations of the Act. FirstNet released a comprehensive draft Statement of Objectives (SOO) and our thirteenth Request for Information in September 2014. Finally, the FirstNet Board approved and authorized the proposed acquisition approach, which in turn allowed FirstNet to release a Special Notice with draft RFP documents for comment in April 2015. In the following discussion, I will address each of these milestones in detail as well as FirstNet's organizational structure and internal compliance measures.

Consultation and Outreach

FirstNet has placed a priority on public safety input at every stage of our consultation and outreach efforts, so that future end-users will have as much input into the design of the Network as reasonably possible. Our efforts to interact with local, state, tribal, and Federal stakeholders are a centerpiece of the FirstNet mission. In FY 2014, FirstNet addressed over 20,000 stakeholders at conferences, meetings, and speaking events throughout the country. In FY 2015, we have already connected with over 25,000 public safety and private sector stakeholders at nearly 200 outreach and consultation engagements. It is important to note that outreach is far broader than consultation and while we have very specific topics that we must consult on, we are aiming to go above and beyond what is required by law, so that we conduct outreach with as wide a reach as possible.

FirstNet continues to collaborate closely with the states. We distributed the consultation package to all 56 states and territories, and since then, we have received 51 completed checklists, met with 34 states and territories, and have scheduled an additional 15 state consultations through September. We aim to complete initial state consultation meetings with all 56 states and

¹ The FirstNet Strategic Program Roadmap Executive Summary can be accessed at: <http://firstnet.gov/content/march-board-directors-meeting>.

territories by the end of 2015, with ongoing outreach and consultation continuing well into the deployment phases of the project.

The objective of this consultation process is to develop detailed State plans that address the unique communications needs of each state's public safety entities. As prescribed in the Act, these individual plans will inform and empower each state's choice to have FirstNet deploy the radio access network (RAN) within the state's borders or to assume the financial and operational responsibility to build, operate, and maintain its own RAN that integrates with the remainder of the FirstNet network.

In order to execute this requirement, FirstNet has built a consultation strategy that focuses on several key objectives, ensuring that the consultation process is:

- Iterative, giving states and other stakeholders opportunities to provide feedback and input in multiple ways and on an ongoing basis;
- Collaborative, so that FirstNet is working with the localities, states, territories, tribes, and other stakeholders to collect information and data that will be useful for Network deployment;
- Focused on the critical, priority elements for deployment within each state; and
- Informative to the development of FirstNet RFPs, the delivery of the state plans, and the design, construction, and operation of the Network.

In addition to individual state consultations, FirstNet has encouraged and facilitated several regional and nationwide collaborative efforts to assist Governor-designated single points of contact (SPOCs) in their efforts. Per the Act, SPOCs are the designated points of contact for consultation between FirstNet and regional, state, tribal and local jurisdictions, and they serve as a liaison between the public safety entities within those jurisdictions and FirstNet during the consultation process. In April 2015, for example, FirstNet held a highly successful SPOC meeting with 134 participants from 52 states and territories. States were invited to bring a number of representatives to this meeting to ensure a wide variety of attendees.

We also understand how important local outreach is in shaping the FirstNet network to meet the unique needs and requirements of local communities. To that end, FirstNet is in the process of hiring ten regional team leads to help support our ongoing outreach and state consultation efforts. These FirstNet regions are aligned with the ten Federal Emergency Management Agency regions. The regional teams will span the nation to participate in state consultation meetings, join various regional and state governing body meetings and association conferences, and meet one-on-one with the SPOCs and public safety agencies representing potential FirstNet network users. Over the past several months, we have hired leads for Region II, Region V, Region IX, and region X and we expect to complete regional team lead hiring in 2015.

We are also working closely with Federal agencies to drive collaboration and potential use of the Network. After working with the Emergency Communications Preparedness Center (ECPC) to increase outreach with Federal stakeholders through much of 2014, FirstNet's Federal Outreach team held an initial formal consultation meeting with Federal agencies in January 2015. Subsequently, FirstNet released an initial consultation package to the 14 federal agencies that sit

on the ECPC. FirstNet staff engaged in discussions about coverage needs and objectives, as well as security requirements for the Network. FirstNet is also leveraging the Department of Homeland Security's Office of Cybersecurity and Communications in the area of cybersecurity for our planning efforts, and FirstNet has recently hired a cyber lead within the Chief Technology Office focusing exclusively on cyber and network security.

Additionally, FirstNet's Public Safety Advisory Committee (PSAC), the congressionally mandated FirstNet advisory group composed of key public safety stakeholders and currently chaired by Chief Harlin McEwen, will continue to be an important resource as we pursue our mission. To date, the PSAC has collaboratively developed and advised FirstNet on the following:

- Human Factors Report (November 2013): Analyzes the long-range impacts of the Network on the way law enforcement, fire, and EMS operate and considers the impact the Network will have on their duties once it is built and operating.
- Potential Users – Nationwide Public Safety Broadband Network (July 2014): Identifies and categorizes lists of potential Network users.
- Use Cases for Interfaces, Applications, and Capabilities for the Nationwide Public Safety Broadband Network (July 2014): Documents envisioned use cases for interfaces, applications, and capabilities for the Network.

The PSAC members' public safety experience has helped to inform key capabilities and functions of the FirstNet network, and will continue to be critical in our planning. At FirstNet's request, task teams from the PSAC are currently working on:

- The development of a proposed priority and preemption framework,
- Defining and prioritizing public safety grade hardening requirements, and
- Informing Band 14 device design to meet operational needs of first responders.

Priority and preemption are two crucial features of the FirstNet Network that distinguish it from standard commercial networks and ensure that public safety users will have dedicated access to the FirstNet network at all times regardless of any cover leasing agreements that may be in place to utilize the excess capacity.

Finally, over the past year, FirstNet has conducted focused outreach with individual tribes, tribal associations, and Federal tribal government liaisons, and has worked with the PSAC to establish a Tribal Working Group. These discussions have resulted in positive dialogue and a better understanding of tribal needs and engagement with the SPCO's from each of the states. FirstNet hired a tribal outreach lead to assist with focused tribal outreach efforts, as well as staff to address compliance with the National Historic Preservation Act ("NHPA") and the National Environmental Policy Act ("NEPA").²

Deployment and Operation of the Network

² In addition to formal consultation with the tribes through the Governor-appointed SPOC under the Act, FirstNet is conducting formal government to government consultation with federally recognized tribes under Section 106 of NHPA and is also conducting outreach with native Hawaiian organizations.

FirstNet is actively conducting research to gain insight into the capabilities, opportunities, risks, and innovative business arrangements in the market today to support the construction of the FirstNet network. In addition, FirstNet has utilized a public notice process to solicit comments from stakeholders, industry, and the general public on legal interpretations regarding the planning, deployment, and operation of the Network. To date, we have:

- Released a First Public Notice in September 2014 seeking comment on several key program policies and statutory interpretations and received 63 responses;
- Released a Second Public Notice in March 2015 seeking comments on key interpretations of the Act that impact operational and economic issues regarding the planning, deployment, operation, and sustainability of the Network and received 70 responses;
- Released a Third Public Notice in April 2015 regarding the Act's definition of a "public safety entity" and received 54 responses;
- Published a Request for Information with a draft Statement of Objectives in September 2014 and received 122 comments; and
- In April 2015, released a Special Notice and draft RFP documents. The comment period closes July 27, 2015, but as of June, 2015, we have received more than 670 questions, to which we are in the process of preparing responses which will be posted, in phases, on the Federal Business Opportunity website.

A. Requests for Information (RFI) and Draft Statement of Objectives (SOO)³

From April 2013 through April 2014, FirstNet released 12 RFIs that focused on individual components of the Network, including network partnering and RAN provisioning, antenna systems, microwave backhaul equipment, deployables, satellite service, enhanced packet core, transmission/transport, data centers, network management centers, network service platforms, devices, and applications. The results of these 12 RFIs, and the findings from numerous market research vendor meetings conducted by FirstNet, were compiled and ultimately led to the development and release of the thirteenth RFI for a comprehensive network solution in September 2014.

This RFI focused on soliciting feedback for a comprehensive network solution as opposed to individual network components. It also included a draft SOO, which has helped industry better understand FirstNet's key program objectives to deploy, operate, and maintain the Network. This objectives-based approach to the procurement, rather than a requirements-driven approach, promotes flexibility and innovation in achieving our goals while helping us reduce the complexity we face in managing and integrating the diverse set of components needed to meet our mission.

FirstNet received 122 responses to this RFI, and we are very encouraged by the interest it generated. It is important to note that the responses came not only from the vendor community, but also from several state, local, and public safety entities. We take this as another positive sign that the public safety community is highly engaged and supportive of our mission.

³ The SOO is available at: <https://www.fbo.gov/utills/view?id=8adcc535f882f19d58f365134134093d>.

B. Special Notice and Draft RFP Documents⁴

The Act requires FirstNet to issue a request for proposals (RFP) for the deployment, maintenance, and operation of the Network. The Board held a special meeting in April 2015 to approve the acquisition framework and authorize FirstNet management to take steps to execute that approach. As a result of that meeting, FirstNet released a Special Notice requesting feedback on draft RFP documents in accordance with the Strategic Roadmap. The draft RFP documents are formulated based on the market research and comments received from the public notices and RFIs over the past 18 months.

FirstNet decided to release the draft RFP documents to maximize input from all interested parties on critical tenets of our proposed acquisition strategy. It must be noted that FirstNet was under no obligation to release any draft RFP documents. We felt, however, that we needed to engage with industry and our public safety stakeholders as transparently as possible consistent with our open and transparent statutory goals.

The Special Notice is broken down into sections, including an overview of the draft RFP documents, a request for feedback on the various approaches that FirstNet is looking to adopt, and the rules and processes through which interested parties can submit comments, questions, and statements of their capability to meet FirstNet's objectives.

FirstNet has also included several appendices to the Special Notice that cover a variety of topics such as pricing concepts and a proposed SOO. This comprehensive approach allows offerors to be innovative in proposing solutions to provide nationwide interoperability and fosters as much competition between potential offerors as possible.

In addition, "Industry Day" events, such as the one held on May 14, 2015, at which we had over 400 in-person and online participants from 250 organizations, are designed to encourage stakeholder participation and feedback early in the acquisition process. This allows potential offerors and FirstNet to have a dialogue prior to the RFP's release, which is targeted for the end of this calendar year.

C. Additional Technical Development and Public Safety Communications Research (PSCR) Collaboration

The Office of the CTO has been, and will continue to be, a key component that guides the FirstNet team through deployment of the FirstNet network. The Office of the CTO has grown significantly over the last year and has hired key leaders for the following technical positions:

- Radio Access Network
- Security
- Technology Planning and Development
- Network Operations
- Labs
- Applications
- Devices

⁴ The full Special Notice and draft RFP documents can be found at:
<https://www.fbo.gov/index?s=opportunity&mode=form&tab=core&id=55fa4d3227d5ac0173e4613e04368c86>.

We continue to build our technical team at FirstNet, which will support the critical components of the FirstNet network. The technology office has recently hired a Senior Security Architect and given that this will be an IP-based system, cybersecurity is a key concern and area of focus for us at FirstNet. We recognize the importance Congress placed on this issue in the Act. Building in cyber defenses from the planning stage is a fundamental step towards incorporating security throughout the Network.

Finally, we have been working very closely with the Department of Commerce’s team at the PSCR labs to share ideas and data and to eliminate information silos. PSCR-funded efforts continue to provide key insights for RFP development related to Quality of Service, Priority, and Preemption on LTE (Long-Term Evolution). Working directly with PSCR has allowed FirstNet to make significant technical contributions to the Third Generation Partnership Project (3GPP) development of LTE to meet public safety’s unique needs. Several 3GPP features are in the final stages for development to support mission critical voice capabilities in future releases of LTE.

Organization and Leadership

FirstNet’s senior management is comprised of experienced, C-level individuals. As Acting Executive Director, I am responsible for day-to-day operations of the FirstNet organization. My leadership team is comprised of five offices: Technology, Legal, Finance, Administration, Information Technology. As we continue to focus our efforts on consultation and procurement in 2015, I will be adding to each of these offices to ensure that we have the resources necessary to meet our goals for 2015 and to have direct control over function that affect the success of FirstNet.

FirstNet is governed by a 15-member Board consisting of a designee each from the Attorney General of the United States, the Secretary of Homeland Security, and the Director of the Office of Management and Budget, and 12 rotating members appointed by the Secretary of Commerce. The current Board is comprised of the following individuals:

<u>Board Member</u>	<u>Experience</u>	<u>Term Expires</u>
Barry Boniface	<i>Private equity investor and telecommunications executive</i>	August 2016
Tim Bryan	<i>CEO, National Rural Telecommunications Cooperative</i>	August 2015
Chris Burbank	<i>Chief, Salt Lake City Police Department</i>	August 2017
Ron Davis	<i>Department of Justice</i>	Permanent
James Douglas	<i>Former Governor, Vermont</i>	August 2017
Jeff Johnson, Vice Chair	<i>Fire Chief, retired; CEO Western Fire Chiefs Association</i>	August 2016
Kevin McGinnis	<i>Chief/CEO, North East Mobile Health Services</i>	August 2015
Annise Parker	<i>Mayor, City of Houston</i>	August 2015

<u>Board Member</u>	<u>Experience</u>	<u>Term Expires</u>
Frank Plastina	<i>Technology executive</i>	August 2015
Ed Reynolds	<i>Telecommunications executive (retired)</i>	August 2017
Suzanne Spaulding	<i>Department of Homeland Security</i>	Permanent
Richard Stanek	<i>Sheriff, Hennepin County, Minnesota</i>	August 2017
Sue Swenson, Chairwoman	<i>Telecommunications/technology executive</i>	August 2016
Teri Takai	<i>Government information technology expert; former CIO, states of Michigan and California</i>	August 2016
Geovette Washington	<i>Office of Management and Budget</i>	Permanent

NTIA recently published a notice in the Federal Register requesting candidates who were interested in serving on the Board to submit their applications for consideration. This application period has now closed, and the Secretary of Commerce will be making her selection in due course. As required by law, the members must have specialized knowledge, experience, and expertise from a variety of public safety, telecommunications, and financial backgrounds needed to develop the FirstNet network.

Culture of Compliance

Over the past year, FirstNet has grown significantly in our organizational structure, and this growth has provided greater resources, rigor, and oversight in the management of our operations. By hiring senior managers and staff during FY 2014, FirstNet has implemented policies and procedures that provide clear direction and structure for the organization.

Our FY 2014 Annual Report to Congress details the steps that we have taken to strengthen our compliance processes, including the creation of a formal FirstNet compliance program that is overseen by a cross-functional committee of senior executives and ultimately by the Finance Committee of the Board. This compliance committee, which includes all of the senior management team, is responsible for the day-to-day oversight and implementation of FirstNet’s compliance program that leverages both commercial best practices and existing Department of Commerce and NTIA requirements.

FirstNet has also incorporated recommendations from the Department of Commerce Office of the Inspector General (OIG) audit examining early FirstNet processes as well as a Government Accountability Office (GAO) report regarding FirstNet’s organizational structure, Network planning, and consultation requirements. FirstNet has a positive working relationship with the OIG and GAO, and we look forward to continuing our open and constructive coordination with these offices.

Conclusion

In summary, FirstNet remains committed to achieving our objectives, and we can only do so with the support of Congress, the public safety community, the private sector, and local, state, tribal, and Federal leaders. FirstNet continues its efforts to meet statutory responsibilities in an effective, efficient, and timely fashion, and to make our organization stronger. This is a network that is urgently needed to increase the safety and capabilities of all public safety personnel, and ultimately the well-being of our citizens, and we are dedicated to delivering a network that meets those needs.

I would like to take a moment to recognize our Board members and staff, as well as the public safety personnel who will use and benefit from the FirstNet network. Their dedication to supporting FirstNet will have an enduring impact on the safety and security of the American people. This is no easy task, but we are taking all necessary steps to develop a business model that will provide an innovative and technologically evolving broadband network to public safety personnel across the nation.