



November 1, 2017

The Honorable Marsha Blackburn
Chairman
Subcommittee on Communications and Technology
U.S. House of Representatives Committee on Energy
and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Mike Doyle
Ranking Member
Subcommittee on Communications and Technology
U.S. House of Representatives Committee on Energy
and Commerce
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Blackburn and Ranking Member Doyle:

Competitive Carriers Association commends the Subcommittee for its continued oversight of FirstNet, the nationwide public safety broadband network created as part of the Middle Class Tax Relief and Job Creation Act of 2012. CCA members serve many of the most rural and remote parts of the country, and have a keen interest in ensuring that the states in which they provide service have the opportunity to select the best partners for deployment and ongoing operation of the critically important nationwide interoperable public safety broadband network (NPSBN). CCA appreciates the challenge ahead and hopes to work with FirstNet to provide innovative services for our nation's first responders.

Device Interoperability

Interoperability was a fundamental principle for the creation of FirstNet. Limiting device interoperability will defy the value of the NPSBN to the detriment of public safety and consumers. Non-interoperable devices could leave a first responder without a connection, even in areas where other commercial networks are operational, and eliminate opportunities for greater redundancy and reliability when most needed.

It is troubling that today devices still are being manufactured and marketed for use on the FirstNet network that are compatible only with AT&T's boutique Band Class 17, a subsection of the interoperable Band Class 12. Further, some of these devices may not be compatible with the public safety spectrum in Band Class 14. This will result in limited roaming opportunities. Further, this could result in first responders utilizing devices sold for use on FirstNet unable to access a connection, in areas outside of AT&T's commercial network (deployed on Band Class 17), where the public safety broadband network has been deployed on Band Class 14 spectrum. CCA has long argued for greater device interoperability where technically feasible. Any attempt to deploy a non-interoperable network or devices for FirstNet fails public safety and could unnecessarily put lives at risk.

Partnerships

In establishing the nationwide public safety broadband network, Congress noted the importance of rural coverage, statutorily requiring that rural coverage milestones be met as part of each phase of network deployment. To facilitate this rural coverage, Congress directed that "[t]o the maximum extent economically desirable, such proposals shall include partnerships with existing commercial mobile providers to utilize cost-

effective opportunities to speed deployment in rural areas.” More recently, a Government Accountability Office report released on June 20, 2017, noted concerns raised by stakeholders related to providing coverage in rural areas.

To meet these goals, CCA continues to urge FirstNet to work collaboratively with competitive carriers that provide service in rural and remote areas, including to state and local public safety officials. The use of existing infrastructure and the time and cost savings that comes with this may be frustrated by terms that limit true partnership. These actions could delay and reduce services for public safety users, and result in AT&T using spectrum and funding provided by Congress for public safety use to eliminate commercial competitors.

Transparency

Understanding that state plans have been subject to nondisclosure agreements and uncertainty regarding future spectrum lease agreements, it is important that FirstNet, and its vendor AT&T, provide as much transparency to industry and potential partners as possible. Some states have cited the proposed levels of spectrum, termination and minimum subscription fees as significant deterrents to pursuing opt-out, even when the state finds FirstNet’s plan to be deficient and potentially inferior to other alternatives. Lack of further information regarding spectrum pricing and any potential future fees or penalties on states or commercial partners threatens to curtail partnership opportunities, future revenue sources for FirstNet, and the competition necessary to ensure accountability that public safety users have the latest services and devices through the course of the 25-year contract.

CCA members are committed to providing service in some of the hardest to reach geographies in the nation, including providing connections to public safety officials. CCA appreciates the opportunity to contribute to the record for today’s hearing and looks forward to continued work with the Subcommittee, Congress, and FirstNet on these important issues to further public safety services and innovation in the industry and to ensure a successful implementation of the NPSBN.

Sincerely,



Steven K. Berry
President & CEO

Cc:

The Honorable Greg Walden, Chairman, U.S. House of Representatives Committee on Energy and Commerce
The Honorable Frank Pallone, Ranking Member, U.S. House of Representatives Committee on Energy and Commerce