

12/18/2017

Chairman Marsha Blackburn
 Committee on Energy and Commerce
 Subcommittee on Communications and Technology
 2125 Rayburn House Office Building
 Washington, DC 20515

Dear Chairman Blackburn,

It was an honor to appear before your Subcommittee hearing entitled “Oversight of FirstNet: State Perspectives” on November 20, 2017. After the hearing, many of my colleagues as well as state and local government officials expressed sincere appreciation for the Subcommittee’s efforts and your willingness to address the concerns facing public safety’s communications future. Your Subcommittee staff recently provided several questions from the hearing and below please find my responses.

Subcommittee Questions	Responses to Subcommittee Questions
Should all FirstNet subscribers have access to all FirstNet applications regardless of which FCC approved RAN, Core or national core network is used to reach these resources?	Yes, because it is important that first responders have interoperability across all networks and applications. While we develop the ecosystem that will support public safety’s future, it is important to understand our past. In the past, we failed to setup seamlessly interoperable voice (LMR) networks and as a result our First Responders experienced communications problems that has cost lives. Data is becoming a more and more important part of PS communications every day and the need for data interoperability is as important as our continuing need for voice interoperability.
Explain why you believe that all carriers should be able to have access to the access to the FirstNet core apps? How can that be accomplished and still provide secure connection? Can that be done?	The law rightfully allows for federal, state and local PS agencies to pick what network provider is best for their needs. For this reason and because AT&T's current network offering does not meet National Public Safety Telecommunications Council (NPSTC) public safety grade recommendations, the AT&T/FirstNet solution will never be the single provider of PS broadband

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	<p>communications in the United States. Giving AT&T exclusive access to FirstNet's application environment will not offset AT&T's shortfalls. Other providers who wish to continue to provide PS communications should not be foreclosed from competing by this monopolistic policy. In fact, they should be encouraged to do so as this will enable much needed data interoperability and critically needed competition that together will result in the best possible solution, the best possible pricing and thereby the best operations for our "Last line of Defense." Providers deliver secure communications for our country's highly secured agencies every day. Standards and standards enforcement are key to protecting our networks. To suggest that we can only protect public safety networks by granting a single provider a monopoly position in the commercial marketplace is a ridiculous and antiquated notion.</p>
<p>Has this process caused carriers to get more competitive with public safety? Better meet public safety needs.</p>	<p>Yes, FirstNet's process has promoted greater competition for the benefit of public safety. While FirstNet originally envisioned a dedicated public safety network, it ultimately decided on a commercial solution provided by a commercial provider (AT&T) with a business plan to operate in the commercial marketplace. Verizon, for example, responded with a comparable commercial solution. To take full advantage of the benefits of a commercial marketplace, however, there must be healthy competition at every level. Unfortunately, FirstNet and AT&T have engaged in monopolistic practices that are impacting competition for States considering Opt-out and threaten fair and open competition. For example, FirstNet did not provide final State opt-Out requirements and a "draft" SMLA until 30 days prior to a</p>

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	<p>State's legislatively required opt- IN/OUT decision (90days). This left the States 30 days to make a 25-year decision based on a draft spectrum lease document with inflated spectrum valuations and that conditions approval of the SMLA on granting AT&T exclusive authority as the State's service provider.</p>
<p>Would an additional public safety carrier create more competition and result in better services for public safety?</p>	<p>Yes, and additional public safety providers already exist. A commercial marketplace drives increased innovation, better services, and lower prices. The only way to take advantage of what a commercial marketplace offers is competition. Monopolies never work for customers and there is no reason that Congress, the Department of Commerce, NTIA, or FirstNet should think that it would work for the PS communications marketplace and our First Responders.</p>
<p>As FirstNet struggles to ensure user adoption is a priority for the NPSBN RAN, can you suggest a fair way to enforce that public safety user adoption goals are met, despite having different providers of public safety wireless broadband service competing for the end user business?</p>	<p>FirstNet's goal should not be to ensure that first responders adopt a single public safety broadband network, but to ensure they have access to communications that meet FirstNet's rigorous standards of reliability, resiliency, priority and preemption – while, at the same time, ensuring that competition continues. To do that, FirstNet should create reasonable terms and conditions for all providers to be a "FirstNet Network Provider" and, depending on the number of providers that choose to participate, adjust AT&T's required adoption penalties to give them reasonable adoption goals to ensure they (AT&T) take full advantage of the PS (FirstNet) B14 spectrum it received from the FirstNet procurement process.</p>
<p>In a scenario where public safety broadband users in a specific state subscribe equally across three different service providers (e.g. 1/3 AT&T, 1/3 Verizon, 1/3 Rivada),</p>	<p>The best-case scenario would have been for our country to build a national "private" (Not shared with commercial users) public safety broadband network while leveraging a competitive commercial carrier marketplace</p>

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<p>assuming interoperability is preserved, should the public safety community consider this a positive outcome?</p>	<p>for secure roaming and redundancy. FirstNet rejected that approach in favor of a commercial solution. Attempting to treat this commercial solution as a private closed network would be one of the worst things we could do now, as it would establish "another" PS communications monopoly (e.g. LMR). Given that FirstNet selected a commercial solution (LTE), a commercial provider (AT&T) and is thereby leveraging the commercial marketplace; the best possible scenario is to incentivize that marketplace to compete and in doing so the PS Community will have the best possible solutions at the best possible pricing.</p>
<p>How should FirstNet hold the designated NPSBN supplier accountable if their agreed adoption targets are not met, but overall all users are satisfied and interoperable with other networks?</p>	<p>FirstNet should create reasonable terms and conditions for all potential providers to be a "FirstNet Network Provider" and depending on the number of Providers that choose to participate, adjust AT&T's required adoption penalties to give them reasonable adoption goals to ensure they (AT&T) take full advantage of the PS (FirstNet) B14 spectrum it received from the FirstNet procurement process.</p>

I sincerely appreciate the opportunity to provide answers to the Subcommittee's questions and I stand ready to support you and the Subcommittee in your efforts to address these and other concerns facing our nation's "Last Line of Defense".

Sincerely,



Robert LeGrande, II,
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