

Statement of

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Good morning, Chairman Walden, Ranking Member Eshoo, and Members of the Subcommittee. Thank you for the opportunity to appear before you to discuss the Federal Communications Commission's efforts to implement the Middle Class Tax Relief and Job Creation Act of 2012 (Act), and to support the mission of the First Responder Network Authority (FirstNet) as envisioned by Congress.

Let me emphasize at the outset that the FCC is fully committed to the success of FirstNet's mission. My testimony today will focus on our actions to support FirstNet and to implement the tasks that the Act has assigned to the Commission. Since the Act's passage, the Commission has taken significant and timely steps in this regard, and has met each of the Act's deadlines to date.

For example, one of the first tasks the Act directed the FCC to accomplish was to establish the Technical Advisory Board for First Responder Interoperability (Interoperability Board) and to approve and transmit the Board's technical recommendations to FirstNet. The Commission established the Board as directed, reviewed and approved the Board's technical recommendations, and provided those recommendations to FirstNet in 2012. These recommendations are incorporated as foundational elements in the RFP that FirstNet released on January 13. The Commission also took prompt action in 2012, as directed by the Act, to designate 22 MHz of spectrum in the 700 MHz band for FirstNet's use, and issued FirstNet's spectrum license.

Beyond these specific and important tasks, the Commission has worked to fulfill its statutory obligation to "take all actions necessary to facilitate the transition" of the 700 MHz public safety broadband spectrum to FirstNet. In 2013, the Commission adopted a Report and

Order establishing basic technical rules for the FirstNet spectrum, providing regulatory certainty and enabling prompt certification of equipment to be used in the band.

A current example of the Commission working to facilitate FirstNet's use of spectrum concerns the need to relocate a limited number of 700 MHz public safety narrowband incumbents that have been operating in FirstNet's portion of the band since before the Commission reorganized the spectrum in 2007. In an October 2015 *ex parte* filing, FirstNet informed the Commission that it intends to provide funding later this year to relocate these incumbents, and requested that the Commission condition the incumbent licenses to require their relocation from the FirstNet spectrum by mid-2017. The Commission sought public comment on this proposal in November 2015. We are currently considering those comments and recognize that a prompt resolution of this issue will promote certainty for all parties with an interest in the spectrum.

Another important responsibility that the Act assigns to the Commission is the initial review of state "opt out" requests. Section 6502(e) of the Act provides that upon completion by FirstNet of the RFP process, FirstNet shall provide the governor of each state with a proposed plan for buildout of the radio access network (RAN) in that state. Within 90 days of receiving FirstNet's proposed state plan, each governor must elect whether to accept the FirstNet proposal or to "opt out." A state that elects to opt out will then have 180 days to develop an alternative plan for buildout of the state RAN and submit that alternative plan to the Commission.

For any state that elects to opt out, the Act directs the Commission to apply a two-prong test in determining whether to approve or disapprove the alternative plan submitted by the state. To obtain Commission approval, the Act specifies that an alternative state plan must

demonstrate: (1) compliance with the minimum technical interoperability requirements developed by the Interoperability Board; and (2) interoperability with the nationwide public safety broadband network.

We recognize that it is important to provide states and FirstNet with clear and timely guidance on the process that the Commission will use to receive, review, and approve or disapprove alternative state plans as required by the Act. In this respect, it is our goal to have the details of this process finalized and in place in advance of the date that FirstNet delivers its proposed state plans to each of the state governors, which FirstNet estimates will occur in the second quarter of 2017. To that end, and consistent with FirstNet's anticipated timeline, we intend to seek public comment in the near term on how to structure the process to ensure that the Commission fully carries out its statutory obligations.

Beyond these specific examples, Commission staff have maintained and will continue to maintain regular contact with their FirstNet counterparts to consult and coordinate on issues as needed. We are also mindful that for FirstNet to achieve its full potential, it is important to press for concurrent transformational change in related public safety communications systems, such as the nation's 911 system. In this regard, we have been working with a number of stakeholders, including FirstNet, to facilitate the transition of the nation's 911 call centers to Next Generation 911, so that NG911 and FirstNet can complement one another as integrated components of an end-to-end public safety broadband ecosystem. While this transition is still in its early stages, it is critical to plan from the start for the synergies and benefits these related systems will have.

In conclusion, we are committed to continuing to work with FirstNet, as well as with our other federal, state, local and Tribal partners, to achieve Congress's vision for a nationwide

public safety broadband network.

Thank you for your consideration, and I look forward to any questions you may have.