

STATEMENT FOR THE RECORD

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**Secretary of Homeland Security and Public Safety
Commonwealth of Virginia**

**Committee on Energy and Commerce
Subcommittee on Communications and Technology
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“Oversight of FirstNet: State Perspectives”

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Summary

Virginia conducted a coordinated and thorough review process involving local government public safety representatives to ensure that the decision to opt-in to FirstNet was informed by those who are the subject matter experts for public safety communications.

Opting in was the best decision for public safety in Virginia. Opting-in ensured, as quickly as possible, that our first responders have the right tools and resources to do their jobs, and are able to leverage the benefits of priority and preemption. Public safety agencies in Virginia who are current AT&T subscribers have already taken advantage of FirstNet: Fairfax County Fire and Rescue Department's wireless devices were moved over to FirstNet, which gave them priority service when they deployed to Houston after the flooding caused by Hurricane Harvey. There is no requirement for state agencies or localities to use the network or switch carriers, rather, opting-in has provided the option. Opting-in cost the Commonwealth nothing and does not commit the Commonwealth to any role in the FirstNet buildout.

Opting out was not a viable option for Virginia. Virginia would have had to oversee the buildout of a highly technical broadband wireless network and assume all responsibility, liability, and fiscal accountability, maintenance, and management of users and customer care. Opting out would have required accepting the unknown, associated costs and risks for the ongoing deployment, operation, maintenance, and improvement of the network within the Commonwealth, which must be maintained in accordance with FirstNet's policies. As a one term administration, in the midst of transitioning to a new administration in January 2018, attempting to oversee and execute a project of this magnitude and ambiguity would have put the state on unsolid ground.

Moving forward, Virginia will remain engaged with FirstNet/AT&T and stakeholders to ensure capabilities crucial to the success of the network come to fruition. AT&T does not have sufficient rural and small market network *coverage* in Virginia to warrant many agencies switching to FirstNet. The network must be hardened to ensure public safety-grade *reliability*. Stakeholders have expressed a desire that the Nationwide Public Safety Broadband Network be compatible with other networks to ensure *interoperability*—the motivation behind the creation of the network—is achieved. *Mission-critical voice* and *mission-critical, enhanced location with z-axis, vertical capabilities* are critical functions of the network and should be prioritized.

Introduction

Madam Chairman, Ranking Member Doyle, and distinguished members of the Subcommittee, thank you for the invitation to appear before you today to discuss furthering the effort to enhance emergency communications for public safety.

Virginia is proud to have been the first state in the nation to opt-in to FirstNet's Nationwide Public Safety Broadband Network. This decision was critical to our ability to provide public safety with the tools they need to carry out their mission and protect lives. Virginia did not arrive at the decision to opt-in haphazardly. Since the tragic events of 9/11, Virginia public safety professionals have been actively engaged in the efforts to improve emergency communications and fully leverage the technological advancements of mission-critical broadband. A coordinated and collaborative approach with local government public safety representatives was utilized to ensure that the decision was informed by those who are the subject matter experts for public safety communications and who stand on the frontlines of all-hazard emergency response. The decision to opt-in was based on the desire to ensure as quickly as possible that public safety is able to leverage the benefits of priority and preemption service, as well as to prevent costs to the Commonwealth and move forward with the collaborative process of building the network to meet the Virginia-specific needs of public safety.

Virginia's Decision-Making Process

Engagement with FirstNet & AT&T

Since FirstNet was created, Virginia has been in continual contact with the agency; there have been countless meetings, briefings, calls, and emails. Virginia's State Single Point of Contact (SPOC) ensured continued communication throughout the process so that Virginia remained informed of developments as they occurred. Since the announcement of FirstNet and AT&T's public/private partnership, Virginia's SPOC has facilitated numerous briefings for Virginia public safety leaders and the Commonwealth's senior leadership in the Governor's Office and the Office of the Attorney General.

Engagement with Stakeholders

Virginia has held over 70 state, regional, and local engagements with our stakeholders to ensure they are informed and involved in the process. These meetings engaged subject matter experts to

help identify Virginia's needs and priorities. This process helped to ensure state and local officials outside of public safety understood the role of FirstNet and how it would affect them. Presentations were neutral with regard to the opt-in/opt-out decision in order to elicit feedback that would enable an effective evaluation of each course of action.

The Statewide Interoperability Executive Committee (SIEC), made up of 33 representatives from state agencies, the seven Regional Preparedness Advisory Committees for Interoperability, and key professional public safety and telecommunication organizations provides guidance to the state on interoperability. The SIEC was integral in developing the state plan vetting and recommendation process.

Engagement with Other SPOCs

Virginia's perspective has always been, that in order for this to truly be a Nationwide Public Safety Broadband Network, states must work together to ensure the network meets everyone's needs. To this end, Virginia hosted a regional meeting with the SPOCs from six states, as well as the District of Columbia. This meeting produced valuable data to inform the plan evaluation and decision process, as well as feedback that was provided to FirstNet. This feedback directly contributed to the additional information states received after the FirstNet/AT&T SPOC conference in Dallas, TX at the beginning of June.

Request for Information (RFI) Review

Virginia issued an RFI to ensure our ultimate decision was thorough and fully informed. Six responses were received and were reviewed by both the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Technology. The responses did not contain information to convince us that opting-out was a viable endeavor.

State Plan Review

All of the above engagements served to inform Virginia's review of the state plan. Before the portal was accessible, the Office of the Secretary of Public Safety and Homeland Security, the Virginia Information Technologies Agency, the Virginia Department of Emergency Management, the Office of the Attorney General, the Office of the Secretary of Commerce and Trade, the Department of General Services, the Virginia State Police, and the Statewide Interoperability Executive Committee were informed of their role in the state plan review process. Over 100

individuals from localities and state agencies were given access to the state plan portal. It was our view that widespread engagement was essential to a thorough review of the plan.

Once the plans were accessed and reviewed, Virginia was surprised that the information contained in the plans turned out to be a lot of the same information that FirstNet and AT&T had already provided. There was no significant information to analyze. Besides the state coverage map and local data, most of the information was similar to the public site.

Opting-In was the Best Decision for Virginia

Virginia Public Safety is Now Better Off

Opting-in provided Virginia public safety personnel with an additional tool in the tool belt. Because AT&T is making available network capacity on all of its existing LTE bands, ahead of LTE deployment on FirstNet's 700 MHz Band 14 spectrum, public safety agencies who are AT&T subscribers will have priority access on the network now. This will be invaluable in the event of a crisis or emergency situation.

Early FirstNet Success from Fairfax County

There are public safety agencies in Virginia who are current AT&T subscribers and, like Fairfax County, have already taken advantage of FirstNet. Fairfax County Fire and Rescue Department's wireless devices were moved over to FirstNet, giving them priority service when they deployed to Houston after the flooding caused by Hurricane Harvey. Fairfax Fire and Rescue is currently piloting ultra-rugged broadband devices to replace standard smartphones and some two-way radios, and currently has interoperability between the public safety radio system and broadband with the push-to-talk application.

Opting-in generated competition among service providers, which will inevitably influence improvements to coverage and reductions in plan costs. Competition will also drive innovation and we want to make sure our responders are in the best position to do their jobs effectively, maintain situational awareness, and communicate within and across jurisdictions.

No Cost to the Commonwealth

Opting-in cost the Commonwealth nothing. Priority access on the network comes at no additional financial cost to subscriber nor to the Commonwealth. There is no requirement for

state agencies or localities to use the network or switch carriers, rather, opting-in provides the option. State and local agencies still have the decision-making power to decide which carrier works best for them based on coverage, reliability, cost, etc.; this simply tool adds to that analysis. The Commonwealth does not advocate for any particular service provider; our goal is to ensure our first responders have the tools they need to save lives.

Opting-in does not commit the Commonwealth to any role in the FirstNet buildout. FirstNet and AT&T will build, operate, and maintain the Commonwealth's portion of the Nationwide Public Safety Broadband Network at no cost to Virginia.

Opt-Out Consideration

Opting out would have required the state to accept the unknown costs and risks for the ongoing deployment, operation, maintenance, and improvement of the network within Virginia, which must be maintained in accordance with FirstNet's policies. Virginia would have had to oversee the buildout of a highly technical broadband wireless network and assume all responsibility, liability, and fiscal accountability, maintenance, and management of users and customer care.

The cost of what it will take to construct, maintain, and operate a public safety dedicated broadband network in the Commonwealth, that is interoperable with the Nationwide Public Safety Broadband Network and matches the quality of service, is still unknown. No one has been able to adequately assess the cost and unfortunately any profits would have to be reinvested in the network and would not have been able to serve as a revenue source for the state.

Based on the legislative constraints, in particular the time constraints, thoroughly vetting an opt-out proposal, to the extent necessary, was not realistic. Choosing to do so would have put the Commonwealth in untenable, ambiguous position. As a one term administration, in the midst of transitioning to a new administration in January 2018, attempting to oversee and execute a project of this magnitude and ambiguity would have put the state on unsolid ground. Moreover, opting out would have delayed the benefits of network access to Virginia's first responders for an unacceptable time, perhaps as much as two years. This reality solidified Virginia's decision to opt-in; there were only benefits to doing so now, and none for waiting.

Virginia's Path Forward

Virginia understands that the state plans are merely a base-line. There remains much to be seen. Many in Virginia are waiting for FirstNet and AT&T to fulfill the intent of the network before determining their next step. Thus, moving forward, Virginia will continue to assess issues and will remain engaged with FirstNet/AT&T and stakeholders in order to ensure capabilities crucial to the success of the network come to fruition. There are capabilities that Virginia has already identified as critical to a successful public-safety-dedicated broadband network:

- **Coverage:** The public safety community is well aware that AT&T does not have sufficient rural and small market network coverage in Virginia. Band 14 buildout needs to occur where there are gaps in coverage, not just where it is economically viable. Virginia will continue to work with state and local partners to help AT&T identify and bolster its overall coverage.
- **Public Safety-grade:** The network must be hardened to ensure public safety-grade reliability. The opportunities currently presented by AT&T's commercial network are beneficial, but this does not negate the increased level of reliability needed by public safety. Public safety networks must be constructed to provide timely, adequate propagation in a manner that best serves public safety, without regard for profitability.
- **Interoperability:** Competition among wireless carriers drives innovation and brings many other foreseeable benefits; however, it also raises concerns over interoperability. Stakeholders have expressed a desire that the Nationwide Public Safety Broadband Network be compatible with other networks to ensure interoperability—the motivation behind the creation of the network—is achieved.
- **Mission-critical voice:** It is not only the burden of needing multiple devices (one for voice, one for data) that demands this issue be addressed, but each state's economic burden as well, with the desire for new FirstNet data capabilities tempered by the ongoing need to maintain extensive separate voice networks across the same coverage area. FirstNet's RFP includes a March 2019 milestone for the mission-critical-push-to-talk (MCPTT) technical capability to be implemented in its network, but more information is needed on specific, intermediate milestones for technology development, testing and validation, along with committed resources to achieve those milestones.

- **Mission-critical, enhanced location (with z-axis, vertical capabilities):** Unlike mission-critical voice, enhanced location is a more near-term reality, with known technologies capable of rolling out during the same timeframe as the base FirstNet LTE deployment. These capabilities, including 3D geolocation, situational awareness, and incident management command and control, would be of extraordinary value to first responders, both in finding an emergency caller, by floor, in a high-rise building as well as in protecting their own safety in the event they become disabled or endangered. This is a critical function of the network and should be prioritized ahead of the contract deadline.

Continued Collaboration with FirstNet and AT&T

An essential component of seeing these capabilities come to fruition, is continued collaboration with FirstNet and AT&T. A part of this, is the need to understand what will be expected from the SPOCs moving forward. Virginia wants to ensure we are able to maximize the benefits of the network to support the Commonwealth's public safety. Virginia recognizes that this is only the beginning and has no intention of ending discussions with FirstNet and AT&T.

Continued Collaboration with Stakeholders

As this process continues, Virginia will continue to work with our local partners to provide feedback to FirstNet and AT&T in order to ensure a viable network that will enhance public safety communications throughout Virginia.

Since opting-in in July, Virginia's SPOC has hosted a series of seven regional conferences attended by over 600 stakeholders. Local and state public safety personnel from all disciplines attended the conferences for an in depth explanation of FirstNet's Virginia State Plan, the actions taken to study the plan, and the various technologies that will leverage the network.

Stakeholder outreach will continue in the upcoming months, with a second set of regional conferences, this time focused on a comprehensive overview of a jurisdiction's decision process in determining whether to use the FirstNet network. This series will specifically target key decision-makers in each jurisdiction with oversight of three main areas: Public Safety, Information Technology, and Contract/Procurement Management. Workshop participants will receive education materials and a customizable modeling tool to guide their jurisdiction's decision-making process.

Conclusion

Governor McAuliffe views protecting public safety and supporting first responders as his top priority. Each day, Virginia's first responders put on their uniforms and leave their families and homes to risk their lives to keep our communities, citizens, and visitors safe. We are thankful every day for their service and sacrifice, and in return, we must continue to do more to protect their safety.

Ensuring that our first responders have the right tools and resources available to do their jobs is a key component of achieving that goal. That is why Virginia is proud to have been the first state to officially opt-in to the Nationwide Public Safety Broadband Network. This innovative technology will improve public safety throughout the entire Commonwealth and better protect our men and women in uniform.

FirstNet's public safety broadband network marks another significant step forward with these wireless data capabilities. FirstNet and AT&T are committed to working with us to make sure Virginia will have the full coverage that our first responders need. We will continue to work closely with them to provide feedback on the network and look ahead to enhancements that will build on this current success.

Virginia intends to not only lead the nation in the support and deployment of the Nationwide Public Safety Broadband Network, but also in support of the safety of its citizens and first responder community.