

## D Block-One Year Later

Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 122-96), enacted February 22, 2012, provided Public Safety with the needed spectrum to build a nationwide broadband network. The Act created the First Responder Network Authority (FirstNet), an independent authority within the Dept. of Commerce's National Telecommunications and Information Administration (NTIA). Congress directed that FirstNet be run by a 15-person Board of Directors, with the Secretary of Homeland Security, the Attorney General, and the Director of the Office of Management and Budget named as permanent members of the Board. Congress charged the Secretary of Commerce with selecting the remaining 12 members. Four of the named members have public safety expertise: Jeff Johnson, CEO of the Western Fire Chiefs Association, former President of IAFC and former chair of Oregon's Statewide Interoperability Council (one year term); Chuck Dowd, deputy chief of the New York City Police Department (two-year term); Paul Fitzgerald, sheriff of Story County, Iowa (two year term); and Kevin McGinnis, communications technology adviser for five national emergency medical service associations, chief of North East Mobile Health Services in Maine, vice chair of the Public Safety Spectrum Trust (PSST), and chair of the SAFECOM Executive Committee (three year term).

FirstNet will develop and operate the new broadband network, which is to be based on single, nationwide network architecture, thus enabling first responders and public safety officials to communicate with one another within and across jurisdictions. The secure and interoperable network will also support cutting-edge applications – for example, enabling firefighters to download blueprints of burning buildings in order to plan their entry route, allowing emergency medical technicians to remotely access a victim's medical records from an ambulance, or helping police to identify criminal suspects through facial recognition or iris scanning technologies.

Congress allocated \$7 billion of spectrum auction proceeds and valuable spectrum bandwidth towards deployment of the nationwide network. The law provide for a borrowing authority of \$2 billion for NTIA to implement provisions of the subtitle. The Congress also provided \$135 million for a new State and Local Implementation Grant Program to be administered by NTIA to support State, regional, tribal, and local jurisdictions' planning work with FirstNet to ensure the network meets their wireless public safety communications needs. It is anticipated that initial awards will be made in the first quarter of 2013. FirstNet will also seek to leverage existing commercial and government infrastructure for the new network.

The broadband network may take years to build out and initially it will only support data applications through the Long Term Evolution (LTE) standard. Recognizing this, mission

critical voice capabilities mainly carried through land mobile radios must be supported through funding and standards development to ensure operability and interoperability.

The Board met twice after being formed in August, 2012, with much of the time dealing with administrative issues in forming the Board. Having said this, the Board did perform some key substantive issues that had to be dealt with. The Board requested and received hundreds of comments on a potential architectural concept provided at the initial meeting by one of the Board members. This system design would supposedly drive down costs associated with the build-out of the network and allow for a shortened timeline for implementation. The NOI provided the public safety stakeholders an input where they could voice their displeasure, concerns, reservations, and suggestions regarding the proposed paths FirstNet could take. During the initial meeting on Sept. 25, the FirstNet board passed a resolution designating a subgroup of SAFECOM as the Public Safety Advisory Committee (PSAC). PSAC's mission is to help FirstNet create and sustain crucial dialogue with government and first responder leaders on how best to deploy the nationwide system. In November, Police Chief Harlin McEwen was named Chairman of the PSAC.

FirstNet members took visits to the seven Broadband Technology Opportunities Program (BTOP) recipients that desire to deploy early networks. The rollout of the projects had been halted by NTIA pending establishment of the FirstNet Board. Also, the FirstNet board members visited the New York City communications offices in the aftermath of Super storm Sandy. This visit allowed non-public safety members to gain a better understanding of public safety concerns for a resilient network. Also, during the second meeting of the Board in December, an overall summary of the comments filed under NTIA's NOI were presented to FirstNet to make sure the board understood the concerns and hesitation being voiced by the public safety community. FirstNet will meet again on February 12 in Boulder Colorado. The meeting will be webcast. <http://www.gpo.gov/fdsys/pkg/FR-2013-01-14/html/2013-00501.htm>.

FirstNet is under pressure to perform and many have been critical. At a conference hosted by Textron Corporation on January 28, public safety and industry officials sharply criticized what they said was the failure of the First Responder Network Authority (FirstNet) Board of Directors to reach out to first responders and companies as it plans to deploy a nationwide public safety broadband network.

FirstNet has undertaken a complex job and, in my view, has done well given its short existence. The Board has been somewhat hampered by the administrative red tape that gets involved with the process in starting the Board. There has been some infighting between NTIA and DHS on control over communications issues. As you know, the Board is set up as an independent entity within NTIA. However, it has been viewed as being run by the NTIA bureaucracy and not independent enough from NTIA's office of Communications. As you know, the establishment of the Public Safety Advisory Committee (PSAC) has taken longer than anticipated. The four members of the Board who represent public safety have a

very difficult role and are doing an admirable job with a lot of substantive issues that they are actively involved with. Having said this, FirstNet will be under a great deal of pressure to perform. Ultimately, the success of the broadband network will be borne by the public safety community. There are many who are skeptical on the ability of public safety to successfully create this network. It is not only FirstNet which bears the responsibility of success but it also falls on all public safety to ensure success of the creation and administration of the broadband network.