

Pennsylvania State Police Testimony  
FirstNET  
Senate and House Veterans Affairs and Emergency Preparedness Committees  
Senate Communications and Technology Committee  
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Presented by:  
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Good morning Chairmen Vulakovich, Costa, Barrar, Sainato, Aument, and Haywood, Vice Chairmen Mensch and Regan, as well as members of the Senate and House Veterans Affairs and Emergency Preparedness and Senate Communications and Technology Committees. I am Major Diane Stackhouse, Director of the Bureau of Communications and Information Services. In my role, I also serve as Pennsylvania's Single Point of Contact (SPOC) for the FirstNet project. Seated with me is State Police Captain Sean Georgia, who is also a member of the PA-FirstNet team.

The Middle-Class Tax Relief and Job Creation Act of 2012 created the First Responder Network Authority (FirstNet). FirstNet is charged with overseeing the construction, operation, and maintenance of the country's first interoperable Nationwide Public Safety Broadband Network (NPSBN). The FirstNet network will provide mission-critical, high-speed data services, such as live streaming videos, pictures, texts, maps, and in-building blueprints, to name just a few. On January 13, 2016, FirstNet released a request for proposal (RFP) to select an experienced vendor in the first-of-its-kind public-private partnership. In March 2017, FirstNet announced its private partner – AT&T. I'd like to underscore the importance of this public-private partnership because it has the ability to leverage private-sector infrastructure, which enables the National Public Safety Broadband Network to be deployed quickly, efficiently, and cost-effectively. However, the legislation that created FirstNet affords each state's governor the opportunity to opt-in or opt-out of participating in how the Radio Access Network (RAN) will be deployed within a state. Opt-in means FirstNet/AT&T deploys, operates and maintains the RAN and in an opt-out scenario the state takes on this responsibility.

As part of the PA-FirstNet's team's due diligence, we released a FirstNet Opt-out Option RFP on July 7, 2017 to seek alternative solutions to FirstNet/AT&T's opt-in plan. The evaluation of the proposed responses remains an active procurement and I cannot comment on the results of this process. On September 29, 2017, the PA-FirstNet team received FirstNet/AT&T's final state plan, which will be scrutinized by state and local stakeholders. The PA-FirstNet team will present to Governor Wolf an assessment of the opt-in and opt-out options prior to the 90-day decision making window on December 28, 2017.

### Opt-in

If Pennsylvania opts in or takes no action within 90 days of receiving the state plan, FirstNet/AT&T will begin deployment of the RAN at no cost. By opting in, there is no financial risk to the commonwealth because it does not have to build its own RAN and AT&T will be responsible to operate and upgrade the network. The commonwealth is not obligated to purchase FirstNet/AT&T's

services. This low-risk option will also support fast delivery of services to Pennsylvania's public safety community and help create an interoperable network.

To date, approximately half of the states have opted in with FirstNet/AT&T.

### Opt-Out

If Pennsylvania elects not to participate in the FirstNet RAN deployment, it must provide notice to FirstNet within 90 days of receiving our final state plan. Before the state's RAN deployment can begin, the FCC must approve the Alternative RAN plan to ensure it complies with the minimum technical interoperability requirements with the FirstNet network. If approved, the state must then apply to the National Telecommunications and Information Administration (NTIA) for the right to enter into a Spectrum Manager Lease Agreement from FirstNet. NTIA has determined Pennsylvania's spectrum lease agreement will cost almost a billion dollars over the 25-year contract term. Pennsylvania can apply to NTIA for a state RAN construction grant, which is currently set at almost \$149 million but the amount can be increased to \$185 million depending on the amount available in the Network Construction Fund. FirstNet has established termination fees that range from multi-millions to billions of dollars if a state who initially opted out later decides they want to opt in. Above all, a state's opt-out RAN plan must be interoperable with the NPSBN and comply with FirstNet's requirements and standards for the network; otherwise, the state will default to an opt-in status. Opt-out states will assume all technical, operational, and financial risks and responsibilities related to building, maintaining, and upgrading their own RAN for the next 25 years.

### What FirstNet is Not

FirstNet is not a replacement for public safety Land Mobile Radio (LMR) systems. First responders' lives rely on mission critical voice communications and the FirstNet project was not born for the purpose of replacing these systems but to enhance the capabilities of public safety entities to receive data-rich information. Over the years, the commonwealth has made valuable infrastructure investments for our LMR system, and 27 counties share our towers for their public safety communications systems. In many instances, the commonwealth's LMR towers are near or at maximum structural loading capacity and would not be able to contribute to building a state-owned RAN in an opt-out situation. Additionally, the existing OpenSky radio equipment and the commonwealth's P25 Land Mobile Radio system deployment relies on leveraging existing infrastructure investments.

A FirstNet opt-out decision is not a mechanism for Pennsylvania to realize a revenue windfall. Be cautious of promises that Pennsylvania will receive substantial revenue generated by the FirstNet network in an opt-out situation. This is simply inaccurate. The law is clear, revenue generated beyond the deployment, operation, and maintenance of the RAN must be reinvested into the nationwide network. No revenue can be redistributed to a state's general fund or for other purposes.

### FirstNet & Next Generation 911 (NG911)

The PA-FirstNet team shares PEMA's vision of marrying these independent projects to provide seamless interoperability between Public Safety Answering Points (PSAPs) and the Nationwide Public Safety Broadband Network. The two systems are complementary and, if properly coordinated, will greatly improve public safety communications by providing data exchange between the public, 911 personnel, and first responders.

### Conclusion

In 2012, Congress enacted legislation that will provide modern, reliable, secure, and interoperable communications for first responders and public safety entities. The decision to opt in or opt out is critical to the success of public safety for the next 25 years. First responders have patiently waited for a dedicated system that places our needs first, especially during times of national and local crisis. Thoughtful consideration of the benefits, risks and liabilities to the commonwealth will factor into the opt-out decision-making process. Understanding how a RAN will be deployed, operated, and maintained as well as other sustainability requirements is important so the commonwealth is not exposed to unwanted risk. Regardless of the governor's opt-in or opt-out decision, the Nationwide Public Safety Broadband Network can complement the Next Generation 911 project, if properly coordinated. The public, our PSAPs, and Pennsylvania first responders can benefit from data-rich information on a network dedicated to public safety.