



Jack Markell
Governor of Delaware
Chair

Mary Fallin
Governor of Oklahoma
Vice Chair

Dan Crippen
Executive Director

December 10, 2012

Mr. Sam Ginn
Chairman
First Responder Network Authority
U.S. Department of Commerce
Washington, DC 20230

Dear Chairman Ginn:

On behalf of the nation's governors, we congratulate you on your appointment as Chairman of the First Responder Network Authority (FirstNet). Governors firmly believe in the need for a Nationwide Public Safety Broadband Network (NPSBN) to provide our first responders with access to the most modern and reliable technologies. To be successful, the nationwide network will require a strong partnership between FirstNet and states. We stand ready to work with you and offer the attached comments to help inform your work.

Governors are in a unique position to determine how their state or territory may participate in the network and are also best positioned to facilitate outreach and coordination with local governments and the public safety community within their boundaries. Given this role, we hope that a strong collaborative relationship can be developed between FirstNet and states and territories so that a variety of issues can be discussed and understood during the development of the proposal that will later be presented to governors, as well as during the construction and later operation of the network.

We appreciate the recent Notice of Inquiry regarding one of many proposed network architectures as well as the announcement of future meeting dates. As FirstNet continues its work, we would appreciate a better understanding of how the FirstNet Board will approach and consider other critical issues so that we may plan accordingly and determine how best to coordinate and share relevant information. For instance, will FirstNet consider other conceptual network architectures, and when and how will network requirements be developed?

The National Governors Association is creating a public safety broadband advisors council to identify issues and best practices pertaining to the NPSBN. This council will consist of governors' designees responsible for the deployment of the NPSBN within states and territories. NGA has already hosted a national meeting as well as teleconferences for key state officials to discuss the network and the states' role. The attached document is based off of these interactions and is intended to provide state perspectives on the work of FirstNet and to share key questions and concerns regarding network implementation.

We look forward to continuing to work with you to make the public safety broadband network a reality.

Sincerely,

Governor Martin O'Malley
Chair
Committee on Health & Homeland Security

Governor Brian Sandoval
Vice Chair
Committee on Health & Homeland Security



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MEMORANDUM

To: First Responder Network Authority Board of Directors
Re: State Perspectives on the Nationwide Public Safety Broadband Network

In preparation of the next meeting of the First Responder Network Authority (FirstNet) Board of Directors, the National Governors Association (NGA) solicited feedback from governors' offices regarding the development and construction of the Nationwide Public Safety Broadband Network (NPSBN). Governors' offices were asked what criteria would be used to evaluate FirstNet's proposal for construction and operation of the network and what information would be needed from FirstNet. The following is a summary of this feedback as well as recommendations regarding consultation with states now and into the future. *For the purposes of this document, the term "states" is defined as "states and territories."*

State Decision-Making Regarding FirstNet Participation

Cost

The *Middle Class Tax Relief and Job Creation Act* includes a provision that allows states to decide to proceed with FirstNet's proposal or to "opt-out" and construct their own Radio Access Network (RAN) to be fully interoperable with the nationwide network. States cited that the cost of FirstNet's proposed network would be the primary determination of whether to opt-out or participate in nationwide network development.

States recognize that a resilient, reliable interoperable broadband network will require a considerable investment of money, personnel and resources. However, states are also concerned that such an investment may not be sustainable in the long-term and building their own RAN utilizing public-private partnerships may make the most fiscal sense. To this end, many states would like to be able to share any revenues from public-private partnerships that may be utilized to construct and operate the nationwide network to help defray state and local costs associated with network participation (e.g., network user fees and the purchase of new devices). In today's fiscal environment, these fees and the start-up costs associated with transitioning to a NPSBN may serve as a deterrent to participation by some public safety agencies.

Infrastructure

Many states have already begun the build-out of individual state networks and, as a result, have significant infrastructure that could be utilized for a nationwide network. States plan to conduct an analysis of existing infrastructure to determine if it is sufficient for a state RAN or if there is a need to adopt FirstNet's proposal. States will also have to assess if their existing infrastructure will be able to support the mission critical needs of their public safety entities.

In addition, states will use FirstNet's proposed timeline as a determining factor for opting-out. Since building the necessary infrastructure may require the use of public-private partnerships, which in turn may require state legislative action, states will have to determine if they can complete the necessary build-out quicker and more cost-effectively than FirstNet.

Coverage

Since the NPSBN is intended to provide adequate coverage for public safety officials in urban and rural environments, states plan to assess FirstNet's proposal and its plan for nationwide coverage. Some states are concerned that the FirstNet proposal will ignore certain rural areas because it will determine that coverage in those areas would be too difficult or unnecessary. States are in the best position to determine what areas require coverage and may decide to opt-out if FirstNet's proposal does not offer the ubiquitous coverage needed within the state. States will also have to determine if they can support the cost incurred to supplement any gaps in coverage in FirstNet's proposed structure. States are concerned with providing adequate services and coverage to public safety entities to ensure that their mission of protecting the public can be properly fulfilled.

Information Needed from FirstNet

States expect FirstNet to provide them with a comprehensive overview of its plans for the nationwide public safety broadband network. States should receive FirstNet's proposal just as they would receive any Request for Proposal (RFP) and should include the following:

Cost Analysis

Since recurring costs and subscriber fees will have a significant impact on public safety budgets, states will need to be able to compare the cost of building their own RAN with the FirstNet proposal. In order for states to make an informed decision, FirstNet will have to provide an accurate and detailed cost analysis that outlines the ongoing costs for network access and maintenance or other upgrades. This analysis should include the initial network deployment costs, as well as a projected cost estimate for maintenance and operation projected over the next 10 years. A cost analysis from FirstNet must also provide states with a list of allowable secondary users and what fees might be incurred by their access to the network.

Network Architecture

FirstNet's proposal should clearly outline how the network will be developed and implemented in each state and include minimum requirements and interoperability standards. The proposal should also include an inventory of existing state infrastructure and explain how FirstNet plans to leverage this infrastructure to help reduce costs. For states that lack sufficient infrastructure, the proposal should provide an inventory of what infrastructure is needed and a proposed timeline for its construction. Some states have recommended that cellular carrier site information is collected at a national level and shared with the states and territories opposed to a disparate effort by all 56 states and territories. Since shared infrastructure would provide a more cost-effective solution to FirstNet and states that are unable to construct their own RANs, FirstNet should explore regional collaboration or state-to-state partnerships. The proposed network architecture should also outline the coverage areas to ensure states are aware of any potential gaps, which will help them decide to proceed with FirstNet's proposal or to pursue development of a statewide RAN.

Terms of Agreement

FirstNet should provide states with clear terms of agreement, including any penalties they might incur, by choosing to proceed with the proposal or choosing to opt-out. Since states are being asked to commit to a multi-year process, they will need to know exactly how long that commitment will be, how many users must utilize the network and the options available to them for poor or unreliable service. The terms of agreement should also provide states with an understanding of any liability issues that occur due to network failure and how disputes or conflicts of interest will be resolved. By issuing well-defined terms of agreement with its proposal, FirstNet will be better able to avoid any conflict with states in the build-out and operation of the network.

Governance

States are interested in understanding how FirstNet plans to manage the NPSBN from a national level when many issues relating to governance, such as determining what entities require priority access in certain situations, are currently handled at the state and local level. Since there is no “one-size-fits-all” solution for issues like access, audit processes and security standards, FirstNet must provide states with a governance model that can be properly evaluated. In addition, if FirstNet proposes a national governance model, they will have to demonstrate how they plan to engage state and local entities to ensure that their views are properly represented. This would likely include identifying a single person or committee within each state and clearly delineating that person or committee’s responsibilities to the state and to FirstNet. By identifying a single person or entity, FirstNet would eliminate confusion that might arise related to governance of the nationwide network.

Recommendations for Consultation with States

Pursuant to statute and by necessity, states have a critical role to play in working with FirstNet to implement the NPSBN. Many governors are ensuring that their existing governance structures for public safety communications matters are appropriately staffed to address the requirements of the NPSBN. Some states are also beginning to develop their own plans for network construction and operation in order to better inform the governor’s decision-making when FirstNet presents its proposal for consideration. In order to work with FirstNet, states need timely and accurate information regarding FirstNet’s plans for the network as well as the ability to raise questions and concerns as they arise.

Each state is unique and may have varying needs, requirements and opportunities for engagement with respect to the NPSBN. For instance, many states have questions regarding the state and local implementation grant program and the requirement for the state’s 20 percent match in funding. Most states must have legislative approval for the expenditure of funds and the budgets for next year have already been submitted. Without more firm deadlines or expectations for state participation in the grant program, it may delay some states’ ability to perform planning and preparatory functions necessary for FirstNet’s planning. Similarly, participation in the NPSBN through FirstNet’s eventual proposal will essentially require states to enter into a contract. As a result, many states will require legislative approval in order to take action. Gaining this approval can take several years because not all states’ legislatures meet every year.

The formation of a State, Territorial, Tribal and Local Subcommittee of the Public Safety Advisory Committee (PSAC) will help facilitate the necessary dialogue between FirstNet and states that will be important for the success of the NPSBN. To be most effective, this subcommittee must have clarity on its relationship to the FirstNet Board as well as the role of any support offices established either within the National Telecommunications and Information Administration (NTIA) or under FirstNet itself. Through the subcommittee, FirstNet should conduct regional in-person meetings and workshops to help states and the FirstNet Board discuss network implementation and deployment plans. In addition, states would welcome greater transparency and opportunities for engagement with FirstNet on all aspects of network planning, deployment and operation.

Governors are prepared to work together with FirstNet to ensure that the network provides public safety with the effective tools they need to accomplish their life-saving missions with 21st century technology. FirstNet’s and the states’ ability to work together will ensure the most cost-effective and timely deployment of the NPSBN.

Contact

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