

An Update on FirstNet: Federal Efforts to Improve Next Generation Emergency Communications

November 21, 2014

Overview

Spending on public safety communications is not a significant driver of state budgets. However, being unprepared for disaster response efforts can be costly in terms of dollars and lives. Federal efforts to deploy a national network for next generation emergency communications are underway, but the fiscal impact for state and local governments is unclear at this point. A recent House subcommittee hearing on FirstNet (First Responder Network Authority), the newly created federal entity responsible for implementing the nationwide public safety network, provided Congress, the states, tribes and territories with an update on the network's deployment and outreach activities over the last year. The speed of FirstNet's formation has quickened over the last 12 months, with the authority growing from four to 83 full-time employees. Along with the additional human capital, FirstNet has begun to increase state and local government outreach efforts, having conducted seven formal consultations with states. Additionally, FirstNet has approved a fiscal 2015 budget and requested public comments on proposed legal interpretations of the authority's enabling legislation. Clarification on basic terms, such as what constitutes a public-safety entity, will provide greater clarity on the scope of the network and its primary and secondary users. To begin learning what the long-term fiscal impact might be for states, budget officers can become more familiar with the FirstNet consultation process and recent developments made by the authority, and begin conversations with the assigned point of contact in each respective state. Budget officials can also begin to engage with public safety officials to determine

how they plan to enhance first responder capabilities and lower communications costs over the long term.

Background

With the passage of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), Congress also enacted measures to develop and fund a nationwide public safety network. The purpose of the public safety network is to facilitate faster, interoperable communications capabilities for police, firefighters, emergency medical professionals and other public safety officials across levels of government. The newly created federal entity responsible for deploying and coordinating efforts to build the nationwide LTE (Long Term Evolution), public safety network is known as [FirstNet](#), an independent authority within the Department of Commerce's National Telecommunications and Information Administration (NTIA). FirstNet's headquarters are in Reston, Virginia, just outside of Washington, D.C., with much of the technical work being done in Boulder, Colorado. The current [chairwoman](#) of FirstNet's board of directors is Sue Swenson, a long-time veteran in the wireless communications industry who served as the chief executive officer of Cellular One and chief operating officer of T-Mobile. As a federal entity with nationwide responsibilities, FirstNet's organizational structure is comprised of the same states, territories, and tribal nations as the 10 Federal Emergency Management Agency (FEMA) regions. A NASBO [issue brief](#) from 2013, *FirstNet: Next Generation Emergency Communications* provides more background information on FirstNet and the implications for states.

House Subcommittee Hearing on FirstNet

On November 18, 2014, the House Subcommittee on Emergency Preparedness, Response, and Communications, held a hearing that included witnesses from the Office of Emergency Communications at the U.S. Department of Homeland Security, the Acting General Manager of the First Responder Network Authority and the Delaware Department of Safety and Homeland Security Division of Communications. The webcast and written testimony of the hearing's witnesses can be found [here](#). Over the past 12 months, FirstNet has grown from four to 83 full time employees. Additionally, the FirstNet Finance Committee has [approved](#) a fiscal 2015 budget that allocates \$86.2 million for organizational activities, including \$22.3 million on consultation, planning, and outreach activities. Since July, FirstNet has had seven formal state consultations with Iowa, Maryland, Minnesota, Montana, Oregon, Washington, Utah and Puerto Rico. As mentioned at the recent House Subcommittee hearing, FirstNet is planning to strengthen and expand outreach efforts over the coming year by “giving states and other stakeholders opportunities to provide feedback and input throughout the process; working together with the states to collect information and data that will be useful for the deployment of the network; ensuring that we maximize the states’ and taxpayers’ investments in FirstNet; and informing inputs to RFPs, the delivery of the state plans, and the design, construction, and operation of the network.”¹

FirstNet’s Outreach Efforts

FirstNet has expanded outreach efforts over the last year by holding regional workshops, monthly calls, quarterly webinars and formal consultations. The primary mechanism by which the authority communicates with state and local governments is through the single point of contact (SPOC). The SPOC for each state can be found [here](#). The SPOC is responsible for coordinating individual state visits, consultations and has been created to streamline accountability and foster more collaborative partnerships between FirstNet and other levels of government. According to FirstNet, “The [agenda](#) for initial FirstNet visits will focus on roles and responsibilities, users and coverage needs. We will also discuss expectations for data collection and other state-specific issues. These meetings will pave the way for ongoing collaboration that will result

in FirstNet’s development of 56 unique state deployment plans.”² Communicating with the SPOC is the best means by which state budget officials can engage with FirstNet and stay informed of any potential state or local fiscal impacts.

FirstNet is required by law to consult with states, tribal and local government public safety entities on the following key issues:

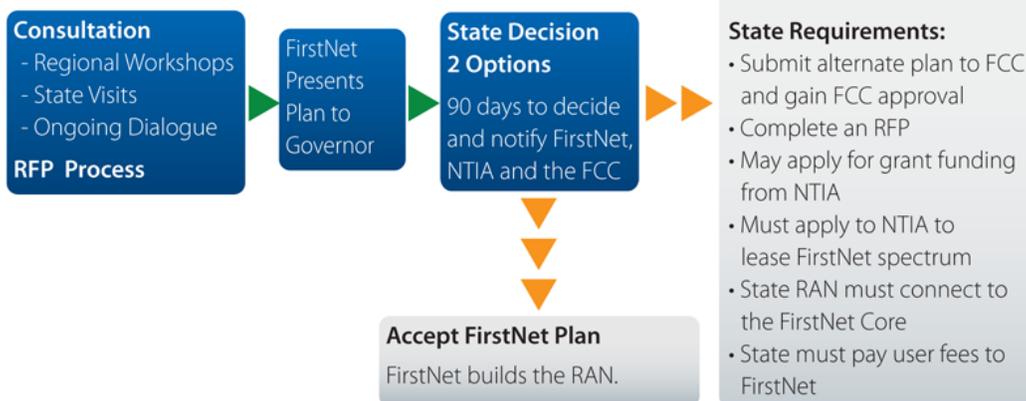
- “The construction of a core network and any Radio Access Network (RAN) build-out;
- placement of towers;
- coverage areas of the network, whether at the regional, state, tribal, or local levels;
- adequacy of hardening, security, reliability, and resiliency requirements;
- assignment of priority to local users; and
- assignment of priority and selection of entities seeking access to or use of the nationwide interoperable public safety broadband network and training needs of local users.”³

The decision to “opt-in” or “opt-out” of the FirstNet radio access network (RAN) is up to each individual state. However, the decision to opt-out has many added obstacles for states. A state that opts-out must develop an alternative plan to deploy a network that complies with minimum technical requirements and is interoperable with First Responder Network.⁴ This choice is likely to prove significantly more difficult and technically challenging for states to undertake. Additionally, for states that submit an alternative plan, the amount of grant funds provided for the network’s construction will be less than if the state had opted in to the FirstNet program because, “the grant will be applied only toward building the radio access network and may be subject to matching grant requirements.”⁵ Added restrictions on public-private partnerships and increased user fees for access to FirstNet would apply in the instance that a state chooses to implement a network separate from FirstNet. Federal law does not address states that choose neither to join FirstNet nor develop their own comparable network.

The priorities for FirstNet over the coming year include: developing private sector request for proposals (RFPs) for network partnerships, expanding consultations, increasing

State Decision Process

FirstNet will collaborate with states to develop and deliver a RAN plan that meets their needs.



Source: <http://www.firstnet.gov/consultation>

outreach efforts with state and local governments as well as the private sector, enhancing network development activities and developing greater in-house technical and legal expertise. FirstNet has made progress in the organization's outreach efforts by seeking [public comments](#) and information from public safety stakeholder groups and industry experts on a range of issues such as the ultimate primary users of the network, secondary users, how the network will work in rural areas, user and other fees and recommended minimum technical requirements.⁶

Financing the Public Safety Network

The federal legislation authorizing the nationwide public safety network also provides \$7.0 billion in funding, a sizeable resource commitment on behalf of the federal government, that is expected to be obtained from revenue generated by spectrum lease auctions. However, many experts estimate a nationwide public safety network will cost tens of billions of dollars to construct — along with large amounts of money needed for ongoing maintenance and operation.⁷ At this time, there is no clear indication exactly what the final price tag will be for the network or how the long-term operating and maintenance costs of the network will be funded. The law has outlined a framework for public-private partnerships, including commercial sector leases, to help reduce costs for state and local governments. Furthermore, FirstNet “intends to offer services at a compelling and competitive cost to attract millions of public safety users and make FirstNet self-sustaining. The use of FirstNet’s services and applications will be voluntary. The costs for FirstNet’s services and

devices have not yet been set.”⁸ FirstNet is gathering information from vendors, engaging with private industry and conducting market research to estimate cost, pricing and network usage. FirstNet has [released](#) a request for information (RFI), which is the first step to producing a more concrete request for proposal (RFP) in the future. The RFP will be a solicitation for competitive bids from private sector firms to build out the network.

Conclusion

FirstNet and next generation public safety communications are likely to remain a significant priority for public safety professionals, citizens and elected officials at all levels of government. And private sector interests combined with the federal government’s sizeable funding commitment ensure that efforts to build-out a national public safety communications network will continue. As the number of FirstNet employees increases, the authority’s deployment activities will also expand, including outreach with stakeholders. State and local governments will have the opportunity to voice concerns and influence the network’s creation over the next several years, but the long-term fiscal impacts remain unclear. Spending on disaster response efforts can be costly for states, but next generation communications may help save lives and reduce costs by enhancing coordination between first responders. Budget officers can become more familiar with FirstNet by engaging in conversations with the single point of contact, by learning about the consultation process, and by staying informed of recent actions taken by the authority and other states. Budget officers can also increase communications with state agencies to help public safety network users lower their costs over the long term.

¹Kennedy. November 2014. "Written Testimony of TJ Kennedy Acting General Manager of the First Responder Network Authority Before the Committee on Homeland Security Subcommittee on Emergency Preparedness, Response and Communications United States House of Representatives Hearing on Interoperable Communications: Assessing Progress Since 9/11." Pg. 4.

²FirstNet Homepage. *Consultation tab*. Accessed on November 19, 2014.

³FirstNet Homepage. *Consultation tab*. Accessed on November 19, 2014.

⁴TPL. 112-96, Section 6302 (e) (2) and (3).

⁵The Congressional Research Service. May 2013. "*The First Responder Network and Next Generation Communication for Public Safety: Issues for Congress*." Pg. 11.

⁶Announcements of upcoming FirstNet board meetings are regularly posted on the NTIA website and can be found [here](#).

⁷The Congressional Research Service. May 2013. "*The First Responder Network and Next Generation Communication for Public Safety: Issues for Congress*." Pg.1.

⁸FirstNet. July 2014. "*FirstNet EMS Fact Sheet*." Pg. 2.

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