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Transcript

FirstNet Board of Directors Webcast, San Diego, CA, June 2-3, 2015

Part 4 – Consultation and Outreach Committee

JEFFREY JOHNSON: Good afternoon, everyone. Welcome to the Consultation and Outreach Committee meeting of June 2, 2015, for FirstNet. Each member of the committee has before them a set of the minutes from our last meeting. If there is any discussion, please bring it forward. Otherwise the chair would entertain a motion to approve or amend the minutes as presented.

SUZANNE SPAULDING: (Inaudible.)

JEFFREY JOHNSON: Yes, we do, but that's actually later. But thank you.

SUZANNE SPAULDING: I move that we approve the minutes.

JEFFREY JOHNSON: We have a motion.

KEVIN MCGINNIS: (Inaudible).

JEFFREY JOHNSON: And a second by Mr. McGinnis. Any discussion on the motion? Hearing none, all in favor of approving the minutes signify by saying aye.

ALL: Aye.

JEFFREY JOHNSON: Opposed, same sign. The motion carries. Just take one look here.

So I'd like to call on the board secretary to provide a conflicts notification and explain to our audience as well as to the webcasting audience in more detail about how things are going to work today. Uzoma, would you please walk through the meeting logistics.

UZOMA ONYEIJE: Absolutely. In advance of the June 2, 2015 committee and board meetings, the management team has provided the Board with an agenda outlining each of the items that are going to be discussed today. The members were also provided with a conflicts of interest assessment which was produced jointly by the Commerce Department of General Counsel as well as FirstNet's Office of Chief Counsel. Providing these documents in advance to the Board members allows them to identify potential conflicts of interest and to recuse themselves from participation if required. We will, prior to each committee and full board meeting, remind all Board members of their obligations relating to conflicts of interest and ask them to identify whether any recusals from deliberations or voting are necessary.

With that said, if there are any Board members of this committee that need to recuse themselves, please do so for the record. Hearing none, I believe we are ready to proceed with the substance of the meeting. You've heard how we're going to be moving forward on these meetings on a couple of occasions, so I think we can just move directly into the substance of the matter.

JEFFREY JOHNSON: The meeting logistics?

UZOMA ONYEIJE: So this – as you know, each of our meetings are sort of different lengths and time, and we'll be having some presentations in this meeting. We ask, again, that folks who are here with us on site try to limit their motions and silence their cell phones. And we are going to get proceeding right now.

JEFFREY JOHNSON: Thank you, Mr. Secretary. Will you please call the roll?

UZOMA ONYEIJE: Absolutely. Jeffrey Johnson.

JEFFREY JOHNSON: Here.

UZOMA ONYEIJE: Kevin McGinnis.

KEVIN MCGINNIS: Here.

UZOMA ONYEIJE: Teri Takai.

Suzanne Spaulding.

SUZANNE SPAULDING: Here.

UZOMA ONYEIJE: Ron Davis.

RON DAVIS: Here.

UZOMA ONYEIJE: James Douglas.

JAMES DOUGLAS: Here.

UZOMA ONYEIJE: Annise Parker.

And Richard Stanek.

RICHARD STANEK: Here.

UZOMA ONYEIJE: Mr. Chair, we have a quorum.

JEFFREY JOHNSON: Thank you. And Mayor Parker, are you on the phone bridge?

Okay. Thank you.

For this session we will hear from Amanda Hilliard, Dave Buchannan and Rich Reed in developments with Outreach, Consultation and State Plans respectively. I know personally from attending the Idaho consultation that a lot of ground has been covered in consultation, and I earlier thanked the crew and recognized them for just the messaging, the candor and the honesty in terms of where we are and what needs to be done, and it's going a long ways. I really appreciate how you've gone about it, and the messages that we've prepared, and the integrity and honesty in which we're delivering it. I mean, there

are still things we don't know, and we're candid about those things. So, with that, Amanda, I believe you're going to go first, so if you're ready,

AMANDA HILLIARD: Yes, thank you.

JEFFREY JOHNSON: The show is yours.

AMANDA HILLIARD: Thank you, Mr. Chairman, for the opportunity to brief the committee on our key accomplishments in the areas of outreach and general consultation over the last couple of months. We've had a busy few months, so I'm just going to highlight a couple of our recent engagements.

We held a number of significant, well-attended events in this quarter, as you see here on the slide, in addition to the state consultations that Dave will be talking about. And participated in many other organizations' events to give updates on FirstNet. So I'll talk a little bit about the April SPOC meeting that we had with over 140 attendees from 52 of the states and territories. In early May we held webinars with our SPOCs, the PSAC, our federal agency POCs and the Tribal Working Group members immediately after the release of the special notice and draft RFP documents to go through the documents and provide an overview and the opportunity to ask some questions. So that was well attended with over 100 stakeholders.

We also held our third association briefing. If you'll recall, we've been doing this twice a year now in which we invite the PSAC organizations as well as a few other associations, their D.C.-based staff, to come and just hear the latest updates on FirstNet as well as the State and Local Implementation Grant Program. So we had 30 attendees from 25 organizations. We had Tom Sorley and Paul Patrick from the PSAC executive committee there as well. A good two-hour session. A lot of dialogue. We used the full time. So that framework has been working really well, and we'll do that again this fall.

And then lastly I'll talk briefly about the PSAC meeting that we held yesterday.

So the next slide here just showcases a sampling of the 40-plus events that FirstNet Board members, leadership and staff, participated really just in the last two months, in April and May. And you can see on the slide there a good mix of EMS, fire, law enforcement engagements. And I was going to just highlight two events in particular. Last month, Carl Rebstock, our tribal outreach lead, had the opportunity to speak at the tribal telecom conference, and that's one of about ten national conferences that the Tribal Working Group, back in February, had recommended that we participate in every year to get the messaging out on FirstNet, so that conference brings together tribes, communications, industry professionals and nonprofits and government agencies to talk about solutions to advance digital communications with tribal communities.

So Carl was able to participate on a panel with two states, with our SPOC counterparts in New Mexico and Montana. We also had a Tribal Working Group member on the panel and two tribal members, so again, just a great opportunity to have some dialogue around FirstNet, have the states involved in that and talk a little bit about how they're working with the tribal communities in New Mexico and Montana.

I also wanted to highlight in late April, myself, Rich Reed and Board member Tim Bryan had the opportunity to go to the NACIO, the state CIO, the fly-in meeting that they hold once a year. I know Teri Takai had participated in that last year. And we had about half of the CIOs, or the Deputy CIOs, participate in that meeting. We had an hour. I think Tim was probably five minutes into his briefing when we started getting some questions, so that really was a good 60 minute just back and forth, really more of a Q&A type of session. I think it was a good opportunity to bring a couple of the CIOs maybe that were newer or just not quite up to speed on FirstNet to kind of course correct in a few areas. We talked about public assets and things like that. So really good dialogue in that session. I think we stayed behind and met with a few CIOs for another hour-and-a-half, so that was a really good engagement.

Just in terms of our metrics, I just wanted to note, so we're about halfway through the fiscal year now, or about three-quarters. We've connected with more than 30,000 public safety and private sector stakeholders at nearly 200 outreach and consultation events. And I was looking back at our Fiscal Year 14 statistics where we had reached about 20,000 stakeholders at just over 125 engagements, so we are rapidly, with the staff coming on and everything going on, ramping up our engagement and outreach events, and I only see that growing and continuing throughout the year and in the next year.

And based on that, the other thing I just wanted to touch on, you mentioned messaging at the beginning of the meeting here. You know, we're continuing, with so much going on with the public notices, now the draft RFP document's out, we're continually updating our PowerPoint presentations, our messaging to ensure that as we get out and speak that we're all being consistent in the messaging and, you know, really just continuing to evolve our messaging. So I think it's important that we try to get out to many of these organizations as much as possible just because things are changing and evolving so much through the public notice process and our acquisition.

So switching gears, I just wanted to talk for a couple of minutes about our April fourteenth and fifteenth SPOC meeting which we held in Reston, Virginia. We held this meeting in coordination with the State and Local Implementation Grant Program. I know Mike Dame is not here today, but I did want to just thank him and his team for some of the support they provided to us as we prepared for and executed that meeting. It was a really good partnership that we had with their team.

You see here on the slide some of the key outcomes that we had around involving the state and territory participants, getting feedback on many of our key activities. Also a great opportunity, we showcased a number of state speakers throughout the two days to just talk about some lessons learned and best practices, and I know there was lots of hallway conversations going on that I always hear are just as valuable as what we do in the meetings.

We had 134 individuals from 52 states and territories at the meeting. We allowed each state team to bring up to three attendees, so that worked well. And we had eight Tribal Working Group members attend. And again, that suggestion had come from the February Tribal Working Group meeting where that committee wanted to get more involved with our SPOC meeting.

We were pleased to have Kevin McGinnis and then Governor Jim Douglas join us as well for the full two days and provide some remarks and updates to the group. So when I'm finished, if you all have anything you want to add, please feel free to do that.

So this slide here just shows the number of topics that we covered over the two days. We had a really packed agenda given the large number of attendees that we had. We did a few sessions in plenary, but we did a lot in breakout so that we could have some smaller groups and really have time for Q&A and some dialogue exchange. We also saw the state teams had brought a range of some technical staff, outreach staff, the SPOC or the Deputy SPOC, so I think it also provided a good opportunity, you know, the grants person got to go listen to the grants session, the technical folks got to listen about priority and preemption and public safety grade, so a really good mix of the agenda and topics for folks to participate in.

I also wanted to know just from the FirstNet staff perspective we had great engagement. A number of the CTO staff participated in the meeting and spoke at various sessions as well as our legal team on the public notice sessions, and, of course, the user advocacy team, so it was also a great opportunity just to introduce some more of the FirstNet staff to this really important stakeholder group and continue to build those relationships.

You see on the slide here to the bottom left, that was our data collection panel where we featured Minnesota, Florida and Texas, and they spoke with the full group to share some of their best practices and their efforts. And then on the right side you see there, that's our Tribal Working Group members that had attended. And we had two sessions in terms of tribal engagement in which we required each of the states that do have tribes within their state boundaries to participate in that. A really good exchange just

of some recommended ways to work with Indian country, to engage Indian country, so I think that was a really valuable session and had a handful of SPOCs that actually commented that was the best session they felt for the two days.

We also had an opportunity just to have another in-person session with the Tribal Working Group members to build off of that meeting that they had had in February.

We got really good feedback on the meeting, so we are planning to do another one later this fall. But this is just a high-level summary. We had 38 attendees fill out feedback forms, and you can see, you know, generally everybody was very pleased with the meeting and the agenda that we had pulled together. We also had individual kind of report-outs on each of the various sessions, and all those were received with highly favorable results.

So a few other comments that we got from the feedback form. Overall, folks were pleased with the agenda and the topics that we covered. I think the timing worked really well in particular with the second notice was still open at that time. The third notice was about to be put out, so we had just released the data collection element. So I think the timing for many of the topics was really timely.

Folks liked having the state speakers and actually suggested that we do a little bit more of that in the next meeting, so I think that worked out really well.

And generally we got just good feedback on the format, you know, having up to three attendees per state or territory, the mix of plenary and breakout sessions, and the inclusion of the Tribal Working Group members.

One other area just for the next meeting as we plan for it, you know, it's a little hard because folks want the big group and to bring a couple of state members, but folks also wanted a little bit of smaller sessions to have more dialogue and conversation, so we'll try to do a little bit more with that.

Also, just providing more of an opportunity for the SPOCs as a group, or the Deputy SPOCs, to have a little bit of time just between that group. So we'll look to address some of those things as we do this meeting again, but overall, really, really good feedback. I don't know, Kevin, or Governor Douglas, if you wanted to add any comments.

KEVIN MCGINNIS: Yeah, I thought it was a dynamite meeting, and it was clear that doing it again is absolutely necessary.

One of the – I don't know how to characterize it except to say to a degree, if you picture the groups of the FirstNet folks coming into this big room with all of the SPOCs, a little bit of oil and water. But what happened was emulsification. I mean, it really came together. And just the tenor of the comments and questions to staff over the two days became very cooperative and, you know, less stand-offish. And, I mean, that was just an observation, one person's observation, but I thought it was really worthwhile. Take that times ten in the Tribal Working Group sessions where definitely states and tribes in the room are oil and water, and yet, you know, the same thing happened. I couldn't stay for the second one, but it was really – ended up being some very cooperative, sincere, how do we make contacts with you – you being the tribes, or you being the state.

AMANDA HILLIARD: Right.

KEVIN MCGINNIS: How do we do this effectively? So I think it was a big winner all the way around, and good going.

JIM DOUGLAS: Just have a little to add, frankly. It was well planned, well executed, a great opportunity for certainly a newbie like me to meet a lot of the SPOCs and get a sense of their challenges and how they're confronting them. But as Amanda and Kevin have said, really a good format with breakout

sessions on relevant topics and some choices, so that people could pick what was most useful for them. And the informal gathering, as you suggested, Amanda, I think is always important. And those of us who have been to national meetings understand the value of buttonholing someone in the hallway and asking, gosh, how did you handle this particular situation, what problems did you encounter. So I thought all around just a home run.

AMANDA HILLIARD: Good. Great. Thank you.

So the last area I wanted to touch on before I turn it over to Dave is just talk a little bit very briefly about the PSAC meeting that we held yesterday. You heard Jeff Bratcher touch on it a little bit during the Technical Committee update, and I know Harlin is going to – Chief McEwen is going to give an update tomorrow during the full Board meeting, but there's a picture that we took of the group. We had a full day meeting. A couple of the topics that we covered, you see here on the slide, but I just wanted to reiterate, you know, each, in particular the last three meetings, I think, just the dialogue and discussion, each meeting is just increasing more and more, and that's great to see. And I think, you know, in particular, in between the December meeting and this one that we just held, Jeff talked about the task team meetings that were held in Boulder, we held a number of conference calls between the Early Builder working group, I talked about The Tribal Working Group efforts, and a number of conference calls on the device topic as well, so I think having a lot of that engagement in between the in-person meetings helped to keep people really connected and engaged. There's a lot of work that they're doing. So really good meeting in the morning, and of course the afternoon was the first time we did the public session, which I think went over well and an opportunity to showcase the chairs of those working groups as well as the task teams and kind of the leadership role they've been taking and the work that they've been doing. So, again, Chief McEwen will provide a little bit more detail on the meeting tomorrow.

I will turn it over to Dave unless there are any questions?

JEFFREY JOHNSON: Just I want to reflect a little bit. I mean, the enormity of the task that you folks have undertaken. I was just making some notes here. There's 56 SPOCs. Fifty-six SWICs, which may or may not be the SPOC. Of course, and that starts 56 state consultations, which is after the first meeting, really kind of a cascading effect. You've got all the associations just in fire, I can think of eight. If you just say, I'm going to talk to the fire community, that's eight separate stops for the association. You've got police, EMS, APCO; you have public works CIOs or CTOs. You've got transportation. You've got governors, mayors, cities, counties, utilities, 566 federally-recognized tribes. Then you have the federal agencies, which we're doing outreach to. The media sources are no small part of it, Donnie and Paul are some of our primary ones. And then if you think about the 125 engagements out of the number of work days you have in a year, that's enormous when you add prep time, travel time. And then prior to Terrie Callahan and the procurement team coming on, just the industry outreach was enormous. What did we have – 425 attendees at Industry Day? So, you know, I think it's fair to say we are always going to come up a little short on how much we would like to communicate, and I think it's just important to realize the size of the apple we're trying to bite here. And know that we want to get there, and, indeed, are trying to get there, but it's a big job. It's a big job on every level, and just my hat's off to you and the team and to the Board for their participation in attending these and getting a feel for it. TJ, your team's done a great job.

Dave, I think you're up.

DAVE BUCHANAN: Thanks, Mr. Chairman, and thanks for the opportunity today to update you on our state consultation activities. I'm going to talk a little bit about what we're learning from the states, and then I'm going to talk at the end a little bit about where we're headed next, so the next round of consultation meetings.

As you can see in the chart here, in the last ten weeks since our last board meeting, we've completed 13 additional consultation meetings, bringing our total to 31 meetings. We have 18 additional meetings scheduled between now and Labor Day. We're actively working with the seven remaining states and territories to get them scheduled in 2015.

And you can see from the chart and my comments, that we have increased the cadence and the drumbeat here on the meetings, and that's really been made possible by two key events that happened since the last board meeting. One is we've been able to add regional leads to our team that are helping us plan, execute and deliver state consultation meetings. We have four regional lead staff members that are helping with that.

And second we were able to finalize our interagency agreement with SPAWAR who delivered vendor support starting in April. A dozen or so individuals who are helping us, again, with planning, delivering and executing meetings. And both our federal team members and our new contract team members have brought a great deal of experience and their talents to this effort and really allowing us to, again, increase this cadence of consultation meetings.

They've also allowed us to not only move faster and do more, but I think deliver better consultation meetings. We have a new element as a part of our consultation meetings whereby we have a facilitated dialogue specifically around states' use of mobile data. We have very specific questions with exacting dialogue, we're looking for their response on how they budgetarily plan for mobile data, how they procure mobile data services today, how they provision mobile data devices and what that process is, and how they manage data and devices and applications at the local level.

And this new element to our consultation meetings really is bringing about, I think, some important outcomes. One is it brings about a very concrete piece of information we're going to be able to take back to FirstNet, to our headquarters, to our acquisition team and to our CTO team. Second is it brings additional voices to the conversation. Folks that may not ask questions or be part of a regular dialogue. Not everyone does that. This is a chance to really hear from everybody in the room. And third it brings about very much a concrete way to look at what FirstNet's doing. There are times when I think FirstNet might feel abstract to folks. We do a slide show and we have a presentation, we spend a day with them. This really brings it home in a very concrete way about what it is we're talking about when we talk about a FirstNet service in the future for them. So that's been a very good aspect of what we're doing with our consultation meetings.

You heard me at the last meeting describe the use case scenarios that we do with the states, and states have done a really tremendous job of bringing us different scenarios of how they're using mobile data today. And these use cases are really important to FirstNet as we get a better understanding of how they're using mobile data, what challenges they face, and how they might see the value of FirstNet in the future. I want to highlight a few of those for you just from the last month.

In Idaho, Mr. Chairman, where you attended on May seventeenth, we were able to hear from the Ada County Sheriff's Office Lieutenant Justin Ryan about the Hannah Anderson abduction case. And he described the challenges that they face in communication in the rural areas, in the remote areas, the back country areas, for just basic law enforcement communications and the interoperability challenges there. And they're really looking to FirstNet to help solve those issues of rural coverage and interoperability so when these sorts of things happen in the future, they'll be better equipped.

In the Virgin Islands on May fifteenth we heard from the U.S. Virgin Islands Fire Captain Steven Thompson, who described for us the 2014 Bovoni Gas Works explosion. This is a fuel container reservoir area that had a tremendous explosion. Almost all the fire responders that were available on the island were dispatched there. The St. Thomas Emergency Operations Center coordinated the response. We heard about how they had a shortage of communications equipment and lack of interoperability. Looking to FirstNet to help solve the interoperability issues and bring GPS-enabled devices to help them have better situational awareness of where their responders are.

And in New England, we heard in two instances examples from the EMS community. In Rhode Island on May fourth we heard about how their patient tracking with the EMS community has evolved from a paper process to a laptop process in just seven years. But the challenges they still face with universal use of that software and the training that they're hoping that would come from a FirstNet service in the future and really embed that in their everyday practice. And May sixteenth we were fortunate to have Kevin

McGinnis join the Maine consultation. He gave a great presentation to the team there about the future of FirstNet in the EMS field and the potential benefits that will come from this to help make the EMS services work even faster and more effectively. So that was a great way for us to learn more about how first responders are deploying communication services in the states today. And these use cases continue to be really very beneficial for FirstNet as we learn about concrete examples of how they're using those services.

I'm going to turn it back to Amanda to talk about federal consultation.

AMANDA HILLIARD: Sure. Thanks, Dave.

So just wanted to provide a couple of quick updates on our effort with the federal departments and agencies. You can see at the bottom of the slide we've held a number of engagement sessions with a couple of the different departments since the March meeting. And those primarily continue to be more educational and a lot of Q&A. But we are working toward rolling out consultations similar to what we're doing with all the states and territories with the federal departments and agencies. If you'll recall, I had mentioned we released an initial consultation package to the federal agency POCs, and so far Treasury and Justice have responded to that and we're now working through monthly calls with the agency POCs to just share some information with them on how those two agencies responded and kind of get some suggestions to get the rest of the responses in.

I also wanted to note that we are preparing for our first initial consultation pilot, so if you remember the first couple of state meetings we did, we were really deeming them pilots as we kind of figured out the best format that worked. So we're actually working with the Custom, Borders and Protection within DHS to pilot our consultation, about a half-day meeting to talk a little bit more about our efforts and data collection efforts, so we're really looking forward to that just in a couple of weeks. That will be later this month.

We're also working closely with the Justice Department to roll out the data collection that we had released to the states earlier on coverage, users, capacity. So we're working with our Justice POC just to make some minor adjustments to that package that makes it a little bit more specific for the federal departments and agencies. Also to see where we can kind of pre-fill some of the information that we already have from certain data sets. So we're looking forward to those two efforts and then more broadly rolling that out to the rest of the agencies.

And lastly I just wanted to note we are now – in March we started – we've been holding monthly calls with the 14 contacts that we have just to talk about the latest updates and encourage participation. I wanted to note now that we have Chris Algieri and are working to build out our federal team, we did transition the ECPC FirstNet consultation group that had been serving in much of that function. Now that we have the staff to be able to kind of run and coordinate those monthly calls, they did recently stand down that committee, however, well, one, I wanted to just thank you again for that work, that committee was key in one, identifying those fourteen POCs that we have been working so closely with as well as providing a lot of initial data that I think is going to help as we move into the acquisition.

So we're going to continue to have ECPC participation on those monthly calls that we're doing. We have a liaison with the Office of Emergency Communications, and our team will also continue to participate in the steering committee and executive committee meetings.

So good work. I think look forward to updating you all in September once we get through some of these initial pilots, I think a lot of good work is going on.

DAVE BUCHANAN: So before I hand it over to Rich to talk about what we're doing with state planning, I want to talk a little bit about where we're headed next with state consultation, our overall consultation program. You've heard me describe already that we're well underway with our initial consultation activities. And initial consultation has really been focused around building a relationship with a state,

kicking off our consultation with them, educating stakeholders about where FirstNet is headed, what our strategy is, how we plan to get there, and how we plan to include them in the process. Learning more about their state needs and the use cases we've heard about. And really kicking off the discussion around data collection and those, as you heard me describe, are well underway, 31 of the 56 states and territories are done. The rest on the way.

The next step is the data collection, and states have already begun, as you heard us describe at the last Board meeting, their collection of very specific data elements that we're looking for to help inform the RFP. There are data elements we're looking for around coverage, around capacity, around users, around current services. And we're pleased to know that states really have embarked on this earnestly. In our May outreach calls to states, 42 states participate in the outreach calls. All 42 indicated that they planned on having their data collection into FirstNet by the September thirtieth deadline. And 33 of the 42 had already begun the data collection process. So that was a good indication to us that states are well underway and are taking very seriously this opportunity to provide FirstNet with information that will help us, again, build the very best RFP that we can.

After data collection is complete and data comes in, we're envisioning a next round of engagements with the states. And I want to talk just a few minutes about what we're envisioning there. The next states will submit their data collection, their data elements, by September thirtieth. We're then going to use that data as an opportunity to review their information and schedule subsequent engagements with the states to validate that data, to begin to review the data that they've provided, and normalize the data across the different states and get a good understanding of what they submitted, what they didn't submit, and what the full picture of the data provides for us.

We'll also use these additional meetings to continue consulting on a variety of consultation topics. We heard very good discussion yesterday at the PSAC meeting about prioritization around local control. I think there's an opportunity at future consultation meetings to have dialogue with the states about local control and prioritization. We can have a very good consultation effort around that.

And lastly we'll use the next engagement with the states to really begin to give them a glimpse of what's going to be in their state plan. Begin to get that information from the states. Be able to describe for them what they might see there, and begin to get their reaction to that. We pledged to states a year-and-a-half ago when we kicked this off that we would go about consultation in a collaborative way, and an iterative way, and I think we're achieving that, and I think the plans we have in place for next year will help us really reach that goal and, again, join the states earnestly in this collaborative, iterative consultation process.

RICHARD REED: Thanks, Dave. So state planning. It is a complex, it's going to be an expensive, and it's going to be a time-intensive process. As Dave and Amanda mentioned, we've got two major evolutions going on. We've got the acquisition evolution, and we've got the consultative evolution. The successful completion of both those evolutions really is the data elements we need to successfully start developing a state plan. We need the information provided, the specific state information provided, that we're going to achieve through that consultative effort. And we need the coverage and costing and technical information we receive from the acquisition process to properly articulate our proposal to the state.

As anyone who has ever responded to proposals or developed proposals, it takes time, it takes resources, drafting the language, the graphics, the messaging, the theming, all the things you have to do to successfully develop a proposal or respond to a proposal takes time, people, resources and money. But we've made the promise, the Act requires it, and we're going to develop and deliver the best proposal to the governor so that it's implementable, adoptable and sustainable, and it's going to really message that the cost considerations, the coverage considerations, the interoperability considerations, the interconnectivity and service levels that FirstNet's going to propose.

So very quickly, what goes into a state plan? State plans contain information that the Act requires. Obviously the Act is clear that we should go out and consult on several topics, and we need to, at a

minimum, develop and include the information that the Act requires. But it also needs to include the information that the state desires. For a state to adopt a plan, they need to see themselves reflected in the plan. They need to know that the consultative effort and the time they spent helping FirstNet be informed, they need to see that information contained in that state plan.

We want to iterate that it's a snapshot in time. This network is never going to stand still. We're going to have to grow, both in coverage and capacity and service and revisions of software, and user equipment and devices, the types of tools that we provide from a reporting standpoint. The network is never going to stand still. So the state plan is going to actually encompass a snapshot in time.

It's going to allow the governor to make an informed decision based on the FirstNet value proposal. We need to be able to articulate to that governor why our solution meets the needs of their public safety individuals.

We don't see it as a binding agreement. We don't think this is a contract. It is a proposal that is best effort, snapshot in time, and it really outlines how we're going to manage what the roles and responsibilities are, and how we're going to partner with the state in perpetuity. I think that the idea of a binding agreement would be very difficult for FirstNet to achieve, but it's also counterproductive for a state. They want the ability to work with us and to change the agreement and to grow the network in a responsible and fiscally sustainable way. So this document is going to be, as I said, a snapshot in time that really talks about how we're going to behave and interact in the future.

We need to be able to – it does us absolutely no good to deliver a plan that we can't afford, and more importantly, a plan that public safety can't afford to adopt. It's very, very critical that we understand that delivering this service in a way that is cost effective for public safety so that they can actually adopt the service is critical. It does us no good to build a service that is so expensive that folks can't afford to pay for it.

And then ultimately, delivering the state plan also comes with the responsibility of making sure that the FCC and NTIA have what they need from an informational standpoint to vet a potential counterproposal by a state through that opt-out process.

So as I mentioned, the Act requires and what goes into a state plan, we minimally have to provide the data required by the Act. And we look at this in four major topics. One, we have to talk about the core services that FirstNet has a responsibility to include and provide. Next we have to talk about the coverage that the FirstNet service will provide. Coverage and capacity. Where will coverage be? How much capacity will be included? And where will the operational areas be.

We also need to include information on resiliency, hardening, and security, all of the things that are really important to public safety. They've told us that reliability, security, hardening is a critical topic, and we have to consult on that.

And then lastly we need to talk about training. Training is an interesting topic because it can be very expensive. The idea of developing Tier One, Tier Two, Tier Three help desk support as opposed to in-depth integration training, or computer-based training, there's a lot of different variants of training, and the costs associated with each one of them are very, very different. So we need to consult on what type of training the states are going to require for adoption of the network. And ultimately they will inform our service levels, our performance criteria, the technical information, the interconnectivity requirements, the network management and operational practices, terms and conditions, terms of service, procedures and standards, all the things that you need to operate the network, and ultimately outline the relationship we're going to have independent of the opt in/opt out decision.

So lastly, how we get there. We've been working very closely with all the divisions within FirstNet to develop a template. So we started with a state plan outline, which was just an articulation of what we believe those elements need to be in a successful plan. And that's based on our independent knowledge

as well as the information that we've gotten from the states on what they feel needs to be in a plan to be acceptable.

And then my team members Doug Harder and Brian Hobson have developed a state plan template. And that state plan template has been socialized with other groups within FirstNet. We've gone out and we've said, to make a state plan successful, what information does FirstNet need to have to make it a viable plan? Here's what we believe the states require in a viable plan. And then we've developed a data matrix, so where does the data come from? Either from consultation or from another division within FirstNet, or from the acquisition. So we need to source each one of those data elements and who's going to provide the data and when it's going to be available through one of those processes. As well as a compliance matrix that we can then share with others to make sure that the plan meets what our goals were. So just like with any proposal, you take all the data elements and you make sure that you're able to actually provide that information and that it meets the demands of the state and of FirstNet's leadership.

So ultimately when we get through consultation and through the acquisition process, we will develop that draft state plan. And that's going to require us to go out and socialize, once again, with the state. So it's where we sit down with the state and go through the plan and make the modifications that we can afford to and that the states desire. So that's where the real dialogue takes place on what the proposal FirstNet's going to provide that state. And if we do this right, we've taken all the consultative information, we've developed a state plan, we've had the dialogue with the leadership of the state, there should be no reason the governor can't make a well-positioned value judgment on that proposal with everyone nodding their heads that we agree that this is the best thing for the state.

And then ultimately going out to deliver the final plan. It's one of the things that keeps me up at night because a lot of these elements don't lend themselves to the traditional paper proposal. So, for example, service plans, rate structures, equipment that will be on the, you know, available in Band 14. This is going to be an ever-changing sort of amount of data. And it's going to be snapshots in time, and it's going to be perishable information. So some of the elements may lend itself to an online link, so a person would go and validate the type of equipment that's available today. I also think that delivering a paper plan, it's going to be complex and there's going to be a lot of questions. So there might be orals associated with delivery of that plan. We may have to go out and explain it, answer questions, and show the math on how we got there. So delivering the plan may be more complex than just a standard paper delivery.

I think we're going to hand this back to Amanda.

AMANDA HILLIARD: Yeah, so the last area we wanted to touch on was just the staffing update. So Dave had mentioned we now have four of our ten regional leads on board, which we're really excited about. So at the last meeting I had announced Tim Pierce as our region 5 Lead, who is based out of Wisconsin, and Steve Noel as our region 10 Lead who is based out of Oregon. And we've got all four of them here in the audience today and will be at the conference this week.

I wanted to introduce our newest regional lead. So David Cook, who is based out of New York, is our new Lead for the region 2 states and territories. David has over 20 years of experience in supporting emergency communications efforts from both the government and industry perspective and is still an active firefighter. So David previously served as the Director for Outreach in the New York State Office for Technology, Director of Bureau of Public Safety for Rensselaer County, and the Enhanced 911 Emergency Communications Coordinator also within Rensselaer County. So really looking forward to having him on board and getting him out more with those states and territories.

And then our other regional lead is Keone Kali, who is based out of Hawaii. He's our region 9 lead, and he formerly served as the CIO for the state of Hawaii, brings 21 years of experience in IT, business development and senior management in both the public and private sector. And prior to his appointment as state CIO, he served as the Deputy CIO of Operations and Chief Technology Officer.

So a good mix with former SPOCs and SWICs and a CIO, an active firefighter. I think we're really starting to round out the team and are looking forward to hiring leads for the other six regions. We have advertised all of those positions, and we have a lot of resumes that we're looking through right now and we're going to begin scheduling those interviews very soon. We try to do that in between all the travel and the engagements that we're doing.

I also wanted to note as you see here on the map, we noted kind of the four west, midwest, south and northeast. We also are going to be advertising for four positions to kind of help, one with a little bit of a span of control issue. I think having ten folks report to one person, we quickly learned, especially with all of them being remote employees; I think we just wanted a little bit more support there to make sure the communications flow is happening. But also just to help, I think, bring more cohesion between the regions that border each other. So those positions will be posting soon.

I also wanted to note we have the vacancy announcement out right now for our two tribal liaisons. That closes later this week, so we're looking forward to building that team.

Today our three Public Safety SME positions for 9-1-1, Fire and EMS posted, and they'll start to build more specific plans for engaging with many of those national associations similar to the work that Josh Ederheimer is doing on the law enforcement side.

And then very soon our federal liaison positions will post. And I know we have a handful of other positions to help with the state consultation and state planning efforts. So really moving forward on our hiring and looking forward to having a much more robust federal staff in the next several months.

I also wanted to note we've been bringing on some additional contract support as well to support across user advocacy, so that's been great and will continue to grow as well over the summer. You heard from our briefings we've got a lot of work ahead of us.

And then the last thing I wanted to mention just, you know, with hiring some additional staff in the last several months, we are going to have a strategic planning offsite just amongst the user advocacy team, all the staff as part of our team later at the end of month really to briefly just reflect on our work over the last year or so, but really to kind of focus in on we know at a high level what our key activities are for the coming year, but just talk a little bit more specifically. You went through the list, it made me feel a little overwhelmed, of all the stakeholders that we have to engage with, and how do we prioritize what do we want to focus on for the upcoming year, so we're looking forward to spending two days together as a team and kind of working through some of that.

JEFFREY JOHNSON: I've got a couple questions and I want to open it up to the committee to ask any questions before we move on to Mr. Karp.

Rich, in your experience now, 31 initial consultations in, what has been the most validating thing that you've experienced and what has been our greatest learning? So, what did we get right and what were we surprised by?

RICHARD REED: So, I think the most validating thing is every use case we go through, every time we hear from public safety, is an overwhelming, one, use of mobile data, but two, need for dedicated mobile data that they can operationalize and count on. So every time we go out and hear a use case, they talk about how that infrastructure at time of disaster, they can't count on it. So the idea that having something that they can actually change their operational posture, and they can train to leverage, and they can count on at time of disaster, I think will be critically important. They don't count on mobile data now because it simply becomes overwhelmed in large disasters. They just can't operationalize it like they do with land mobile radio.

So I think that, for me, that's what energizes me the most, is just knowing that we're going to provide them a service that they can actually operationalize, train to and leverage.

JEFFREY JOHNSON: Any questions from the committee to the outreach team? Governor?

JIM DOUGLAS: Mr. Chairman, Amanda mentioned the importance of getting our field staff and team to harmonize planning among adjoining regions. I think that's very important. And I might ask Rich about the same issue with respect to states. Some of the feedback I'm getting from the governors' representatives is that, well, we want to know what our neighbor is doing. There's a metropolitan area that transcends a state border and we'd kind of like to be on the same page as we consider our state plan. The statute requires a state plan and that's what we'll do, but I guess I'm asking if we could have a strategy for communication between adjoining states to provide some information.

RICHARD REED: So we do, during consultation, have a lot of states that come, and not only participate in consultation, but they share information on a regular basis. So I don't think that we would have any issue if states decide to share their plans with their neighboring states. We wouldn't do it, I don't think. I don't think we would make it a purposeful effort to share another state's information, but we would have no issue at all if states shared the information amongst each other.

TJ KENNEDY: And I think along that line, too, we saw at the SPOC meeting when we got everybody together that they very much openly shared. We've seen many of the consultations I've been a part of, probably four or five, six other states, have been invited by the SPOC to have other states come and sit through their consultation meetings even. And so there's a lot of that cross-pollination and discussion going on today.

One of the things that I think it's a good point you brought up, Governor, is that there's also a lot of work that goes on below the governor, and we need to make sure that a lot of that information is trickling up to the governors in each state because of their specific role, and that's one of the things I think over the next year we're going to spend a lot of time focusing on, how do we, in addition to the SPOC and all the stakeholders, make sure that all the updated information is getting up to the governor and his staff, or her staff.

JEFFREY JOHNSON: Any other questions from the committee before we move on?

The last presentation from this committee today is from Jason Karp, who is our Acting Chief Counsel for FirstNet, to talk to us about the recent second notice and public comment exercise. So Jason, whenever you're ready.

JASON KARP: Great. Thank you, Mr. Chairman, and thanks everybody. I'll just kind of reiterate the process we're going through given this will be the second presentation we're giving on the public notice today. So what we're doing today is we are going to outline some responses that we've received from the public notices under the key issues. We're tailoring our presentations to each of the committees, so as everyone knows, we presented to the Technology Committee earlier today and focused on the technology elements related to the second notice. So we're going to focus on the outreach and consultation elements of the second notice for this meeting, and just about anybody can guess what that will entail, and I'll put you out of your misery, that's everything, right.

So the reality is everything that we're doing in the second notice, this one in particular but really all of our public notices, are part of consultation, right. And really an important part and serves multiple purposes. And I talked about this earlier in the day, one of which is to inform our operating model, to inform our RFP, but the other thing is to educate us, so that we can communicate with this team here and the panel and they're armed with the information and interests of states, territories and other interested stakeholders so that when they're out in the field and they're out meeting with these folks they can have very informed and productive dialogue on these issues and supplement the excellent work that they're doing. So really critical.

So what we're going to do is we're going to run through this relatively quickly. The first part of the presentation will focus on a lot of the same issues we talked about in the Technology Committee so we're

not going to spend a lot of time on those. We'll run through those. If there are questions, absolutely we'll stop. And then there are some new sections that we hadn't touched on yet. We'll spend a little bit more time on those.

So generally the second notice, we broke it up, which, and I went over this, it's right here, into four specific areas. Technical requirements of the equipment and devices that will ride on the network. Our network policies and our approach to network policies, not the specific network policies themselves. State plan and implementation of the radio access network by the state and the process associated with that, commonly referred to as opt-out. And then some of the operational and funding considerations associated with a state decision to operate and deploy the radio access network.

We're going to focus on that. We're going to provide high-level responses. We're going to talk a little bit about our preliminary interpretations. We have not made final interpretations yet. We, as part of our process, I think it's important to understand in part of this consultative process we consider every comment that comes in the door. This is not a majority rules kind of scenario where the most in and that's the way we're going. And I think we've demonstrated that to a certain degree, and I'll talk a little bit more about this tomorrow with the third notice that we released last month.

But at the same token, there are things that we think the Act is very clear on that we believe that our interpretations are very true to not only the Act but the objectives that have been laid out by Congress. And so there are things that we may not make changes on. We may rely on the statute. And so we're still in that process of analysis, and I think that's important for everyone to understand. But we do consider every comment, and as I said, even if we don't change our position, it informs us, all of this informs us, it informs consultation and our ability to have dialogues and educate where we need to educate. Be educated where we need to be educated.

With that said, I'm just going to quickly run through the cross section of responders. I went over this in the previous committee meeting so I won't spend a lot of time on it, but as you can see, the issues as we've laid out really fall into two big buckets, kind of technology and process related to state opt out and various considerations related to that. So the two pick spikes you see are states and vendors. And that makes all the sense in the world.

So we got wonderful response. We got over 70 responses in total. Other items to note. As I said, we've got some very good response from the telecommunications community, carriers and the associations. Public safety entities themselves reached out on a number of occasions, and that's just critical for us. And as I noted earlier, and again, specifically for this particular group, we were really, really happy about the tribal participation and the interest that the tribal community has taken in these issues, and we found that very, very valuable and their perspective is uniquely and critically important to our decision-making process.

With that, Eli Veenendaal, an attorney from my staff, who has been heavily involved in all of this analysis and production of these documents, he and I are going to tag team a little bit. So I'm going to turn this over for the technical pieces and I'll pick up again later on in the presentation.

ELI VEENENDAAL: Thanks, Jason. So one of the balances that the Act tries to strike, obviously the primary focus of our mission is to ensure that there's an interoperable network for public safety. There's also some provisions in the Act that try to balance out and make sure innovation isn't stifled and that public safety will actually have the new and cutting-edge devices that they can utilize.

One provision in particular that we analyzed as part of the notice, requires that FirstNet promote competition in the equipment marketplace by requiring, among other things, the devices used on the network be built to open, nonproprietary, commercially-available standards. So our interpretation that we thought would be important was to decipher well what exactly is equipment when it comes to this provision and how will this apply to the overall network? And this was important because it helps drive both the development of the RFP, but also the network policies that we're going to have to go out with in the future.

So with our interpretation, where we drew the line was that this applied to equipment itself including end-user devices that will be used on the network, and not to the network itself, or the core and RAN networks, or radio access networks, that will be deployed. So there's a dividing line there. You can see the majority of comments seem to agree with that and understand that that delineation was important and meets that interoperability requirement that was put out there. Some of the comments that disagreed thought that the provision should be applied more broadly and make sure that equipment included the core and RAN network and that they were actually going to be competition and have this same kind of emphasis when it comes to procuring the elements of the core and RAN network. And then there was one comment that just tried to define a little bit about how satellites would fall into all of this.

Along these same lines, we wanted to make it clear and try to help states and everyone else understand that the equipment, whether it's utilized and connects through a radio access network into the core that FirstNet deploys or a radio access network that a state may deploy, that either way that these requirements would apply to that equipment. As you can see, we had no commenters disagree with that assertion, and they were very supportive, again seeing that it met the interoperability goals.

Again, along these same lines we talked a lot about promoting equipment on the marketplace and what was the threshold for this equipment for equipment to be connected to the network. One thing we didn't want to do, as I mentioned earlier, is stifle equipment being able to connect to the network, especially leave it open so a broad range of devices could be used to actually connect with the network with the goal being that public safety could have a single device regardless of the vendor that would be able to access the network. And so the threshold we discussed, and the notice was connectivity, again, no commenters disagreed. There were some questions and some comments that asked for a little more definition on what connectivity would mean and how that would actually be implemented, but that's typical notice and that's the kind of feedbacks that we're looking for.

Along these same lines, shifting to an area that really ties into a lot of the consultation effort as well is network policies. And so network policies, we're required to establish them as part of the Act. And there are some specific network policies that are expressly discussed in the notice that the Act lays out that we have to establish including technical requirements, practices, and terms of service. There's a list that's provided. It's also important to note as we dive in quickly to this analysis that this isn't an exhaustive list that the Act actually gave us. There are some additional provisions that require that we do establish policies that cover the whole nationwide network. And so as we discuss these I think it's important to keep in mind, especially for this committee, that these network policies will be a key part of consultation and we're required by the Act to consult with our various stakeholders in the development of the actual policies.

So we didn't put forth any policies in this actual notice as much as tried to describe the nature and application of the policies and the general standpoint.

One thing we did make clear, and we tried to put out in the notice and these will apply again, directly or indirectly, to FirstNet or any state that assumes responsibility for its own RAN deployment. We got strong response, again, that this helps ensure interoperability and security of the network, and that this will continue to kind of move forward with our overall mission of getting an interoperable network for public safety that will work across the nation.

There were a few comments that disagreed specifically thinking that these policies should only apply to FirstNet and not the RANs generally. But, again, I think that misses part of the overall arching points of the Act, which is let's have an interoperable network.

The last thing we looked at is how we could actually apply these network policies to states and what different vehicles would apply. One of these was that we said and put forth in the notice the network policies that were essential to the deployment of the network requirement and compliance with these could end up being part of a spectrum lease agreement that we would enter into with any state and one of those conditions that would be tied to that. Again, the majority of comments agreed. There were a few more that disagreed, trying to understand from a legal standpoint how we would be able to leverage that

as part of the negotiation for the spectrum lease. And then, again, some further comments seeking additional clarification on what are the essential policies, give us some more definitions of that, which are all very helpful.

With that I'll turn it back to Jason.

JASON KARP: Thanks, Eli. And we went over that in the last committee meeting, but I just open it up if there are any questions or anything that wasn't clear at this point? All right. Great.

So the next thing I want to get into, and I want to spend a little bit more time kind of walking through this section, is we asked a number of questions in the second notice that are related to the process, of delivering a state plan, and the procedures that a state would go through if they're interested in assuming a deployment of the radio access network within their state. And there's, I think, a lot of very prescriptive language in the statute that lays out kind of a very clear process. And in certain instances where we felt there were holes or where we felt there was a need to supplement, we even included interpretations. And those interpretations really are focused on creating certainty. And creating certainty for the states, creating certainty for public safety and for FirstNet. And I think it's important to kind of remember, and you'll see, we've got a very good participation and a lot of very interesting comments, particularly from the states, on this process as you would expect. And I think it's important for everyone to recognize the need to deploy this network in as speedy a fashion as economically possible. And I think the Act is very clear that speed to deployment is one of the primary goals of this whole initiative. And so we have to be very careful about how we interpret some of these provisions so as not to infuse unreasonable delay because ultimately, notwithstanding a state, notwithstanding FirstNet, ultimately the stakeholder who is impacted is public safety, and the ability to save lives and utilize this network. So it's critical that we've created that certainty. That's really our goal in how we've established these preliminary interpretations.

You know, I think it's important to kind of remind everybody, and what I want to do is kind of walk through a little bit, kind of how the state plan and the opt in, opt out process works, because I think it's important to set the context.

So kind of the first step in the process under the Act is completing the requests for proposals. And we've talked about the RFP, and we've currently got our special notice and draft RFP out currently. But that is a critical first step, and I think, well that's, you know, kind of logical. But the reality is we've gotten a lot of feedback about the ability of states to move forward more quickly, why can't they move now, why can't we expand things that we're doing. And the Act is pretty clear on this, and I think as Rich and Dave aptly noted, it is absolutely essential that we get the technical, operational, financial information from the RFP in order to inform the state plan that a governor can make a decision upon. So it's a critical first step.

Once that's done, we have to provide notice to the state, and in that notice we have to provide the details of the state plan. And I won't go into that in any detail at this point as you heard significantly from Rich on that earlier. We also have to provide essentially the funding level within that state, you know, for purposes, and that is actually provided by NTIA. The statute is very clear about that. So that's information that comes from NTIA.

Once the state plan is provided to the state, then a whole series of events kicks off. And one thing I do want to emphasize so that there's no confusion, this really dovetails with, I think, phase four of the consultation process that Dave and Rich talked about, which is there's going to be an opportunity, there's going to be an ongoing iterative dialogue with the state about what's going to be in the state plan. And so I'm going to talk about the process that kicks off once a final state plan is produced for a governor, whether it's a paper version, whether it's accompanied by briefings, but there's going to be very clear notice that here's the state plan for consideration.

It's incredibly important for everyone to understand this is going to be iterative; this is going to be a process where state requirements are going to be reflected in that plan to the extent economically viable and operationally possible. But there then is a formal process that we have to follow, and we do not have discretion to amend it, and I'm going to take you through that.

So once that state plan is proposed, the governor of the state has 90 days to make a decision to either opt into the FirstNet proposed plan or to assume responsibility for the deployment of the radio access network within that state. Okay?

So to kind of give a little idea of how this might work. So let's say we move forward and produce a state plan and the state is going to opt in. As you can see, we have got a depiction on the screen of what will be the FirstNet national core, and then, in this case, will be a FirstNet deployed radio access network. So the governor chooses to accept the deployment of the RAN proposed by FirstNet, FirstNet core is implemented. So FirstNet is responsible, fully, for the RAN deployment including building, operation and maintenance of the state RAN. As you can see, great little graphics there. The core and the RAN are built out. And at that point, then it's really a matter of working with public safety to sell the services and for public safety to purchase the services to the extent that they're interested in adopting the service that we're going to provide.

So, contrasting that with the process that we have to follow for a state that's interested in deploying their own Radio Access Network. And you'll see kind of the graphics are timed with the steps here.

So first, the state must notify FirstNet, NTIA, and the FCC of its decision to want to seek to deploy its own RAN. At that point it's got to complete an RFP process, and the statute gives the states 180 days. And, again, I want to emphasize this because you'll hear about this in a minute, that we got a number of comments about whether FirstNet can extend this timeline, that this may not be sufficient. We are fully, 100% appreciative of those positions, I can tell you, going through an RFP process ourselves. But we have little to no flexibility in terms of what we can do in changing the statutory requirement. I think that's really important to emphasize.

JEFFREY JOHNSON: And, Jason, be clear. That is expressly a statutory requirement.

JASON KARP: That is expressly a statutory requirement. We have no authority – I'll say it right here – we have no authority to waive or extend the 180-day requirement.

JEFFREY JOHNSON: Thank you.

JASON KARP: Similarly, I mentioned the 90-day requirement on the opt in, and I'll say that as well. We have no authority to modify in any way the 90-day requirement for approval or decision to opt out by the governor. Yes.

JEFFREY JOHNSON: Either of those dates, we can't shorten it, we can't lengthen it. It is what it is.

JASON KARP: Correct. Correct.

JEFFREY JOHNSON: All right.

JASON KARP: Once the RFP process is completed by the state, then they must submit an alternative plan for RAN deployment to the FCC for approval. And there are criteria in the statute for the FCC to approve that plan based on interoperability requirements. Once the FCC approves the plan, they have two choices. They can approve it or they can disapprove it. And I'll stop here for a second. You see that as we're still throughout this process, what we've got sitting out to the right is a FirstNet core. And I want to emphasize that there are lot of steps the statute prescribes that is going to, bar none, is going to have an impact on the timing of the deployment of the radio access network within the state. Good, bad or indifferent, I just think it's very important that everyone understands how these processes work.

So if the plan is disapproved, according to the Act, the network deployment would follow was initially the FirstNet-proposed plan. It would default back to FirstNet, okay? If the FCC approves the alternative plan by the state, then the state has kind of two steps, one's optional, one's mandatory. The state may apply to NTIA for grant funding to help defray some of the costs of the deployment of the radio access network.

But they must also apply to NTIA in order to enter into a spectrum lease with FirstNet in order to use network capacity.

JEFFREY JOHNSON: So a question on that, Jason. So on the state may apply to NTIA for a grant to construct the RAN, right? Is there a requirement that NTIA fund all of the requests, some of the requests, or no requirements in the law at all, it's discretionary?

JASON KARP: It's a discretionary item. It's – and I will absolutely want to defer to NTIA as that's something that they're going to be looking at and we're working with them on to determine how that grant program is going to be rolled out and what the terms will be. So there will be more information on that. But there is no established mandate, for example, to subsidize the entire build out.

JEFFREY JOHNSON: Yeah, so I get that we'll turn to NTIA for how they're going to manage that and what not, but I'm focusing on the Act. The Act is silent on the specificity associated with what's expected other than they may apply?

JASON KARP: That's right.

JEFFREY JOHNSON: Thank you.

JASON KARP: So if approved by the FCC, then, as I said, the state must apply to NTIA to lease spectrum capacity from FirstNet. And some of the criteria that the Act lays out is cost effectiveness of that state plan. And we're going to talk a little bit more about that a little bit later.

The state also has to show comparable completion timelines, security, coverage, and quality of service to that of essentially the FirstNet-proposed radio access network, the nationwide plan.

The state will then need to enter into, negotiate and enter into, a spectrum lease with FirstNet. As you can see, nothing has yet happened on the right side of the screen.

They enter into a lease with FirstNet, and it's only at that point that deployment of the radio access network in the state can commence.

And, again, there's no judgments being made, but it's very important for everyone to understand, because I think there's been confusion on this issue, what the statute specifically requires. Once that's deployed, then just as in the FirstNet deployment, public safety would then be able to subscribe to the network.

Okay. So with that backdrop, what did we hear from some of the commenters? So, in this case, we've interpreted a section to require completion of the request for proposal process to the state in question rather than for the nation as a whole prior to presentation of the state plan. So that is what we have preliminarily concluded is once we have enough information from the RFP process to present a state plan in a given state, we can present that plan, we don't necessarily have to wait for the RFP process to be completed nationwide.

And, again, as I mentioned earlier in the presentation, this is about certainty and speed to deployment. As you can see, the vast majority of the commenters agreed, citing those exact concepts, that we need to deploy as quickly as possible and once the plan is ready.

There were some commenters who were concerned that we wouldn't necessarily have a national view of the funding and the financial implications if we move on a state-specific basis, and I want to be very clear that although we may move on a state-specific basis as part of the RFP process, as part of the special notices we've currently outlined, and this could change, we would anticipate having a nationwide view in terms of the information from offerors at that time. But the rollout, in terms of how we develop a state plan, the information on a state-by-state basis may differ, it may not happen on a full – in fact I expect it will not happen on a full – nationwide basis all at once.

In terms of the contents of the state plan, we basically concluded that the FirstNet plan, in combination with the network policies that Eli noted, must provide the state with sufficient information to enable NTIA to make the comparisons of cost effective, security coverage, quality of service. Well that's the process I just walked through. And if the state plan doesn't include that information, NTIA can't make the determination so by default we've interpreted the requirement to at minimum include this information, and you heard this from Rich earlier, you know, where he outlined that. And this is really just, I think, a validation of that approach.

Again, we didn't have any actually disagrees on this at all. A number of different comments. And really where the comments came in was, we want to know what's in the state plan. And obviously that's where we're going and we're not there yet in terms of the details. Okay.

Governor's role in the state plan process. One of the things that we laid out was, and what the Act notes, is that the governor gets to make this decision. And so we laid out the concept of is the governor's decision relating to the deployment of the RAN binding on all jurisdictions within the state? And, you know, again, we actually had very few disagrees with this concept because I think the Act is relatively clear. I believe we had one state who suggested that a sub-state level locality should be able to opt out separately. And that really just, I think, ignores the very clear direction of the Act.

And there has been some discussion, I think, from the tribal entities about how they play in this process. And there is some challenge there, right, because the statutory language makes clear that the governor, you know, is the one who makes the decision yet there are sovereign nations within the state, and so I think some understandable concern and discussion about how that might take place. And I think the great news is, you know, as you heard earlier, all of the efforts that have been taken, including at the SPOC meeting in Reston and to bring those groups together, you know, because what I think is going to be critical is to have tribal involvement in those state consultations. And the more involvement we've got, the easier this is going to be because everyone is going to be in agreement nodding their heads at the time the governor is ready to make that decision.

JEFFREY JOHNSON: And, Jason, our approach historically has been we recognize that the Act did not recognize the sovereign nature of the Indian nations. And we've been very up front about the fact that that is the case. So our approach historically has been to urge the states to be very inclusive with the tribes that lie within their states. And that, we saw, was the best path, and I'd like to thank our Tribal Working Group and the entire team that have done that outreach. It's made a big difference. So thanks for pointing that out, Jason.

JASON KARP: Absolutely. No, that's a great comment.

Next interpretation we made regarding the opt out was that the governor must actually await notice and presentation of the state plan before he or she can make a decision. I think we've kind of actually gone over that, you know, already to a large degree as there won't be sufficient information for a governor to make a decision prior to the state plan. The state plan is going to be heavily dependent on the consultation and state input as well as the results of the RFP process. So pragmatically, notwithstanding what the Act requires, it would not be pragmatic for a governor to be able to make that decision. But as a legal matter, it's a decision that we don't believe that the governor can make until the state plan is presented. And, again, a vast majority of the commenters agreed with that. As I mentioned earlier, there have been some commenters who want FirstNet to work with them to be early deployers of the network, and we've talked about a number of the challenges associated with that including the concept of a network of networks, which is not contemplated by the statute, and all the information that's required before we really can deploy on a nationwide basis. Including contracting for and deployment of the core network. So.

Next we talked about notification of the state decision and how that might work. And as we noted, there's a 90-day requirement for the governor to make a decision, but the mechanics of that are not necessarily clear. And so we wanted to clarify that there's two ways this can happen. The Act actually does not require the governor to make any affirmative act if they want to opt into the network. So they can either

do nothing and wait for the 90 days to terminate, or they can provide actual notice within the 90 days of its decision either to opt in or to decide to assume responsibility for the RAN build out.

Again, we had very few disagrees here. I think the bulk of comments where there was disagreement didn't like the concept of inaction meaning action. And certainly understandable, but again, we're hand tied a bit by the requirements of the statute and what it requires.

The nature of the state decision. And I think Rich went over this very comprehensively earlier, which is that the presentation of the plan does not result in a contract. And there's really, I think, two elements to this discussion. One is the very pragmatic element that Rich took you through, and I don't need to repeat that, but this really is a moment in time that's going to require flexibility and changes over time.

And second, from the legal perspective, we don't see that the Act actually provides language or in any way indicates that this would be a binding contractual agreement from a legal perspective at all, and in fact the language indicates that it would be up to the governor to decide to participate in FirstNet's plan, which are not words of contractual, binding nature for us lawyers.

Similarly we wanted to ensure certainty with respect to the request for proposals and the 180-day requirement for any alternative plan. And what we've interpreted is that a state that fails to complete its request for proposal process within the 180-day plan basically forfeits its ability to submit that plan and would result in construction of the radio access network in accordance with the FirstNet plan. And, again, I think the statute is relatively clear here, that it defaults to FirstNet. And essentially not completing an alternate plan after making a decision to opt out is almost akin to a disapproval. If you don't have a plan to produce, there's no way you could approve it. And so the same outcome would be logical. And, again, we don't want to hold up the deployment of the network because of a state's failure to produce an alternative plan within the statutory timeline.

And, again, a relatively small number of disagrees, and for the same reasons, you know, inaction shouldn't represent action. And, again, we really have to be true to the statutory requirements and ensure we're meeting the nationwide objectives of speedy deployment.

So a state's responsibility after a plan is approved. The approval by the FCC of an alternative state plan results in that state being solely responsible for the construction, operation, maintenance and improvement of the radio access network. And it extinguishes any obligation of FirstNet to construct, operate, maintain or improve the network. Again, this is to create certainty. If a plan is approved by the FCC, the state is now responsible for deployment of that plan full stop.

Again, majority of folks either commented or were in agreement with the need to ensure certainty in this area. Very few disagrees. And really, again, same kind of concepts as the same kind of group of folks who just were concerned that inaction shouldn't mean action.

Alternatively, a state's inability to implement its alternative plan. While that would not require FirstNet to implement its proposed radio access network, because as we noted that obligation would be extinguished, but it certainly doesn't preclude the state and FirstNet from entering into negotiations and working together to have FirstNet ultimately deploy a plan within that state. It may not be the same plan, quite frankly, that was initially proposed as things may have changed since then, given the time that have elapsed since the original state plan was proposed. And here we had absolutely no disagreement on that. I mean, I think everyone appreciates the flexibility and the need for us to engage with the states if things don't go right to come up with a solution that works together.

Continuing on in the same vein, the denial by NTIA of spectrum capacity leasing rights and the ability to negotiate a spectrum capacity lease with FirstNet, again would permit FirstNet to implement its proposed radio access network but wouldn't require it, because again, once the FCC approves, it is interpreted that FirstNet's obligation is extinguished. And that's important because FirstNet needs certainty in terms of how it's going to deploy its network and where it needs to deploy resources. So that certainty is critical.

And again, relatively small disagreement over all, focusing on a lot of the same issues that we talked about. Others, of course, want more information in terms of the state planning process and how we're going to implement that, and that's going to come.

So let me see where we are on time because it's – we've got I think about five more minutes. I'm going to rifle through this quickly and I want to give the committee, obviously, the opportunity for additional questions. So I think it was important to spend time on that because that is such a critical element of this process and it's important for everyone to understand.

The second piece of this is the concept of reinvestment of funds and funding and operational considerations related to the deployment of the network. And we need to essentially protect the financial stability of the nationwide deployment, but at the same time we recognize that we need to preserve the states' rights in terms of exercising the procedures related to assuming responsibility for the RAN. But I think it's important to kind of, again, set a little bit of the stage here from a funding perspective, and this should not be new for anyone, really. And this is outlined in significant detail in our special notice. And this is really kind of the concept relating to our operational model. And we talked about this very heavily at our Industry Day.

But we've got to remind everyone that FirstNet is a zero sum game. That is, FirstNet is not in business to profit. All fees that are generated from the network must be invested back into the network. And that's critical. And we've got to invest those fees in a way that allows us to build out a network on a nationwide basis. And, again, kind of refresh recollections, unlike where you'd see a traditional commercial deployment focus very heavily on densely populated areas, we have a requirement in the Act to deploy initially not only in highly populated areas, but in rural areas. And we have substantial rural milestones we need to meet. And we need to be able to deploy a network that we can afford and that's going to be self-sustainable. So this is a critical concept.

We've got three essential funding sources to help us do that. We have the \$7 billion that was allocated to us from spectrum revenue – spectrum auctions, excuse me. We have the ability to leverage the capacity in Band 14 to drive fees for use of that capacity under covered leasing agreements, and these are relationships with third parties, vendors and the like, who can then sell services to consumers, non-public safety consumers, to generate revenue and value to FirstNet. And of course subscriber fees related to the public safety adoption of the networks. And through these three elements we have to be able to fund the network and be self-sustainable from the get-go.

So what we've also kind of determined, in terms of leveraging those value sources, is we've done some modeling within the states, related to the states and the states' ability to leverage excess capacity and subscriber revenues in order to pay for a deployment of radio access network in that state. And what we've come up with is that there are actually very few states that could generate sufficient revenue from those assets to cover all of the costs of deploying a radio access network in that state. And I think this is, you know, not to scale per se, and you see the arrow continues out, but the reality is there's very few states that will be able to support that from a financial perspective.

And so what does that mean? So if FirstNet builds out the nationwide network, and we're able to leverage the excess capacity under CLAs, that revenue is going to come into FirstNet, then we're going to be able to use it to build up the network nationally. We're going to be able to leverage those dollars to build out and augment rural areas where costs of building, in most cases, are going to exceed revenues generated from those particular areas. And that's critical for us meeting our obligations under the Act.

So in the case of a state decision to build its own radio access network, and retain those revenues that would otherwise necessarily FirstNet would be able to utilize, it will deprive the nation and FirstNet of the ability to use those funds to subsidize those rural areas. And that's something we talk about in our special notice, and something we talk about pretty significantly in our second public notice here, and we got comment back on that. I think it's just a critical notion to understand and why that we're taking the positions that we are preliminarily in the second notice.

So what did we say? We basically said just what I said, and we asked the questions. We said, you know, the Act preserves the rights of states to construct and operate their own RAN, but not in a way that also allows them to capture funding beyond the reasonable costs of that RAN. Obviously they need to be able to pay for their RAN, and we're in 100% agreement. But capturing revenues beyond that that they would reinvest into the RAN or otherwise use for state purposes could be detrimental to the nationwide deployment.

And the reality is we actually got very good agreement on that. And that's a difficult concept. I think we've been breaking a lot of glass and having some education communication with states quite a bit over the last several months on this. I know we talked about it at length at the SPOC meeting in Reston. And, you know, I think once folks get their heads around it, they really appreciate the quandary that we're in and how we solve this problem.

And kind of the last point here is, you know, as we noted earlier, that is as we enter into spectrum capacity lease, one of the criteria is cost effectiveness. And when we look at cost effectiveness, is we think about that from a spectrum capacity perspective. We need to look at it on a nationwide basis. Is this cost effective, this opt-out situation that's being proposed, to our ability to serve the nation in its entirety.

And, again, while we have some disagreement on this point, it was actually relatively small. Because I think folks get it and they understand that we need to solve this problem in order to meet public safety's needs.

So with that, and I'm going to be just a couple of minutes over but I'll summarize very quickly, we received about, I said 70 comments. We asked about 50 questions and made about 50 preliminary interpretations. We are really aimed at certainty and outlining the statutory boundaries of the language. We got really great feedback from all constituents, states, vendors, public safety community. I think it was very successful from that perspective. We got very constructive and helpful feedback that's going to help inform our final interpretations as well as our consultations.

We really did get overwhelming agreement on the bulk of these preliminary interpretations, and I think that was really great and this really validated a lot of the work that folks had been doing.

And as I said, a lot of the disagrees really focused on the statutory language versus our interpretations, and unfortunately we have very little flexibility there. But certainly it's important for us to understand that. And of course, states and others are just desperate for more and more information, and that's where we're headed.

So I appreciate the committee's indulgence going a little over.

JEFFREY JOHNSON: Well, thank you, Jason and Eli. What a great amount of work that you guys have done, and it's very helpful to FirstNet and the Board in terms of formulating our next moves.

I want to open it up to the Board for any questions of staff before I wrap up. TJ?

TJ KENNEDY: Just one quick point, and I think it's important for everybody to know that between the public notice team and the consultation and outreach team, you can see there's been a ton of interaction over the past six months working together because these affect everyone. Every part of the key public notice elements really go into what the state plans team has to do, what the consultation team and the outreach team are discussing every day with states. And so this has really been a great collaboration across the team. It's required a lot of back-and-forth. You really saw this at the SPOC meeting. I know with both Kevin and Jim being there, the amount of interaction and discussions on these public notice items, in addition to how it fits in to consultation, and this will really allow the team also to move forward with great clarity as we move into state plans. So I'm really proud of the hard work and the great collaboration across FirstNet to get it done.

JEFFREY JOHNSON: That's great. Any questions from the committee?

A few observations. Number one, we need to buy lunch for whoever does these PowerPoints. Those really help for those of us that are image driven, and that's some nice work. Really brought up our game there, so hats off.

Amanda, where are the jobs being posted? Where do people find that?

AMANDA HILLIARD: They're on the USA Jobs webpage. And you go to the FirstNet home page, all the way at the bottom there's a link that takes you, and it takes you right to all the FirstNet openings.

JEFFREY JOHNSON: Great. Thank you.

Also, Jeff Bratcher, our Chief Technology Officer, he has a new blog post just out today. It's called "Hands on Fire Rescue Training", which reflects on Barry Leitch, one of our folks from PSCR. Barry Boniface and Frank Plastina, who are both board members for FirstNet, they went to a fire training school at the invitation of Chief Mike Dyke and did 27 hours in training and then riding fire apparatus, running fire and EMS calls. I want to thank the three of you for your bravery, for taking that on. Definitely they came back the next morning looking like they'd had not quite enough sleep. But I want to thank you for making the trek and for accepting Chief Dyke's invitation and investing your time. They ran a lot of calls. I think they even had a multiple alarm fire, or two of them, that they ran on. So that was very helpful.

And then just at this time, if there isn't any other items to come before this committee, the chair would entertain a motion to adjourn.

GOVERNOR DOUGLAS: So moved.

KEVIN MCGINNIS: Second

JEFFREY JOHNSON: I've got a motion from the Governor and a second from Kevin. Discussion on the motion? All in favor say aye.

ALL: Aye

JEFFREY JOHNSON: Opposed say nay.

The next committee meeting will be finance, and that will occur as quickly as we can change out the nametags and swap out the people. Thank you.