

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)	
)	
Public Notice Regarding the Boulder)	PS Docket 19-254
Regional Emergency Telephone Service)	
Authority (BRETSA) Petitions)	
)	

COMMENTS OF

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I. INTRODUCTION

We collectively file these comments as founders and former members of the Public Safety Alliance ¹(PSA) who advocated for the reallocation of the D Block spectrum along with the funding to build a nationwide public safety broadband network - our leadership, work, and advocacy that lead to the creation of "FirstNet" and the Public Safety Broadband Network with the passage of the "Middle Class Tax Relief in 2012." We are uniquely qualified to

¹ The Public Safety Alliance was formed in 2009 and is a partnership with the nation's leading public safety associations, which includes the Association of Public-Safety Communications Officials (APCO) International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs' Association, the Major Cities Chiefs Association, the Major County Sheriffs' Association, the Metropolitan Fire Chiefs Association, the National Emergency Management Association and the National Association of State EMS Officials.

discuss the intent of the public safety coalition and the law that was passed as we provided the leadership, vision and intent behind the law.

Prior to the establishment of the PSA there were many diverse and conflicting views on how to accomplish interoperability among public safety. It was this public safety debate that resulted in the establishment of the Public Safety Alliance that created one single public safety vision.

II. Interoperability

How to resolve interoperability was a key debate among the Public Safety Alliance members during the process. We spent considerable time reviewing many of the national projects that had failed at achieving interoperability as billions of dollars of taxpayer money had been invested and in some cases wasted as pointed out in a congressional research report in 2012. It was our belief and assessment that there were two key elements to why public safety had failed at achieving interoperability.

The first issue related to the manipulation of private companies to force proprietary technology on public safety by asserting their technology was better than the standards that had been agreed upon. In some cases they met established standards, but added features that made their product unique thus making true interoperability impossible. Corporate America was not our ally with the corporate fiduciary to maximize returns to shareholders taking obvious priority over public safety needs.

We also discussed the multiple overlapping public safety land mobile radio networks that existed across the country. In review of those networks we

found that the interoperability failure was either driven by unique proprietary network features or by the position that- I want a dedicated network which is built to and for my public safety mission and I am the only one I can trust with that solution for my public safety agencies. What became clear is that a couple of states had significant, but not total interoperability within a state. This was accomplished by the simple fact of having one network across the state with one governing board that represented public safety users.

It was this review that lead us to the conclusion that the only way to overcome the national interoperability problem was with a single nationwide, public safety network, with a single set of standards and a single independent governing board.

This vision was articulated in section 6202 of the legislation. Calling out “a nationwide, interoperable network” and the “nationwide public safety broadband network shall be based on a single, national network architecture...”. We reviewed that language with congressional staff prior to passage and we continue to support that language today.

Subsequently, anything less puts the success of FirstNet and public safety at substantial risk.

III. Governance and Oversight

During the time the legislation was being drafted there was much discussion as to the governance on what ultimately became FirstNet. The PSA agreed with and approved that FirstNet would fall under the Department of Commerce within NTIA and not under others being considered, including

the Department of Homeland Security, the Department of Justice, the Federal Communication Commission or any other federal entity. In fact, the law requires the FirstNet Board to consist of "Secretary of Homeland Security, U.S. Attorney General and the Director of the Office of Management and Budget" – each of whom would represent the interests of the Federal Government.

Section 6003 section (a) clearly states that the "Commission shall implement and enforce this title as if this title is part of the Communications Act of 1934" yet Section (b) titled "Exceptions" subsection 2 states the FCC shall implement this title; however, part (b) of the same section defines there are exceptions and the noted exception is that NTIA may "promulgate such regulations as are necessary to implement and enforce any provision of this title". The intent of the legislation creating FirstNet, agreed to by public safety, is a single network with NTIA oversight. Accordingly, it was always public safety's intent that NTIA would be the agency with that authority and by virtue of the direction taken by the FirstNet authority that any regulations that might change the direction and intent of the network architecture would fall under the jurisdiction and authority of NTIA. Any other agency exerting authority over FirstNet would, we believe, put the goal of a public safety network at risk.

Some carriers have contended that this would "reduce public safety expenses and promote product differentiation and innovation". Experience has shown that those who believe it don't have a full understanding of the public safety mission and requirements for first responders. It reflects a lack

of experience with public safety networks and national interoperability. History shows that more networks, a network of networks approach, create more cost and allow for the creation of proprietary technology because there is no oversight on the technology used within a single network. Wireless companies by their nature are competitive entities and are unlike public safety, which routinely works cooperatively. FirstNet and its contracted network provider AT&T are legally obligated to build, maintain, and provide public safety grade services to the nation's first responders. The importance of that reality cannot be overstated. No other corporate entity shares in that responsibility. Compelling FirstNet to interoperate with commercial carriers would force FirstNet to develop to the lowest common denominator of the weakest link of any carrier. The belief by some that introducing multiple wireless providers into a public safety solution as a way of creating redundancy and reliability has been repeatedly debunked, as was demonstrated during emergencies like hurricanes Katrina and Sandy.

We should also be concerned with network security and that the more commercial carriers that connect with FirstNet does nothing more than create more opportunity for the network to be subjected to attacks. As Verizon has pointed out in their filing On November 9th, 2012 when Verizon responded to Docket No. 12092850-2505-01 and in that filing very specifically said "While FirstNet may benefit from sharing some infrastructure, it should not share core network components, i.e., the IP Multimedia Subsystem (IMS) and Evolved Packet Core (EPC), as doing so would undermine its ability to provide secure, high priority communications for first responders."

IV. CONCLUSION

The U.S. Congress reflected the collective wisdom and intent of the PSA and their supporters in the legislation. The FirstNet Authority has properly executed on that intent in building the National Public Safety Broadband Network as a single network. We ask the Commission to not allow private carriers to encroach on the progress made by FirstNet towards the buildout of the public safety network. We also encourage the Commission to not allow local government entities to build solutions that are unique and could negatively impact national interoperability and security. Further, innovation and development is flourishing around the FirstNet Network and over 750,000 responders have voted for security and interoperability with their subscriptions. Clearly, there are many choices for them if they choose to not be a user of FirstNet. The PSA spent over 3 years researching, discussing, engaging experts and offering open dialog to come to the conclusion FirstNet was the proper path forward. This has been reinforced by thousands of pages of documentation and hundreds of hours of public meetings held by the FirstNet Authority when developing their current architecture and path forward.

We would ask that even if the Commission should believe it has legal authority that it should not intervene as it would be poor public policy to have multiple government agencies attempting to regulate FirstNet. This would only lead to confusion. Additionally, it and would encourage those

would who want to see FirstNet fail by attempting to use the Commission and its process as a tool to disrupt FirstNet.

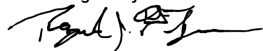
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