

**STATEMENT OF ROBERT LEGRANDE, II
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**BEFORE THE
UNITED STATES HOUSE COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS,
PREPAREDNESS, AND RESPONSE**

**HEARING ON
“OVERSIGHT OF FIRSTNET: STATE PERSPECTIVES”**

REPORT TESTIMONY

NOVEMBER 1, 2017

Good afternoon Chairman Blackburn and members of the Subcommittee. My name is Robert LeGrande and I am the former Chief Technology Officer of the District of Columbia and former Program Executive for the National Capitol Region’s Interoperability Program. In this role, I led the District’s Land Mobile Radio (LMR) network upgrade and I also led the development of the nation’s first city-wide 700 MHz broadband wireless network for first responders. This network was considered a model for the nation and served as a test bed for how broadband applications can be shared securely among public safety agencies.¹ During my time in the D.C. Government, I also formed the Spectrum Coalition for Public Safety which, in partnership with other national public safety groups, started the campaign for additional spectrum to support a nationwide Public Safety broadband network.²

¹ See http://www.ntia.doc.gov/ntiahome/press/2007/WARN_060807.html.

² See <http://app.octo.dc.gov/information/scps.shtm>

I left the D.C. Government in 2007 and formed “[The Digital Decision. LLC](#)”. My firm leverages lessons learned in the District’s successful LMR and 700MHz wireless broadband network deployments to help state and local governments as well as commercial customers prepare to deploy Public Safety broadband communications networks. Our clients include and have included the states of Pennsylvania, Texas, Louisiana, New York, Florida, Nevada, and Michigan, as well as Baton Rouge, LA, Fairfax County, VA, APCO International, Alcatel-Lucent, Verizon, Motorola, and QUALCOM.

First, please allow me to acknowledge the outstanding efforts of this Committee, FirstNet, NTIA, FCC, DHS, State and Local governments, industry as well as the national public safety organizations who all worked very hard to get where we are today. I appreciate the committee’s ongoing efforts to address this critical issue and thank you for the opportunity to present my views on “[FirstNet](#)”. Given the complexity of this issue and time allotted, I will keep my comments brief and focus on three key areas: **How we got here; What FirstNet is and what it is not; and What I recommend for FirstNet’s future.**

“How we got here.” It is important to remember that the reason that FirstNet was created was to address the communications problems that have plagued public safety for many years; a lack of interoperability and a lack of advanced broadband solutions that meet their unique needs. My team in the District built America’s first

public safety wireless broadband network because we needed more coverage, more capacity, and more control all at a better cost. I was involved in discussions with the Subcommittee as the legislation was being debated and noted, along with my public safety colleagues, that a dedicated public safety broadband network was needed to secure public safety's future.

In defense of a dedicated network, I made a reference to my previous experience working on the Seawolf Class nuclear attack submarine in 1996, and contrasted that project with how we should deploy our next generation public safety broadband network. No one would disagree that our Navy is America's "first line of defense." Similarly, no one should disagree that our first responders and their communications systems are America's "last line of defense." We would never consider a U.S. Navy and Carnival Cruise Line public-private partnership in order for us to pay the operating costs of a nuclear attack sub. So, why would we rely on anything less than a fully-funded network dedicated to first responders?

Of course, that was not possible given the costs of deploying such a network and the limitations of available funding. But, Congress was able to provide FirstNet with an investment of both money and spectrum to support the development of a public safety network and established provisions to encourage private sector investment and leverage the assets and capabilities of commercial providers.

“What FirstNet is and what it is not”: While many public safety officials, including myself, fought for a dedicated public safety broadband network, we understood it was necessary to partner with commercial providers. What we didn’t expect is that what we’d get from FirstNet is simply access to AT&T’s commercial network with public safety features and functions. While that may have been necessary for FirstNet to attract a commercial partner, it also means we should view this network arrangement differently than had this been a truly dedicated network. It places even greater importance on ensuring that public safety has competitive options and that states have a viable means to opt-out of FirstNet.

Most people are not aware that the concept of an Opt-Out provision was originally envisioned well before the FirstNet legislation and was considered by the FCC as it attempted to establish a public-private partnership through an auction of the D-block spectrum. As the FCC was developing its rules, the Spectrum Coalition for Public Safety recommended an Opt-Out provision to ensure State and Local jurisdictions had the right to build and operate their portion of a nationwide public safety broadband network. As evidence to support a state-based approach, the Spectrum Coalition presented the FCC with details regarding the public safety 700MHz broadband network we were operating within the District of Columbia. We had the capital to expand the network throughout the region, and a business case and operating agreement among the 19 jurisdictions that would save \$9M annually.

Given my experience in the District, Subcommittee staff asked me in early 2012 to draft recommended State opt-out language for the FirstNet legislation. I proudly offered a draft, and some of the provisions I proposed were used in the final legislation. Unfortunately, I do not believe that the State Opt-Out requirements recently provided to States by FirstNet adequately preserve that States' rights to make their own communications decisions and consider competitive offers from other network providers. This is especially troubling given that half of the FirstNet spectrum came from the State and Local governments. That sacrifice of spectrum makes State and Local Governments full "investors" in FirstNet, and it's critically important that their communications needs are adequately addressed.

At a minimum, States should have the same ability as FirstNet to develop a public-private partnership that meets their needs. States should be able to choose their preferred network partner and be able to use that provider's Core Network to serve its public safety users as long as that Core Network complies with industry best practices and standards and is interoperable with AT&T's network. If States are required to use the Core Network provided by AT&T, then it means they must use AT&T to provide service to their public safety users. That is not the kind of Opt-out provision that public safety had in mind when it recommended such provisions be included in the law. States should be on equal terms in building and operating their own state

networks, and should not be subjected to stricter limitations or harsher penalties or fees than AT&T.

One word best describes the reason the United States has the most advanced commercial LTE networks in the world; that word is “competition”. The fierce competition that exists within the wireless industry has yielded tremendous innovation and advances in communications that benefit both public safety and the general consumer. If there is one thing that the public safety communications industry needs, it’s competition at every level. The lack of effective competition in this area is the reason that public safety’s land mobile radio systems still suffer from high costs and limited innovation.

I do not believe it serves public safety well that FirstNet has linked itself so closely to a single network provider. At conferences around the country, you cannot tell a FirstNet representative from an AT&T one. FirstNet should not be in the business of promoting a particular commercial provider. It should focus on its central mission which is to represent the interests of public safety. And, that should include ensuring that states have a viable means to opt-out should that be their decision.

What I recommend for FirstNet’s future: FirstNet decided that a dedicated public safety broadband network was not achievable, and instead chose a Commercial Carrier solution. While that approach may be the most effective way to address

public safety's needs given the limited public resources available, FirstNet should ensure that this approach is implemented based on several key principles:

- It should support vibrant and fair competition;
- It should include the use of open and non-proprietary devices and applications which are available to all providers;
- It should ensure interoperability for all networks that satisfy a minimum public safety standard;
- It should create incentives for private sector involvement that encourage broader industry support ; and
- It should ensure a level playing field for the State Opt-out process so that states are assured of their legislatively guaranteed right to make their own communications decisions.

These adjustments to FirstNet's current approach will result in increased innovation and competitive pricing for the public safety industry. Simply put, let's not alter the tried and true laws of open and fair competition for the FirstNet marketplace. We need to look no further than the problems with the public safety communications of the past to see what we do not desire for public safety's future.

In conclusion, the FirstNet Board and Staff have done a good job in recognizing the potential for leveraging commercial investments and innovation to secure public safety's future. But, we must be sure that FirstNet leverages all of the benefits that a

competitive communications marketplace has to offer. And, we must ensure that it achieves the primary goal that Congress set out to achieve – effective, reliable, and interoperable communications for first responders. I commend this Subcommittee for its efforts to address these critical issues, and I sincerely appreciate the opportunity to share my recommendations. I’m happy to answer any questions you may have.

Thank you.