

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
First Responder Network Authority) ULS File No. 0010176495
Nationwide Public Safety Broadband Network)
Renewal of SP-700 MHz Public Safety)
Broadband Nationwide License Radio Service)
Call Sign WQQE234)

ORDER

Adopted: May 26, 2023

Released: May 26, 2023

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. In this Order, pursuant to the Spectrum Act, the Public Safety and Homeland Security Bureau (PSHSB or Bureau) grants the application of the First Responder Network Authority (FirstNet) to renew call sign WQQE234, subject to certain reporting conditions, and renews that license for ten years from the expiration of FirstNet’s initial license, or for the remaining period of its authorization from Congress, whichever is sooner. As discussed below, the Bureau concludes, based on the totality of the record, that FirstNet has satisfied the statutory renewal standard by demonstrating that, “during the preceding license term, [it] . . . met the duties and obligations set forth [in the Spectrum Act].” In addition, we will continue to monitor and oversee FirstNet’s performance during its renewal license term as circumstances warrant.

II. BACKGROUND

2. FirstNet’s Duties and Obligations under the Spectrum Act. The Spectrum Act calls for the deployment of a nationwide public safety broadband network (NPSBN) in the 700 MHz band. To that end, the Spectrum Act established FirstNet as an independent authority within the National

1 Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6001-6303, 6413, 126 Stat. 156, 201-222, 235-236 (codified at 47 U.S.C. §§ 1401-1443, 1457) (Spectrum Act or the Act).

2 The application has been assigned file number 0010176495 in the Commission’s Universal Licensing System (ULS). The application can be accessed at https://www.fcc.gov/wireless/universal-licensing-system by entering the file number in the Application Search field (FirstNet Application).

3 The Spectrum Act provides that FirstNet’s statutory authority shall terminate 15 years after the statutory date of enactment, i.e., on February 22, 2027, and that further extension of that authority requires action by Congress. 47 U.S.C. § 1426(f).

4 Id. § 1421(b)(2).

5 Id. §§ 1421, 1422.

Telecommunications and Information Administration (NTIA)⁶ and required the Commission to grant a license to FirstNet for the 758-769/788-799 MHz band.⁷ Congress authorized FirstNet to exercise all powers specifically granted by the provisions of the Spectrum Act, along with such incidental powers as are necessary to accomplish the purposes of the Spectrum Act.⁸

3. The Spectrum Act imposes a range of general and specific duties and obligations on FirstNet in deploying and operating the NPSBN.⁹ The Spectrum Act generally charges FirstNet with establishing and managing “a nationwide, interoperable public safety broadband network” in the 700 MHz spectrum.¹⁰ FirstNet’s responsibilities include issuing requests for proposals (RFPs) and entering into contracts for the construction, operation and management of the network on a nationwide basis, using funds allocated for these purposes under the Act.¹¹ FirstNet is obligated to “require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network.”¹² According to the Spectrum Act, “[t]o the maximum extent economically desirable,” FirstNet must “include partnerships with existing commercial mobile providers to utilize cost-effective opportunities to speed deployment in rural areas.”¹³ The Spectrum Act enumerates other specific duties and obligations of FirstNet, including: establishing network policies;¹⁴ consulting with regional, State, tribal, and local jurisdictions;¹⁵ leveraging existing structure;¹⁶ maintaining and upgrading the network;¹⁷ negotiating and entering into roaming agreements;¹⁸ ensuring development of a list of certified devices and components appropriate for network use;¹⁹ and representing the interests of public safety users of the NPSBN before standards-setting organizations.²⁰

4. *Initial License and License Renewal.* The Spectrum Act required the Commission to “grant a license to [FirstNet] for the use of the 700 MHz D block spectrum and existing public safety

⁶ 47 U.S.C. § 1424(a).

⁷ *See id.* § 1421(a) (“[T]he Commission shall . . . grant a license to the First Responder Network Authority for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.”); *id.* § 1421(b)(1) (stating that “[t]he license granted [to FirstNet under section 1421(a)] shall be for an initial term of 10 years from the date of the initial issuance of the license”); *see also id.* § 1401(2) (defining “700 MHz D block spectrum” as 758-763/788-793 MHz); *id.* § 1401(14) (defining “existing public safety broadband spectrum” as 763-768/793-798 MHz and 768-769/798-99 MHz).

⁸ *Id.* § 1426(a).

⁹ *See, e.g., id.* § 1426.

¹⁰ *Id.* § 1422(a).

¹¹ *Id.* § 1426(b)(1)(B).

¹² *Id.* § 1426(b)(3).

¹³ *Id.*

¹⁴ *Id.* § 1426(c)(1).

¹⁵ *Id.* § 1426(c)(2).

¹⁶ *Id.* § 1426(c)(3).

¹⁷ *Id.* § 1426(c)(4).

¹⁸ *Id.* § 1426(c)(5).

¹⁹ *Id.* § 1426(c)(6).

²⁰ *Id.* § 1426(c)(7).

broadband spectrum.”²¹ Pursuant to this provision, on November 15, 2012, the Bureau granted FirstNet’s initial license, call sign WQQE234, for a period of 10 years.²²

5. The Spectrum Act requires FirstNet to submit a license renewal application to the Commission as follows:

Prior to expiration of the term of the initial license granted under [section 1421(a)] or the expiration of any subsequent renewal of such license, the First Responder Network Authority shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the preceding license term, the First Responder Network Authority has met the duties and obligations set forth under this chapter [i.e., 47 U.S.C. §§ 1401-1473]. A renewal license granted under this paragraph shall be for a term of not to exceed 10 years.²³

The Public Safety and Homeland Security Bureau subsequently codified this statutory renewal provision in section 90.532 of the Commission’s rules.²⁴

6. On August 22, 2022, FirstNet submitted an application requesting renewal of its license for a period of not less than 10 years, and attached a statement asserting how it has fulfilled its Spectrum Act duties and obligations.²⁵ On August 23, 2022, the Bureau released a Public Notice (*FirstNet Public Notice*) finding FirstNet’s application to be acceptable for filing and seeking comment on the application.²⁶

7. Twelve parties filed comments in response to the *FirstNet Public Notice*.²⁷ Multiple public safety organizations, including the Association of Public-Safety Communications Officials

²¹ *Id.* § 1421(a).

²² On September 7, 2012, the Public Safety and Homeland Security Bureau issued, on delegated authority, a *Report and Order* adopting rules implementing the mandate of the Spectrum Act to grant a license to FirstNet. *Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012*, Report and Order, 27 FCC Rcd 10953 (PSHSB 2022) (2012 R&O). On September 25, 2012, FirstNet submitted a request for issuance of its license as contemplated in the *Report and Order*. See Letter from Samuel Ginn, Chairman of the Board, First Responder Network Authority, to David S. Turetsky, Chief, Public Safety and Homeland Security Bureau (dated Sept. 25, 2012). The Bureau granted the license in ULS on November 15, 2012, under call sign WQQE234.

²³ 47 U.S.C. § 1421(b)(2). The Administrative Procedure Act and the Commission’s rules provide that the FirstNet license will remain in effect, without further action by the Commission, during the pendency of its license renewal application. See 5 U.S.C. § 558(c); 47 CFR § 1.62(a)(1) (“Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provisions of [5 U.S.C. § 558(c)], such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application.”).

²⁴ 47 CFR § 90.532.

²⁵ FirstNet Application; Exhibit A to FCC Form 601 FirstNet Renewal Application (filed Aug. 22, 2023) <https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp;ATTACHMENTS=MbTKk2yJFQK5gCbvxTr826n12LvG7cMyBhBjnK3DDldLvk4Kds2K!-274084681!-2145991326?applType=search&fileKey=1789713459&attachmentKey=21560049&attachmentInd=applAttach> (FirstNet Renewal Justification).

²⁶ *Public Safety and Homeland Security Bureau Announces Acceptance for Filing of First Responder Network Authority License Renewal Application*, PS Docket Nos. 12-94, 06-229, WT Docket No. 06-150, Public Notice, DA 22-882 (Aug. 23, 2022) <https://docs.fcc.gov/public/attachments/DA-22-882A1.pdf> (*FirstNet Public Notice*).

²⁷ We attach a list of commenting parties as an Appendix.

International²⁸ and the Major County Sheriffs of America,²⁹ filed comments in support of unconditionally granting license renewal to FirstNet. In a joint filing, the Congressional Fire Services Institute; International Association of Fire Chiefs; International Association of Fire Fighters; National Fire Protection Association; and National Volunteer Fire Council, state that FirstNet is a valuable resource for emergency responders across the country and strongly recommend that the FCC renew FirstNet's license.³⁰ IAFC states that its membership regards FirstNet as a "game changer" in public safety communications, and have found that FirstNet excels at addressing the public safety communications issues identified by the 9/11 Commission.³¹ The National Emergency Management Association, National Association of Emergency Medical Technicians, and National Association of EMS Physicians also support renewal, stating that many of their members across the country use FirstNet.³²

8. The National Sheriff's Association, the Major Cities Chiefs Association, six members of the Verizon First Responder Advisory Council, and T-Mobile filed comments opposing unconditional renewal of FirstNet's license.³³ While none of these parties advocate denial of FirstNet's renewal application, they urge the Commission to apply heightened scrutiny to FirstNet and/or to impose conditions on FirstNet's renewed license.³⁴ The National Public Safety Telecommunications Council filed comments echoing some of the concerns raised by these parties, but recommends such concerns be addressed outside the renewal process.³⁵

²⁸ Views of Association of Public-Safety Communications Officials (APCO) International Regarding the Application for the Renewal of Station WQOE234 License, ULS No. 0010176495 (filed Sep. 22, 2022) (APCO Comments).

²⁹ Major County Sheriffs of America (MCSA) Letter of Support, ULS No. 0010176495 (filed Nov. 2, 2022) (MCSA Comments).

³⁰ Joint Filing of Congressional Fire Services Institute (CFSI); International Association of Fire Chiefs (IAFC); International Association of Fire Fighters (IAFF); National Fire Protection Association (NFPA); and National Volunteer Fire Council (NVFC) Comments, PS Docket Nos. 12-94, 06-229 and WTB Docket No. 06-150 (filed Oct. 9, 2022) (Joint Filing).

³¹ IAFC Comments at 2.

³² See National Emergency Management Association (NEMA) Comments, ULS No. 0010176495 (filed Sept. 13, 2022); National Association of Emergency Medical Technicians (NAEMT) Comments, ULS No. 0010176495 (filed Sept. 19, 2022); National Association of EMS Physicians (NAEMSP) Comments, ULS No. 0010176495 (filed Sept. 20, 2022).

³³ National Sheriff's Association (NSA) Comments, ULS No. 0010176495 (filed Sept. 22, 2022) (NSA Comments); Major Cities Chiefs Association (MCCA) Comments, PS Docket Nos. 12-94, 06-229 and WTB Docket No. 06-150 (filed Aug. 24, 2022); Verizon First Responder Advisory Council Members (Verizon FRACM) Comments, ULS No. 0010176495 (filed Oct. 3, 2022) (Verizon FRACM Comments); T-Mobile USA, Inc. (T-Mobile) Comments, ULS No. 0010176495 (filed Oct. 3, 2022) (T-Mobile Comments).

³⁴ *Id.*

³⁵ National Public Safety Telecommunications Council (NPSTC) Comments, PS Docket Nos. 12-94, 06-229 and WTB Docket No. 06-150, at 4 (filed Oct. 7, 2022).

9. On February 8, 2023, the Bureau issued a letter to FirstNet requesting supplemental information.³⁶ FirstNet provided its supplemental response on March 9, 2023.³⁷ No additional comments have since been filed in the proceeding.

III. DISCUSSION

10. To determine whether FirstNet has met its duties and obligations under the Spectrum Act, we have reviewed the relevant provisions of the Act and the application record with respect to each, including FirstNet's application and supplemental response and the comments submitted by interested parties.

11. *FirstNet Authority and Governance.* Section 1424 of the Act establishes FirstNet as an independent authority within the NTIA,³⁸ and directs that it be headed by a Board consisting of the Secretary of Homeland Security; Attorney General of the United States; Director of the Office of Management and Budget; and twelve individuals appointed by the Secretary of Commerce.³⁹ Section 1424 also prescribes how the appointments are to be made;⁴⁰ the required qualifications of the members;⁴¹ necessary citizenship;⁴² terms of appointment;⁴³ selection of the Chair;⁴⁴ meeting requirements;⁴⁵ and compensation.⁴⁶

12. FirstNet states that, in compliance with section 1424(e)-(f), FirstNet “conducts quarterly Board meetings that are open to the public (announced both on the FirstNet Authority website and in the Federal Register), and where eight members of the Board constitute a quorum, including at least six of the members appointed by the Secretary of Commerce.”⁴⁷ One commenter expressed dissatisfaction with regard to the selection of members of the Board.⁴⁸ Under the Spectrum Act, the selection of FirstNet board members is carried out by the Secretary of Commerce, and is therefore outside the scope of this proceeding. Accordingly, we find that to the extent that FirstNet has responsibilities under section 1424, it has met them.

³⁶ Letter from Debra Jordan, Chief, Public Safety and Homeland Security Bureau, FCC, to Lisa Casias, Acting Chief Executive Officer, FirstNet Authority (Feb. 8, 2023), <https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp;ATTACHMENTS=vpRxxCTRLCQq1VYksrppJ2IPLQtc9CtLqXlgW4VY2P27BRcvq1yv!-274084681!-2145991326?applType=search&fileKey=2082497552&attachmentKey=21684027&attachmentInd=applAttach> (PSHSB Supplemental Request).

³⁷ First Responder Network Authority - Supplemental Information (filed Mar. 9, 2023), <https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp?applType=search&fileKey=1822875878&attachmentKey=21703435&attachmentInd=applAttach> (FirstNet Supplemental Response).

³⁸ 47 U.S.C. § 1424(a).

³⁹ *Id.* § 1424(b)(1).

⁴⁰ *Id.* § 1424(b)(2)(A).

⁴¹ *Id.* § 1424(b)(2)(B).

⁴² *Id.* § 1424(b)(2)(C).

⁴³ *Id.* § 1424(c).

⁴⁴ *Id.* § 1424(d).

⁴⁵ *Id.* § 1424(e) and (f).

⁴⁶ *Id.* § 1424(e) and (g).

⁴⁷ FirstNet Renewal Justification at 21.

⁴⁸ See MCCA Comments at 1 (asserting that recent Board appointments made by the Department of Commerce improperly excluded three highly qualified MCCA candidates).

13. *Public Safety Advisory Committee.* As required by Section 1425 of the Act, FirstNet established a standing public safety advisory committee (PSAC) to assist it in carrying out its duties and responsibilities.⁴⁹ FirstNet reports that “[t]he PSAC consists of members representing all disciplines of public safety as well as local, state, territorial, and tribal governments. The PSAC also has at-large members and federal members.”⁵⁰ We find that FirstNet has met this requirement.

14. *Public Safety Broadband Network.* Section 1422 requires FirstNet to establish a nationwide, interoperable public safety broadband network.⁵¹ We find that FirstNet has met this requirement through the deployment and operation of the NPSBN. The NPSBN is operational and serving public safety users nationwide.⁵² As required by the Act, the NPSBN uses a single, national network architecture, based on open, commercial standards, that consists of a core network and a radio access network (RAN).⁵³ The core network consists of national and regional data centers and other geographically distributed elements and functions, all of which are based on commercial standards.⁵⁴ It also provides connectivity between the RAN and the public Internet or the public switched network, or both.⁵⁵ The RAN consists of cell site equipment, antennas, and backhaul equipment that enable wireless communications with devices using the public safety broadband spectrum on Band 14.⁵⁶ The Spectrum Act requires that the RAN be constructed in accordance with state plans developed in the state, local, and tribal planning and implementation grant program under Section 1442(a) of the Act.⁵⁷ During its initial license term, FirstNet negotiated buildout plans with each state and constructed the Band 14 RAN in accordance with those plans.⁵⁸ At the end of the initial license period, the Band 14 RAN covered

⁴⁹ On September 25, 2012, the FirstNet Board adopted a resolution creating the PSAC, and on December 12, 2012, it adopted a resolution defining the role and responsibilities of the PSAC. FirstNet Renewal Justification at 22. *See also* First Responder Network Authority Board Resolution 59, Public Safety Advisory Committee Charter (June 3, 2014) https://www.firstnet.gov/sites/default/files/Board%20Resolution%2059%20on%20PSAC%20Charter_0.pdf. (FirstNet Board Resolution 59 superseded Resolution 13, which created the PSAC on December 11, 2012).

⁵⁰ FirstNet Renewal Justification at 22. *See also* FirstNet Authority Fiscal Year 2021, “A Decade of Accomplishments,” Annual Report to Congress at 11 (March 2022) https://www.firstnet.gov/sites/default/files/FirstNetAuthority_AnnualReport_FY2021_Final.pdf?file=1&type=node&id=2051&force= (FirstNet FY21 Report).

⁵¹ 47 U.S.C. § 1422(a).

⁵² FirstNet Renewal Justification at 1, 6 (stating that the NPSBN is operational and serving over 3.7 million public safety device connections). *See also* FirstNet FY21 Report at 18 (stating that by the close of the fiscal year, network deployment was 95 percent complete and all contract milestones (including nationwide rural and non-rural coverage requirements and nationwide adoption targets) were met by AT&T). Many commenting parties noted they use the NPSBN. *See e.g.*, Joint Filing.

⁵³ 47 U.S.C. § 1422(b)(1) and (2); FirstNet Renewal Justification at 6. *See also* FirstNet FY21 Report at 29 (stating that the network uses commercially available, open standards to achieve interoperability); Reply of the First Responder Network Authority to “Opposition Comments” Regarding its Application for the Renewal of Station WQQE234, ULS No. 0010176495 at 4-5 (filed Oct. 11, 2022) <https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp;ATTACHMENTS=LplSk2KYGIYkpfFY6nkvvhdBdvh51SYHNTGwDkVQnpDW8YxBTQQ2!-2145991326!-274084681?appIType=search&fileKey=1310689983&attachmentKey=21602764&attachmentInd=applAttach> (FirstNet Response).

⁵⁴ *See* <https://www.firstnet.gov/network/TT/firstnet-core>.

⁵⁵ 47 U.S.C. § 1422(b)(1).

⁵⁶ *Id.* § 1422(b)(2).

⁵⁷ *Id.* § 1422(b)(1)(B).

⁵⁸ FirstNet Renewal Justification at 6.

approximately 2.6 million square miles.⁵⁹ In addition, FirstNet’s contract with AT&T has provided public safety NPSBN users with access to AT&T’s LTE network while buildout of the Band 14 network continues.⁶⁰

15. Some commenters contend that FirstNet is required under the Spectrum Act to make the NPSBN interoperable with non-FirstNet networks, and that the Commission should impose this requirement as a license condition.⁶¹ FirstNet responds that the Spectrum Act requires FirstNet’s own network to support nationwide interoperability but does not mandate interoperability with other networks.⁶² FirstNet also asserts that its network is interoperable with other networks to the same extent that commercial LTE networks are interoperable with one another.⁶³ We find that FirstNet has satisfied the requirement in Section 1422(a) to build and operate an “interoperable” nationwide network. The Spectrum Act sought to ensure that the NPSBN would support interoperable communications by all public safety users of the network nationwide.⁶⁴ Section 1422(a) does not state that the NPSBN must be interoperable with networks other than the NPSBN, and we decline to read such a requirement into the Act.

16. *RFP and Contract Procurement Process.* Section 1426(b)(1) sets the requirements for FirstNet to issue open, transparent, and competitive RFPs and enter into contracts with private sector entities to build, operate, and maintain the network.⁶⁵ The RFP must include appropriate requirements and timetables for construction and deployment of the NPSBN, including coverage areas, service levels, and performance criteria.⁶⁶ FirstNet issued an RFP that included these required elements⁶⁷ and engaged in a competitive procurement process under federal procurement rules, which resulted in the selection of AT&T to build and operate the NPSBN.⁶⁸

⁵⁹ FirstNet Supplemental Response at 1. FirstNet has since announced the completion of the initial buildout of the Band 14 RAN. Urgent Communications, *AT&T Says it Completed Five-year FirstNet Buildout by March 30 Contractual Deadline* (Apr. 4, 2023), <https://urgentcomm.com/2023/04/04/att-says-it-completed-five-year-firstnet-buildout-by-march-30-contractual-deadline/>.

⁶⁰ FirstNet Renewal Justification at 2.

⁶¹ See e.g. T-Mobile Comments at 7-12 (cites omitted); NSA Comments at 2; Verizon FRACM Comments at 5 (cites omitted).

⁶² FirstNet Response at 5-6.

⁶³ *Id.*

⁶⁴ The Act’s focus on nationwide interoperability of the NSPBN is confirmed by Section 1423 of the Spectrum Act, which called for the establishment of a Technical Advisory Board for FirstNet Interoperability (Interoperability Board) to develop “recommended minimum technical requirements to ensure a nationwide level of interoperability for the [NPSBN].” 47 U.S.C. §§ 1423(a), (c). The Interoperability Board submitted its report to the Commission, which approved and transmitted the report to FirstNet as required by Section 1423(c)(3). *Recommendations of the Technical Advisory Board for First Responder Interoperability*, Order of Transmittal, 27 FCC Rcd 7733 (2012). FirstNet followed the recommendations of the Interoperability Board in establishing the NPSBN. See e.g. First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce, Final Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012, 80 Fed. Reg. 63523, 63525 (Oct. 20, 2015) (stating that FirstNet defines the core network in accordance with relevant sections of the Interoperability Board Report).

⁶⁵ 47 U.S.C. § 1426(b)(1)(B).

⁶⁶ *Id.* § 1426(c)(1)(A).

⁶⁷ FirstNet notes that as required by the Act, the RFP included “coverage and timetables for construction in rural and non-rural areas, partnerships with existing commercial providers, service levels, and performance criteria.” FirstNet Renewal Justification at 15.

⁶⁸ FirstNet Renewal Justification at 3, 7, 22. See also FirstNet FY21 Report at 12-13.

17. Section 1426(c)(2)(B) of the Spectrum Act requires FirstNet to develop policies for the technical and operational requirements of the network.⁶⁹ These policies must include (1) practices, procedures, and standards for the management and operation of the NPSBN;⁷⁰ (2) terms of service for the use of the NPSBN, including billing practices;⁷¹ and (3) policies for ongoing compliance review and monitoring of the management and operation of the NPSBN; practices and procedures of the entities operating on and the personnel using the NPSBN; and necessary training needs of network operators and users.⁷² FirstNet states that these elements were “largely addressed through the NPSBN RFP and resulting NPSBN Contract, and the oversight of the NPSBN Contract under section 1426(b)(1)(D).”⁷³

18. *Contract Oversight and Management.* Section 1426(b)(1) requires FirstNet to oversee the contract awarded to AT&T.⁷⁴ FirstNet states that “[a]s the network evolves with new technologies, new task orders are issued to AT&T under the NPSBN Contract, or to other contractors as appropriate, for upgrades, additions, improvements, etc. Additionally, any necessary updates or revisions to network policies are addressed through this task order process.”⁷⁵ FirstNet also asserts that it uses a roadmap “which reflects stakeholder input, to identify and invest fees it collects from AT&T under the NPSBN Contract in new and evolving technologies and improvements.”⁷⁶

19. Some commenters urge the Commission to more closely scrutinize the contractual relationship between FirstNet and AT&T, alleging lack of transparency by FirstNet and possible self-dealing or anti-competitive behavior by AT&T.⁷⁷ T-Mobile cites a 2020 General Accountability Office (GAO) Report which recommended that FirstNet strengthen its oversight of AT&T by adhering to GAO best practices, sharing oversight with stakeholders, and using end-user satisfaction to gauge performance.⁷⁸ In response, FirstNet asserts that its contract with AT&T is fully compliant with the

⁶⁹ 47 U.S.C. § 1426(c)(1)(B).

⁷⁰ *Id.* § 1426(c)(1)(C).

⁷¹ *Id.* § 1426(c)(1)(D).

⁷² *Id.* § 1426(c)(1)(E).

⁷³ FirstNet Renewal Justification at 16.

⁷⁴ *Id.* at 3.

⁷⁵ *Id.* at 19.

⁷⁶ *Id.* at 18 (citing FirstNet FY21 Report at 21). The “FirstNet Authority Roadmap” was first published in 2019 and updated in 2020 with new research and updated stakeholder input. FirstNet FY21 Report at 21.

⁷⁷ See e.g. Verizon FRACM Comments at 3, 4.

⁷⁸ T-Mobile Comments at 14. See Government Accountability Office, Public-Safety Broadband Network: Network Deployment Is Progressing, but FirstNet Could Strengthen Its Oversight, GAO-20-346, at 17-29 (Jan. 2020), <https://www.gao.gov/assets/gao-20-346.pdf> (2020 GAO Report). The GAO recommendations are as follows:

- GAO Recommendation 1. Develop a Program Schedule documenting the monitoring activities to ensure that the schedule is comprehensive, well-constructed, credible, and controlled.
- GAO Recommendation 2. Work collaboratively with AT&T to examine and identify oversight and monitoring information that can be shared with public safety stakeholders consistent with adequate protection of program sensitive and trade secret information.
- GAO Recommendation 3. Modify the process by which relevant portions of the state-specific commitment reports are shared with the states to ensure the process is consistent, reliable, and transparent.
- GAO Recommendation 4. Further enhance efforts to obtain feedback on public safety sentiment through surveys, targeted engagements, and contractually delivered data, and analyze new and existing data to refine and improve upon crucial sentiment indicators.

requirements of the Spectrum Act and has benefited public safety by enabling the establishment of the nationwide public safety broadband network envisioned by the Act.⁷⁹

20. In its supplemental information request, the Bureau requested that FirstNet provide additional information about its processes and policies to hold AT&T accountable for meeting its contractual obligations, and also asked how FirstNet has addressed the findings and recommendations in the 2020 GAO report.⁸⁰ In response, FirstNet provides detailed information about its oversight of the contract with AT&T, including a Quality Assurance Surveillance Plan (QASP),⁸¹ Preliminary Design and Critical Design Reviews that are important assessments in the acquisition process, a Continual Service Improvement Plan, Cyber Security Life Cycle Process, and Technology Refresh/Enhancement Proposals.⁸² FirstNet further states that it has accepted and committed to implement all four of GAO's recommendations.⁸³ FirstNet states that it has completed its activities regarding three of the four recommendations, and GAO has closed each of these recommendations based upon a showing by FirstNet.⁸⁴ With respect to the remaining recommendation, FirstNet states that it has completed implementation and submitted confirming documentation to GAO, but the request for GAO to close the recommendation is still pending.⁸⁵

21. We find that FirstNet's response is sufficient to meet the renewal standard, but direct FirstNet to notify us when GAO has closed the remaining outstanding recommendation.⁸⁶ We will also continue to monitor AT&T's performance under the contract and FirstNet's oversight of AT&T under FirstNet's renewed license.

22. *Network Safety, Security, and Resiliency.* Section 1426(b)(2) requires FirstNet to ensure the safety, security, and resiliency of the network, including requirements for protecting and monitoring the network to protect against cyberattack.⁸⁷ FirstNet states that it has met this requirement. FirstNet notes that network security was included in the Statement of Objectives for the NPSBN RFP, which led to the contract awarded to AT&T.⁸⁸ In addition, FirstNet describes procedures and mechanisms it has developed to ensure the safety, security, and resiliency of the network.⁸⁹

23. As noted by some commenters, a 2021 Department of Commerce Inspector General Report (IG Report) questioned FirstNet's governance over network security and its ability to hold AT&T

⁷⁹ FirstNet Response at 3.

⁸⁰ PSHSB Supplemental Request, Questions 3, 4.

⁸¹ FirstNet Supplemental Response at 9 (explaining that the QASP provides the framework for evaluating whether AT&T is properly managing quality control (including risk identification and mitigation) to satisfy the contract terms, performance standards, and quality levels identified in the FirstNet objectives).

⁸² FirstNet Justification at 18; *see also* FirstNet Supplemental Response at 9-13. A continual service improvement plan is used to identify ways to improve information technology processes and measure these improvements over time (*see* <https://www.nist.gov/blogs/blogrige/are-change-management-continuous-improvement-and-innovation-same>), while a cybersecurity lifecycle framework is used to improve the management of cybersecurity risk (*see* <https://www.nist.gov/cyberframework/online-learning/five-functions>). A technology refresh is used to update or upgrade key systems to maintain or improve their functionality.

⁸³ FirstNet Supplemental Response at 3.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.* at 5-9.

⁸⁷ 47 U.S.C. § 1426(b)(2)(A).

⁸⁸ FirstNet Renewal Justification at 9.

⁸⁹ *Id.* at 9-10.

accountable for failing or ineffective security requirements, leaving the network susceptible to security risks.⁹⁰ The IG Report made six recommendations for remedial actions by FirstNet, and directed FirstNet to provide an action plan to the DOC Inspector General.⁹¹ In its request for supplemental information, the Bureau asked FirstNet to provide information regarding the status of that action plan.⁹² The Bureau also requested information on (1) processes and policies for communication between AT&T and FirstNet regarding supply chain risk acceptance and supply chain processes; (2) FirstNet's procedures and policies in place to restrict or prevent the use of equipment and/or managed services that could pose a risk to national security; and (3) policies and procedures FirstNet has in place to ensure that its network will operate securely and reliably during a disaster or crisis, including mechanisms to protect FirstNet network and mobile assets against cyberattack.⁹³

24. In response, FirstNet states that security and reliability requirements were integral components of the RFP and the subsequent contract with AT&T, and that consistent with these requirements, AT&T has implemented solutions to ensure the security and reliability of the NPSBN.⁹⁴ FirstNet states that provisions in its contract with AT&T related to supply chain risk processes ensure that FirstNet has broad visibility into the network's supply chain and the risk level it has assumed.⁹⁵ FirstNet uses several oversight mechanisms to ensure the network's security and reliability measures are properly executed.⁹⁶ These include: a physically separate core dedicated to public safety; a cybersecurity strategy, including a dedicated Security Operations Center; a reliability strategy that is focused on a network

⁹⁰ U.S. Department of Commerce, Office of Inspector General, FirstNet Authority Must Increase Governance and Oversight to Ensure NPSBN Security, Final Report, OIG-22-011-I, at 8, 9 (Dec. 14, 2021), <https://www.oig.doc.gov/OIGPublications/OIG-22-011-I.pdf> (IG Report).

⁹¹ *Id.* The six OIG recommendations are as follows:

- OIG Recommendation 1. Review existing task order language and modify the appropriate task orders under the NPSBN to strengthen and further clarify cybersecurity requirements; work with internal stakeholders to analyze existing business processes; and develop a plan to improve NPSBN data governance, management, and accessibility.
- OIG Recommendation 2. Develop a process to clearly understand the scans and Continuous Cybersecurity Monitoring and Remediation (CCMR) artifacts provided by AT&T.
- OIG Recommendation 3. Develop a process for additional controls related to App review.
- OIG Recommendation 4. Implement a process that includes a detailed review of the contractually required After-Action Report.
- OIG Recommendation 5. Maintain a dedicated scorecard within the FirstNet Authority's existing scorecard process and ensure that the NPSBN cyber supply chain risk management is reviewed and scored annually.
- OIG Recommendation 6. Maintain a dedicated cybersecurity Supply Chain Risk Management (SCRM) Plan-related scorecard item within its existing scorecard process and upgrade existing clearance levels of the FirstNet Authority cybersecurity oversight staff from Top Secret to Top Secret Sensitive Compartmented Information Security.

⁹² PSHSB Supplemental Request, Question 1.

⁹³ *Id.*, Questions 5-7.

⁹⁴ *Id.*

⁹⁵ FirstNet Supplemental Response at 13.

⁹⁶ *Id.* at 16-20.

designed to meet a 99.99% contractual service availability and that uses multiple geographically distributed core sites nationwide for enhanced redundancy and performance.⁹⁷

25. FirstNet states that the NPSBN cybersecurity solution provides protection without sacrificing usability.⁹⁸ According to FirstNet, the NPSBN is redundant; and has a physically separate, dedicated core designed to comply with standards-based security regulations and needs.⁹⁹ FirstNet also asserts that the network is designed to continue to evolve to take advantage of new technologies and address emerging security challenges.¹⁰⁰ FirstNet also uses a dedicated fleet of FirstNet deployable assets in its response operations and has oversight plans to protect the cybersecurity of those assets.¹⁰¹ With respect to supply chain issues, FirstNet states that its contract with AT&T includes supply chain risk provisions to ensure that FirstNet has broad visibility into the network's supply chain and the risk level it has assumed.¹⁰² FirstNet states that to further protect the network, its contract with AT&T prohibits use of equipment identified to be a potential national security risk, including equipment manufactured by Huawei Technologies Company and ZTE Corporation.¹⁰³ Rural providers that are engaged to build sites under the FirstNet program are similarly prohibited.¹⁰⁴

26. With respect to the IG Report, FirstNet states that it accepted all of the recommendations in the IG Report and submitted an action plan to the OIG on February 22, 2022, which the OIG has reviewed and accepted.¹⁰⁵ FirstNet indicates that it has completed its implementation of three of the six recommendations, and that implementation is ongoing with respect to the remaining three recommendations.¹⁰⁶ FirstNet anticipates that it will fully implement these recommendations within the schedule proposed in its action plan.¹⁰⁷

27. We find that the security measures taken by FirstNet are sufficient to show compliance with the Section 1426(b)(2) for purposes of renewal. However, we condition renewal on FirstNet fully completing implementation of the recommendations in the IG Report, in the projected timeframe, and we direct FirstNet to notify us of its satisfaction of these recommendations. In addition, we will continue to monitor FirstNet's performance with respect to security and reliability under its renewed license, and are prepared to take further action under our oversight authority if circumstances warrant.

28. *Use of Open, Non-Proprietary Standards.* Section 1426 states that FirstNet must promote competition in the equipment market, including devices for public safety communications, by requiring that equipment for use on the network be—

- (i) built to open, non-proprietary, commercially available standards;
- (ii) capable of being used by any public safety entity and by multiple vendors across all public safety broadband networks operating in the 700 MHz band; and

⁹⁷ *Id.*

⁹⁸ FirstNet Renewal Justification at 10.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² FirstNet Supplemental Response at 13.

¹⁰³ *Id.* at 16.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 3.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

(iii) backward-compatible with existing commercial networks to the extent that such capabilities are necessary and technically and economically reasonable.¹⁰⁸

We find that FirstNet met these requirements. FirstNet states that the NPSBN is and continues to be built to open, non-proprietary standards, which has allowed device manufacturers to design equipment that functions on the NPSBN.¹⁰⁹ Further, FirstNet has established a device approval program to “ensure that public safety equipment is capable of being used by any public safety entity, and ‘to the extent that such capabilities are necessary and technically and economically reasonable,’ is backward-compatible with existing commercial networks, through testing and verification reporting.”¹¹⁰ FirstNet also asserts that, “following 3GPP standards allows users of the NPSBN to make and receive calls, send and receive texts, and use data for applications with full device interoperability with users on commercial wireless networks that follow the same international standards.”¹¹¹

29. Some commenters question whether FirstNet has improperly expanded the Spectrum Act definition of eligible “public safety” users by extending it to entities other than first responder agencies (e.g., transit agencies, school districts, and public utilities).¹¹² FirstNet states that it has applied a definition of “public safety” users consistent with the Act, under which first responders receive a higher priority level than other agencies that do not provide emergency response but that support public safety in other ways.¹¹³ FirstNet also notes that the Spectrum Act authorizes it to offer service to non-public safety as well as public safety users, so long as public safety receives priority.¹¹⁴ We find that FirstNet’s definition of “public safety” users and its tiered priority service approach to public safety users is consistent with the Spectrum Act.

30. *Integration with 911.* Section 1426(b)(2)(C) requires FirstNet to promote integration of the network with Public Safety Answering Points (PSAPs), or their equivalent.¹¹⁵ FirstNet states that the network was structured to allow PSAPs and Public Safety Enterprise Networks (PSENs) to integrate with the NPSBN core network.¹¹⁶ FirstNet also has had an Emergency Communications Center (ECC) representative on the FirstNet Board since 2019 and has a full-time ECC subject matter expert on staff. FirstNet states that since 2013 it has held over 2,200 engagements with PSAP/911/ECC stakeholders, and published a quarterly newsletter focused on issues of interest to ECC practitioners distributed to nearly 900 ECC stakeholders across the nation.¹¹⁷ We find that FirstNet has met this requirement.

31. *Areas with Homeland Security or National Security Needs.* The Spectrum Act requires FirstNet to address special considerations for areas or regions with unique homeland security or national security needs.¹¹⁸ FirstNet notes that the security requirements of the Spectrum Act are included

¹⁰⁸ 47 U.S.C. § 1426(b)(2)(B).

¹⁰⁹ FirstNet Renewal Justification at 10-11.

¹¹⁰ *Id.* at 11.

¹¹¹ *Id.*

¹¹² See e.g. T-Mobile Comments at 4-7; Verizon FRACM Comments at 1,4-5; NSA Comments at 1, 2.

¹¹³ FirstNet Response at 4.

¹¹⁴ *Id.* at 4-5.

¹¹⁵ 47 U.S.C. § 1426(b)(2)(C).

¹¹⁶ FirstNet Renewal Justification at 11 & n.47 (addressing PSEN and PSAP integration with the FirstNet core network).

¹¹⁷ *Id.* at 12.

¹¹⁸ 47 U.S.C. § 1426(b)(2)(D).

throughout the RFP, and were incorporated into the contract with AT&T.¹¹⁹ FirstNet asserts that “the operational posture and unique information security features of the NPSBN allow for special considerations for events, areas, or regions with unique homeland security or national security needs on a temporary or permanent basis.”¹²⁰ We find that FirstNet has met this requirement.

32. *Rural Coverage.* We find that FirstNet has met the rural coverage requirements of section 1426 of the Spectrum Act. Specifically, the Act states that, in carrying out the duties and responsibilities, including issuing RFPs, FirstNet must require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network.¹²¹ Moreover, the Spectrum Act requires, to the maximum extent economically desirable, that such proposals include partnerships with existing commercial mobile providers to utilize cost-effective opportunities to speed deployment in rural areas.¹²² FirstNet states that it incorporated rural coverage as well as milestones in the NPSBN Contract, to satisfy the requirements of section 1426(b)(3).¹²³

33. *State and Local Consultation.* FirstNet states that it has consulted with states, territories, regional, tribal, and local jurisdictions regarding “the distribution and expenditures of amounts in relation to the construction of a core and RAN buildout; placement of towers; coverage areas; adequacy of hardening, security, reliability, and resiliency; assignment of priority to local users and entities seeking to use the network; and training needs of local users.”¹²⁴ FirstNet also notes that it has “incorporated these consultation elements within the NPSBN RFP, subsequently developed state plans for network deployment reflective of consultative input, and maintained a robust program for regularly engaging with stakeholders to continually meet this requirement.”¹²⁵ No commenter has contested FirstNet’s showing on these issues. Therefore, we find FirstNet’s submission sufficient to establish that it has met the requirement to consult with regional, State, tribal, and local jurisdictions regarding distributions and expenditures to carry out the policies of the Act.¹²⁶

34. We find that FirstNet has satisfied the requirement to leverage existing infrastructure in fulfilling the duty and responsibility to deploy and operate the NPSBN,¹²⁷ in that FirstNet entered into agreements to utilize, to the maximum extent economically desirable, existing commercial or other communications infrastructure; and Federal, State, tribal, or local infrastructure. FirstNet notes that one of the objectives contained in the NPSBN RFP was specifically aimed at satisfying this statutory obligation, and “a majority of the Band 14 transmitting equipment has been located on existing facilities on private, federal, state, tribal, and local lands and/or buildings/structures.”¹²⁸

¹¹⁹ FirstNet Renewal Justification at 12.

¹²⁰ *Id.*

¹²¹ 47 U.S.C. § 1426(b)(3).

¹²² *Id.*

¹²³ FirstNet Renewal Justification at 14 (verifying and validating the NPSBN network buildout, including the achievement of its rural milestones). *See also supra* n.52 (FirstNet has met nationwide rural coverage requirements).

¹²⁴ FirstNet Renewal Justification at 16. As required by 47 U.S.C. § 1426(c)(2)(B), FirstNet consulted with the designated single officer or governmental body identified by each state, regional, tribal, or local authority.

¹²⁵ *Id.*

¹²⁶ 47 U.S.C. § 1426(c)(2)(A).

¹²⁷ *Id.* § 1426(c)(3).

¹²⁸ FirstNet Renewal Justification at 17.

35. We find that, as required by the Spectrum Act,¹²⁹ FirstNet ensured the maintenance, operation, and improvement of the NPSBN, including by ensuring that FirstNet updates and revises any policies established by section 1426 of the Spectrum Act to take into account new and evolving technologies. FirstNet states that, to satisfy the requirements of section 1426(c)(4), the contract makes AT&T responsible for the overall maintenance and operation of the NPSBN.¹³⁰

36. *Roaming.* We find that FirstNet has met the requirement¹³¹ to negotiate and enter into, as it determined appropriate, roaming agreements with commercial network providers to allow the NPSBN to roam onto commercial networks and gain prioritization of public safety communications over such networks in times of an emergency. FirstNet indicates that, pursuant to section 1426(c)(5), public safety users of the NPSBN are able to use AT&T's existing roaming agreements, across the country and internationally, for voice and data services.¹³²

37. *Other Statutory Requirements.* FirstNet states that it has met the Spectrum Act requirement to consult with the Director of NIST, the Commission, and the PSAC, and to represent the interests of NPSBN public safety users in standards development proceedings.¹³³ FirstNet also states that in accordance with Section 1426(c)(8),¹³⁴ it has not negotiated or entered into any agreements with a foreign government on behalf of the United States, and that in accordance with Section 1426(e),¹³⁵ it has used the money deposited into the Network Construction Fund in the Treasury of the United States to carry out the duties and responsibilities of section 1426. We find that FirstNet has shown compliance with these requirements for purposes of renewal.

38. In sum, based on the totality of the record, we conclude that FirstNet has sufficiently demonstrated compliance with the requirements of the Spectrum Act to warrant renewal of its license. We therefore grant FirstNet's renewal for the remaining period of its authorization, not to exceed ten years, commencing November 15, 2022, or for the remaining period of its authorization from Congress, whichever is sooner, subject to the reporting conditions discussed above. As a Commission licensee, FirstNet remains subject to our statutory and regulatory authority, and we will continue to monitor and oversee FirstNet's performance under its renewed license as circumstances warrant.

IV. ORDERING CLAUSES

39. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 301, 303, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 301, 303, 332, as well as Title VI, sections 6003, 6203, and 6302(e), of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6003, 6203, 6302(e), 126 Stat. 156, that the *Order* is ADOPTED.

40. IT IS FURTHER ORDERED that the Licensing Branch of the Policy and Licensing Division SHALL GRANT the pending application for renewal of call sign WQQE234 filed by the First Responder Network Authority, Universal Licensing System File Number 0010176495.

41. This action is taken under delegated authority pursuant to sections 0.191 and 0.392 of the Commission's Rules, 47 CFR §§ 0.191, 0.392.

¹²⁹ 47 U.S.C. § 1426(c)(4).

¹³⁰ FirstNet Renewal Justification at 17-18.

¹³¹ 47 U.S.C. § 1426(c)(5).

¹³² FirstNet Renewal Justification at 19.

¹³³ 47 U.S.C. § 1426(c)(7).

¹³⁴ *Id.* § 1426(c)(8).

¹³⁵ *Id.* § 1426(c)(3).

FEDERAL COMMUNICATIONS COMMISSION

Debra Jordan
Chief, Public Safety and Homeland Security Bureau

APPENDIX

1. Association of Public-Safety Communications Officials (APCO) International
2. International Association of Fire Chiefs (IAFC)
3. Joint Filing of Congressional Fire Services Institute; International Association of Fire Chiefs; International Association of Fire Fighters; National Fire Protection Association; and National Volunteer Fire Council
4. Major Cities Chiefs Association (MCCA)
5. Major County Sheriffs of America (MCSA)
6. National Association of EMS Physicians (NAEMSP)
7. National Association of Emergency Medical Technicians (NAEMT)
8. National Emergency Management Association (NEMA)
9. National Public Safety Telecommunications Council (NPSTC)
10. National Sheriffs' Association (NSA)
11. T-Mobile USA, Inc. (T-Mobile)
12. Verizon First Responder Advisory Council Members (Verizon FRACM)