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GOVERNOR



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

MARK S. GHILARDUCCI
DIRECTOR

December 28, 2017

Michael Poth
Chief Executive Officer
First Responders Network Authority
12201 Sunrise Valley Drive
Mail Stop 243
Reston, Virginia 20192

Dear Mr. Poth:

The purpose of this letter is to qualify the Governor's decision to opt-in to the First Responder Network Authority ("FirstNet") State Plan for California. For the past several months, California officials engaged in discussions with AT&T and FirstNet to ensure the State Plan proposed for California meets the State's public safety needs. While significant progress was made, more work is needed for the FirstNet State Plan to ultimately be a successful initiative that provides a durable public safety communications network.

California is electing to opt-in to the FirstNet State Plan, in part, because FirstNet's regulatory and procedural process makes the opt-out option in California untenable. Opting-out requires a number of approvals from federal agencies with discretion to reject California's plan and force the State to revert to the FirstNet option. Further, to pursue an opt-out scenario, the State would have been required to enter into a spectrum manager lease agreement with FirstNet. The draft of the agreement provided to California imposed undefined financial liability on the State and its selected opt-out vendor in the event the opt-out plan was unsuccessful. The terms of the spectrum manager lease agreement were impossible for the State to accept and unpalatable to potential vendors. This stifled competition and ultimately acted as a major barrier to the pursuit of a meaningful opt-out process.

The importance of ensuring that California obtain a robust and reliable public safety communications network has recently been highlighted in a devastating way. In October 2017, California experienced the most devastating fires in the State's history. The fires took 44 lives, burned over 200,000 acres, and nearly 9,000 structures were destroyed. During the crisis, more than 340 cellular sites were destroyed or were offline due to the fragile characteristics of the commercial cellular network. FirstNet and AT&T's plan relies on First Responders trusting their lives to this very same network.

During our negotiations with AT&T over the past several months, the State identified a number of concerns with the proposed plan for California. While AT&T was able to address some of



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these issues, they could not ensure each of the State's needs were adequately addressed. Due to California's topography and diverse mutual aid requirements, California needs a mission critical data network that is reliable, interoperable with other carriers' networks, redundant, and resilient. California is hopeful that AT&T and FirstNet will meaningfully partner with Cal OES and will continue to engage with State officials during the build out of the public safety network in California to address the needs of our emergency responders. Specifically, California expects additional progress in the following areas:

1. Interoperability

While AT&T has agreed that all applications it develops will be interoperable across carriers, FirstNet has not made a similar commitment. Initially, the FirstNet plan for interoperability relied upon all public safety users subscribing to FirstNet, which is an unreasonable expectation. FirstNet deployment will be a multiyear process with stunted adoption due to coverage gaps in much of California. During this time, California will have public safety entities utilizing a variety of carriers to support their mobile data needs. To successfully employ mutual aid, FirstNet should require that all applications be interoperable across all systems and carriers.

2. Security

AT&T's core network is not presently Criminal Justice Information Services (CJIS) and California Law Enforcement Telecommunications System (CLETS) compliant. To meet the needs of public safety subscribers, AT&T has proposed an application to enable mobile CLETS and CJIS connectivity. AT&T plans to charge users for this application. California public safety users should not be charged an additional fee to access an application that provides the minimally acceptable security assurances. To remedy this deficiency in their system, AT&T should provide the NetMotion solution at no charge to all CLETS and CJIS subscribers until AT&T obtains CLETS and CJIS certification of the FirstNet Core through the Department of Justice.

3. Site Hardening

The recent disasters across the United States have highlighted the failure to adequately harden cellular network sites. Site hardening should include back-up power and redundant backhaul connections. Many cell sites do not have an alternative power source. During an emergency, back-up power systems need to last days rather than hours as natural disasters make accessibility extremely difficult.

AT&T should commit to implementing a site-hardening plan that includes:

- 1) Backup microwave connections sites, space permitting and where allowable per local law.
- 2) Seven days of generator backup for all sites, space permitting and where allowable per local law.

December 28, 2017

Page 3

- 3) Eight hours of battery backup for all sites, space permitting and where allowable per local law.
- 4) Quarterly inspections to ensure adequate defensible space is established and maintained for all sites.

California has high hopes and expectations for the FirstNet initiative. Our partnership and collaboration will undoubtedly deliver the best solution to our public safety users. Over time, this system will likely be a primary means of communication and its resiliency and redundancy will be critical for the safety of California's citizens.

Sincerely,



MARK S. GHILARDUCCI
Director