

TESTIMONY OF CORY DAVIS
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"ON THE FRONT LINES OF CONNECTIVITY: EXAMINING FIRSTNET'S ROLE IN PUBLIC SAFETY"

BEFORE THE UNITED STATES SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION SUBCOMMITTEE ON TELECOMMUNICATIONS AND MEDIA

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Good morning Chairman Fischer, Ranking Member Lujan, Chairman Cruz, Ranking Member Cantwell, and the Members of the Committee. My name is Cory Davis and I am the Vice President of Verizon Frontline, Verizon's wireless public safety broadband service. I am responsible for the strategy, operations, and customer experience for the more than 45,000 public safety agencies nationwide that trust our network to provide the mission-critical connectivity they need to save lives. My team has been instrumental in spearheading the deployment of advanced 5G applications and rapid-response connectivity solutions for first responders utilizing Verizon's world-class wireless network. My full bio is attached to this testimony. Thank you for the invitation to appear before the Subcommittee today.

For over 30 years, Verizon has been dedicated to delivering reliable, resilient and secure communications to the public safety community. This is a partnership earned not through federal mandates, but through decades of service and trust alongside those on the front lines. We honor that trust with a network built for resilience and a crisis response team led by former first responders. Today, we are leading the industry forward with innovations like nationwide 5G network slicing, creating dedicated network capacity reserved exclusively for public safety. This enhances priority, preemption and quality of services, ensuring first responders have the advanced tools they need to operate safely and effectively. With Verizon Frontline, their mission is our purpose. More details on our service:

- Verizon Frontline is available to public safety organizations, first responders, a select group of specialists and other critical organizations. To meet their evolving needs, we work side by side with the public safety community to understand their challenges and build mission-critical connectivity solutions.
- Verizon Frontline customers get the benefit of Verizon's best-in-class mobile network. The investments we make in that network expand the reach and capacity of our Frontline service along with our commercial offerings.
- The Verizon Frontline advanced preemption system gives top priority to first responder connections across 4G LTE and 5G networks. When network demand surges,

preemption automatically gives first responder personnel priority access to the network. This helps ensure that public safety can stay on mission, even in times of high network use.

- Verizon Frontline supports network, system, application and device interoperability for public safety across all participating commercial carriers and agencies. Interoperability is crucial to the safety of first responders and the organizations that support them, no matter what network, apps or devices they use. We are continually enhancing our network and capabilities to meet the mission of enabling voice and data interoperability across agencies, jurisdictions, devices and networks.

Separately, Verizon is at the forefront of emergency response technology with our Verizon Frontline Innovation Program. The Verizon Frontline Innovation Program is a first-of-its-kind innovation incubator dedicated to creating 5G-enabled solutions for public safety, as well as connectivity solutions in austere network deprived environments. The program explores new, innovative technologies that provide solutions to public safety agencies. To date, we have worked with over 25 Innovation Partners to evaluate existing products or to ideate on new solutions.

We are committed to serving the public safety community, and are proud to serve the majority of first responders. My testimony will speak to the importance of preserving the benefits of choice, competition and redundancy for our customers and all public safety entities. Verizon believes it is important that local public safety officials have the ability to choose service from us, from AT&T's FirstNet offerings, or from others who best meet their individual needs. Verizon is not here to say that Congress should displace AT&T as the Authority's contract partner or change the terms under which AT&T uses the 700 MHz public safety spectrum for its commercial customers. Rather, our presence at this hearing is driven by our commitment to our First Responders, who need and deserve absolute confidence in their communications networks of choice. Achieving this confidence requires both resiliency, fostered through redundancy, and innovation, driven by competition. Both concepts need to be built into a refresh of the FirstNet Authority and its underlying statute.

I. Evolution of Public Safety Communications

Nearly fifteen years ago, this Committee's work on the Middle Class Tax Relief and Job Creation Act of 2012 helped move public safety communications into the digital age. Before then, public safety relied in large part on dedicated land mobile radio networks for their mission-critical communications. While rugged and largely reliable, those networks were expensive, locked into proprietary standards, and—critically—not interoperable. The public safety communications market also lagged far behind the innovation curve of the commercial sector. As the age of the smartphone and 4G brought new capabilities to commercial mobile wireless customers, first responders remained tied to their shoulder-mounted walkie-talkies.

I witnessed firsthand the post-2012 shift in public safety communications to wireless broadband networks built on common, interoperable standards. This transition to commercial infrastructure, coupled with then-emerging technologies like priority and pre-emption, allowed Verizon and others to bring the power of broadband and smart devices to first responders, solving the interoperability problems that plagued public safety for decades, including on 9/11. And as an added benefit, public safety began to benefit from the massive amounts of capital investment carriers made in their commercial mobile wireless infrastructure. Finally, this shift gave first responders access to the innovation inherent in the smartphone age, powering new emergency response capabilities. For example, Verizon has now brought 5G network slicing to public safety, which offers first responders reliable dedicated capacity, high-priority access to fast communications, a secure connection, and consistent performance when they need it most.

The shift to broadband-based communications built on common Third-Generation Partnership Project (3GPP) standards also facilitated competition among the three major wireless carriers for public safety's business. Today, when a police, fire, EMS, or other public safety department puts up their communications contract for bid, they have three or more options to choose from. And they have the ability to choose more than one network, to provide another level of redundancy where they seek it. While Verizon is proud that thousands of public safety agencies rely on our network, this competition keeps us on our toes and forces us to innovate daily, like with our new 5G Frontline network slice, our Tactical Humanitarian Operations Response (THOR) rapid response command vehicle, and other cutting-edge communications capabilities.

II. Today's Ecosystem

The public safety offerings in the market today from Verizon, T-Mobile, and AT&T offer similar capabilities. Each carrier leverages its own wireless broadband infrastructure and full portfolio of spectrum assets to provide mobile wireless connectivity to first responders, as well as other customers. The capital expenditure dollars each company invests yearly in network assets and spectrum (over \$200 billion dollars since 2017 in the case of Verizon alone) immediately benefits the first responders who access those networks for their critical communications needs. These investments in new network technologies like 5G, additional capacity, and network expansion and densification enhance not only the ability of Verizon Frontline customers to communicate when disaster strikes, but also our commercial customers on their daily commute.

The services we sell to public safety, though, come with special treatment of their traffic through technologies like prioritizing public safety communications on the network and preempting other traffic when capacity limitations loom. All three carriers rely on international standards like 4G and 5G as the backbone of public safety service, allowing public safety to benefit from the broader digital technology revolution. And Verizon builds its public safety offering in close coordination with our public safety partners who help guide key investment decisions and technical innovations.

It is crucial for the Committee to have a clear understanding of the FirstNet program's current structure. In 2012, the presumption was that effective public safety broadband communications

required a government-owned network, and the law that created the FirstNet Authority was designed around that concept. But this concept evolved dramatically when put into practice via the contract that the FirstNet Authority actually signed with AT&T in 2017. Today, there is no stand-alone, government-owned FirstNet network, contrary to what many believe. It's true enough that the federal government has provided the FirstNet Authority with billions of dollars and 20 megahertz of prime spectrum. And certain network elements may carry FirstNet branding. But AT&T's "FirstNet" service utilizes AT&T's commercial spectrum bands and the network infrastructure is all owned and operated by AT&T. In other words, under the existing contract, neither the government, nor public safety, will own a thing when that contract expires in 2042, despite the billions of dollars in federal funding invested in the FirstNet program.

This lack of an actual government-owned network raises questions about the ongoing role and responsibilities of the FirstNet Authority. In the years immediately following 2012, the Authority was in startup mode developing the contract for its network partnership and convincing states to join the national FirstNet framework. The statute also meant it to act as steward for the \$7 billion in seed money, and the 20 megahertz of prime 700 MHz low-band spectrum that Congress provided in the statute. The Authority is set to sunset in 2027 absent reauthorization by Congress. As the 2012 Act envisioned, now is indeed the perfect time for this Committee to think about the Authority's mission going forward.

Notably, the FirstNet Authority has faced operational and practical challenges since its inception. Over the last fifteen years, the Office of Inspector General (OIG) at the Department of Commerce has issued 20 reports critical of how the Authority has conducted its work. OIG has documented its concerns about operational questions related to the Authority, including whether it is meeting key network milestones, making justifiable investments into AT&T's network, and, most recently, silencing internal whistleblowers. OIG has also done important work exploring AT&T's network issues and the impact those had on FirstNet by AT&T customers. What OIG has identified are not merely administrative errors but systemic risks that Congress should address because they directly impacted first responder readiness during disasters like the Maui wildfires.

III. The Future of the FirstNet Authority

The national goal of ensuring reliable, secure, interoperable communications for first responders can best be achieved by promoting a multi-network ecosystem rather than moving this competitive marketplace towards a single provider. Built on a solid foundation of competition, multiple networks provide improved reliability and resiliency that give first responders the confidence that their communications will work when and where needed. Verizon believes that this concept should guide the work of this Committee and Congress as it contemplates reauthorization of the FirstNet Authority.

Every network and platform, no matter how perfectly engineered it is, will have a failure. I know this too well, as Verizon recently experienced a network event that put us far below the standard of excellence our customers expect of us. Similarly, the OIG has documented failures in the

FirstNet service, as noted above. We do not highlight these outages to criticize a competitor—we know firsthand that networks are complex and that we all have to strive continually to make them as resilient as possible. We highlight them to prove that *no single network* should be the sole basket for our nation’s safety. Keeping a vibrant, competitive ecosystem with multiple network vendors is crucial to national and homeland security. That competitive ecosystem also fosters rapid innovation, bringing new capabilities to market that keep public safety on the bleeding edge of communications technology.

Verizon strongly encourages the Committee to view reauthorization through the lens of what is best for public safety in the future. What may have been appropriate for the FirstNet Authority during its “startup phase” may no longer make sense today. A reasonable approach to reauthorization includes taking a hard look at the 2012 law and its assumptions to make sure that the law embraces, rather than impedes, the current competitive public safety communications ecosystem. Congress also should review the foundations of the statute, and the work of the Authority, to make sure that it benefits all of public safety, not just AT&T customers.

A. Re-examining the 2012 Act

The structure of the 2012 law is built around the idea that the government would procure a dedicated public safety network in cooperation with a private sector partner. Congress therefore made a number of very specific policy decisions about how the FirstNet Authority would work relative to its belief that there would be a government-owned network as part of the FirstNet program. As just one example, the statute mandates that all funding raised by the Authority through the contract must be channeled back into “the network.”

Under this contract, the Authority’s only ongoing source of funds are fee payments from AT&T for exclusive use of the 700 MHz spectrum licensed to the Authority. AT&T uses that spectrum for both its commercial and its public safety customers, and in return is required to pay the Authority fees totaling \$18 billion over the 25-year contract.

The Authority seems to interpret the statute as saying that it can only use its funds (1) for the Authority’s operating expenses (estimated to be about \$3 billion or less over the life of the contract) and (2) to support projects conducted by AT&T. Thus, under the status quo, AT&T pays the FirstNet Authority its lease payment, but then the Authority almost immediately returns the vast majority of those payments back to AT&T. In addition, AT&T has received almost all of the \$7 billion that the Act provided to the Authority by Congress in 2012 as seed money, and AT&T also gets to keep the billions of dollars in subscription fees paid by its “FirstNet” customers.

This requirement to reinvest everything back in “the network” is questionable in today’s world where the FirstNet service rides on AT&T’s commercial network infrastructure. And both OIG reports and leading public safety organizations have raised questions about whether the Authority has been a good steward of these reinvestment funds. OIG, in particular, has

questioned the propriety of some of the reinvestment decisions made by the Authority, and concluded that those decisions are not subject to rigorous review and justification. OIG also noted that the Authority has no reason to conduct deep scrutiny of proposals because it is obligated by the law to effectively return the funds to AT&T. Furthermore, OIG said that some of the Authority's investment decisions do not seem to have been guided by a grounded sense of actual public safety needs.

Some, including key public safety organizations, have suggested recently that this reinvestment structure no longer makes sense. They argue that Congress should allow reinvestment dollars to be redirected to broader public safety priorities (even some potentially outside of the FirstNet program). Such a change would not prevent further reinvestment in AT&T's FirstNet service, nor would it mean that its FirstNet subscribers would not benefit from the billions in capital investments that AT&T makes in its network each year. It simply means that Congress should have either the National Telecommunications and Information Administration (NTIA) or the Authority determine how best to use the reinvestment funds so that they benefit all of public safety (including subscribers to AT&T's FirstNet service).

In very stark terms, the first responders today who have chosen other communications services that better meet their needs (which represent a majority of the market) see no direct benefit from Congress's work creating the Authority or from the billions of dollars it is allowed to spend with minimal oversight. To get the benefit of this system, they are forced to abandon their preferred communications solution and migrate to FirstNet. The law should respect the choices of public safety in how to go about saving lives; it should not undercut those decisions or effectively create a single point of failure in public safety communications that impacts national and homeland security. And it makes little sense from a policy perspective for the federal government, for example, to fund a new tower to close a gap in public safety coverage, but restrict the use of that tower to a single provider. All network providers that serve public safety should have access to that infrastructure.

This Committee has an opportunity to strengthen the FirstNet program by expanding its benefit to the entire public safety ecosystem. By investing in infrastructure that is available to all public safety, the FirstNet Authority can enhance immediate disaster response, rapid communications recovery, or expansion of public safety communications solutions in unserved or underserved areas.

B. Preserving Competition

The pending reauthorization process also offers Congress a chance to reinforce the national priority for resiliency and reliability in public safety communications secured by the robust competition that already exists. Several public safety officials have stressed in comments to this Committee and Congress broadly about how competition among commercial providers has resulted in an overall better public safety communications environment for first responders.

Verizon would propose that the Committee consider taking several actions as part of reauthorization to promote and protect this competitive environment. First, direct NTIA, as part of its public safety mission, to take concrete steps to foster competition and choice among public safety offerings, including eliminating any governmental bias in favor of any specific public safety network provider. For example, NTIA should encourage federal, state, and local agencies to have fully competitive communications service procurements, and the ability to sign up with multiple vendors. Second, NTIA should educate public safety officials about the broad availability of wireless solutions that provide services like priority and pre-emption for critical communications. Finally, Congress should include what would amount to a “technology and carrier neutrality” clause into the reauthorization, prohibiting the use of federal grant funds to mandate a specific public safety communications provider.

C. Authority Oversight

Additionally, NTIA needs more room to oversee the actions of the FirstNet Authority. Basic NTIA operational oversight of the Authority should be a given. But the 2012 statute created some confusion on this point. That law designated the FirstNet Authority as an “independent entity” housed within NTIA. But the law did not define what it means for the Authority to have this status. Unfortunately, the Authority has frequently operated in a manner that blurs the line between a federal oversight body and a commercial advocate for its vendor. This misalignment confuses state and local officials and distorts the marketplace.

The Authority asserts that its status as an “independent entity” means it can largely operate free from accountability to NTIA officials, contrary to what NTIA recommends, and even without regard to larger Administration policy objectives. Two major organizations—the National Sheriff’s Association (NSA) and the Major City Chiefs Association (MCCA)—expressed their concerns about this lack of transparency and oversight in recent letters to this Committee and the House Energy and Commerce Committee. Clearer oversight responsibilities would also give public safety additional confidence that the legal interpretations and practical actions of the Authority have undergone the appropriate level of scrutiny.

NTIA could use this oversight power to ensure that the Authority is not undermining competition, or positioning AT&T’s “FirstNet” offering as the only choice for public safety. As I noted above, every communications network has challenges. If the FirstNet Authority pushes all of public safety directly or indirectly to AT&T’s “FirstNet” offering, it up-ends public safety’s decision about what meets its needs the best and could result in a single point of failure with dramatic consequences for public safety broadly. A natural disaster, a large-scale cyberattack, or even a local network outage could sever the capabilities of a single network, turning a lifesaving tool into what amounts to a useless piece of hardware. Beyond these critical public safety risks, it is highly unusual for federal government employees to be engaging in sales and marketing activities for a single company in an intensely competitive environment.

D. Other Recommendations

As part of the reauthorization process, Verizon suggests that Congress consider a few additional policy recommendations that complement the ones explained above:

- Congress should keep the FirstNet Authority on a regular reauthorization cycle. Reauthorization allows Congress to guide the larger public safety policy path for both NTIA and the FirstNet Authority. We would recommend, given the rapid changes in public safety communications technologies and the market generally, that Congress adopt a reauthorization schedule similar to other government programs. Associated with that, we see no need for Congress to invest additional newly-appropriated taxpayer dollars in, or license more spectrum assets to, the FirstNet Authority.
- Congress should begin thinking about what happens at the end of the FirstNet Authority's contract with AT&T. NTIA and Congress should understand what their options might be when the contract expires, including what assets, if any, would be part of a new contract. The 2012 law sought the help of the Government Accountability Office with respect to the question of whether the FirstNet Authority should be reauthorized; it could do the same with respect to questions about how to plan for the end of the current contract.
- Congress should make sure that federal officials do not, in the performance of their duties, act in a way that would have the direct or indirect effect of reducing competition in public safety communications. This would go hand in hand with the recommendation above that NTIA ensure that the Authority operates to expand competition, not harm it. And Congress could direct NTIA to educate state and local officials about the importance of keeping fair competition for public safety communications services.

Verizon also supports the recommendations provided to this Committee in a recent letter from NSA and MCCA and attached to this testimony. Those public safety organizations argue that changes are needed to the Authority's mission to ensure that it acts, in the words of the letter, in the best interests of all public safety. They recommend that Congress:

- (1) not give the FirstNet Authority a permanent reauthorization;
- (2) adopt a series of reforms "to ensure that the FirstNet program benefit[s] all public safety, not just the customers of a single commercial carrier" because the current structure of the program has "been exposed as problematic in recent years;"
- (3) prioritize accountability and transparency;
- (4) require a report on the use of capacity of Band 14 (the spectrum band licensed to the FirstNet Authority in the 2012 law);
- (5) require a report on the full range and categorization of FirstNet subscribers;
- (6) "[d]isallow the use of government funds to support contractors, events, and marketing for any carrier"; and,
- (7) repeal grant/procurement requirements that favor the FirstNet partnership.

Given the complexity of the challenges facing first responders, Congress should use the pending reauthorization as an opportunity to promote a reliable and resilient multi-provider ecosystem. Additionally, this reauthorization process is the ideal time for Congress to modify the FirstNet Authority's mission in order to ensure that the FirstNet program benefits all of public safety, not just those choosing to use AT&T's network. This change would enhance our nation's public safety capacity for all Americans. And additional reforms, like those noted above, can strengthen the overall program and make sure it is operating in the national interest.

Conclusion

The public safety communications ecosystem has matured significantly in the last decade, and much of that change is due to the good work of the Senate Commerce Committee. The pending FirstNet Authority reauthorization process provides the Committee with an opportunity to take stock of what worked and what needs to be updated in light of the rapid technological change that has taken place since 9/11. Importantly, any changes made through reauthorization should be guided by what is best for the police, fire, EMS, National Security, and other public safety professionals that put their lives on the line every day to protect the public, including respecting their decisions about mission-critical communications network partnerships. Verizon believes the best approach is to update the FirstNet Authority's mission and the responsibilities of NTIA consistent with the current realities of the public safety communications marketplace; that way Congress can make sure both agencies—and the FirstNet program generally—are working in the best interests of all of public safety.

Thank you for the opportunity to appear before the subcommittee and I look forward to your questions.