

Congress of the United States

Washington, DC 20515

Mr. Samuel "Sam" Ginn
Chairman
First Responder Network Authority
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Ginn,

Before the Middle Class Tax Relief and Job Creation Act of 2012 became law and established the First Responder Network Authority (FirstNet), the Federal Communications Commission (FCC) was tasked with overseeing a nationwide public safety broadband network. With this authority, the FCC required entities to petition the agency for a "waiver" of the FCC broadband rules. If granted, the waiver required the recipient to enter into a lease with the Public Safety Spectrum Trust (PSST) allowing them to implement a Long Term Evolution (LTE) broadband system.

In May 2011, the State of Texas became the 22nd public safety broadband waiver recipient in the United States.¹ Texas was required to prepare an *Interoperability Showing* to the FCC to ensure that the planned Texas deployment was consistent and compliant with the Commission's interoperability goals. During this process, the Middle Class Tax Relief and Job Creation Act of 2012 became public law establishing FirstNet.² This independent authority within the National Telecommunications and Information Administration (NTIA) was given the role of establishing a single nationwide, interoperable public safety broadband network.

NTIA sent a shockwave of concern when it announced the suspension of broadband development for entities that received a Broadband Technology Opportunity Program (BTOP) grant.³ While Texas was not a recipient of this particular grant, there were still uncertainties as to whether or not the progress made by Texas would be hindered.

Currently, the Harris County project in Texas is the only project that is using live data when operating their own public broadband network. On April 23, 2013, FirstNet held a meeting and adopted Resolution 25 directing Sue Swenson to negotiate a spectrum lease agreement with the State of Texas to "use the 700 MHz public safety broadband spectrum within Harris County to

¹ Federal Communications Commission. (2011, May 12). *Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*. Retrieved April 30, 2013, from <http://publicsafety.fcc.gov/pshs/public-safety-spectrum/index.htm>

² H. Res. 554, 112th Cong., 158 Cong. Rec. H907 (2012)

³ National Telecommunications & Information Administration. (2012, September). *Broadband Technology Opportunities Program (BTOP) Quarterly Program Status Report*. Retrieved April 30, 2013, from http://www.ntia.doc.gov/files/ntia/publications/btop_14th_quarterly_report.pdf

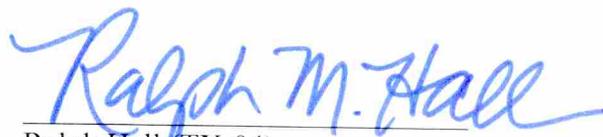
further the development of the nationwide interoperable public safety broadband network.”⁴ This resolution also began the 90-day negotiation period between the two entities.

As Texas Members of Congress, we are grateful for the positive working relationship between FirstNet and Texas. We believe that approving Resolution 25 was a step in the right direction and are hopeful that Texas will continue to serve as a valuable resource and example for an effective public broadband network. As this relationship continues, we ask that FirstNet officially grant Texas a long-term lease agreement for access to FirstNet’s public safety broadband spectrum across the entire State. We also ask that Texas have the authority to identify the jurisdictions in the state that have funding and wish to deploy additional Radio Access Network (RAN) infrastructure. In addition, we ask that FirstNet grant approval for Texas to consider the deployment of additional operations, such as participate in a regional multi-state border and coastal broadband network along areas adjacent to the international border and coastal areas.

Sincerely,



Joe Barton (TX-06)
Member of Congress



Ralph Hall (TX-04)
Member of Congress



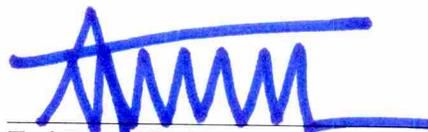
Gene Green (TX-29)
Member of Congress



Pete Olson (TX-22)
Member of Congress



Sam Johnson (TX-03)
Member of Congress



Ted Poe (TX-02)
Member of Congress

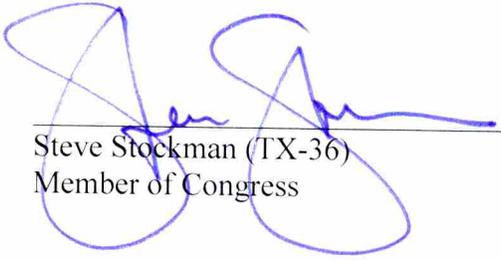


Sheila Jackson-Lee (TX-18)
Member of Congress



Michael McCaul (TX-10)
Member of Congress

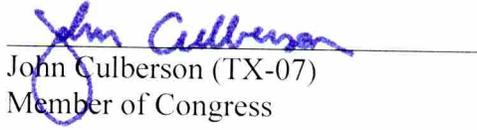
⁴ First Responder Network Authority. (2013). Spectrum Lease negotiations with the State of Texas (Board Resolution 25). Retrieved April 30, 2013, from <http://www.ntia.doc.gov/other-publication/2013/04232013-firstnet-board-meeting-documents>



Steve Stockman (TX-36)
Member of Congress



Al Green (TX-09)
Member of Congress



John Culberson (TX-07)
Member of Congress