Testimony of:

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Before the

Senate Veterans Affairs & Emergency Preparedness Committee

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Good morning, Chairman Vulakovich, Chairman Costa, Chairman Barrar, Chairman Sainato, Chairman Aument, Chairman Haywood and members of the committees. I am Frank Buzydlowski, Director of Verizon State Government Relations in Pennsylvania, and seated next to me is Don Brittingham, Verizon's Vice President of Public Safety Policy. We appreciate the opportunity for Verizon to appear before the joint committees this morning.

Verizon has a long-standing commitment to support and serve the public safety community, both in the Commonwealth and throughout the nation. Each and every day, we provide first responders with high quality voice and data services to meet their communications needs. We also provide assistance to public safety agencies in their efforts to prepare for and respond to disasters through Verizon's Business Continuity and Disaster Recovery teams. And, we provide support to law enforcement agencies in Pennsylvania and across the country through Verizon's Law Enforcement Resource Team. Given Verizon's strong commitment to public safety, we are pleased to testify this morning before this joint session to address issues related to the development of a nationwide public safety broadband network by FirstNet and to consider the Commonwealth of Pennsylvania's role in that process.

Verizon has long recognized the unique and critical nature of public safety communications, and it has been a strong supporter of efforts to develop a nationwide broadband network for public safety's use long before FirstNet was established. In 2008, Verizon testified before the Federal Communications Commission following the agency's failed attempt to create a public-private partnership through an auction of the "D Block" spectrum. In that hearing, Verizon called on the FCC to take a new direction

by reallocating the spectrum to public safety and licensing it on a state or regional basis. We recommended that States then be allowed to create the public-private partnership that works best for them, and that all state or regional networks be required to interoperate in order to create a nationwide network for public safety's use.

Verizon made these recommendations because it recognized that the communications needs of the public safety community and the assets and capabilities of prospective commercial partners often vary from one state or region to another. Recognizing these differences, state officials should have the flexibility and authority to establish those partnerships that best meet their own requirements and should not be limited to a single one-size-fits-all approach. Verizon believed then, as it does now, that a flexible, pro-competitive approach for establishing a nationwide interoperable public safety broadband network is in the best interests of public safety.

In 2012, Congress enacted *The Middle Class Tax Relief and Job Creation Act*; which established FirstNet and provided it with a governance framework, spectrum, and funding to develop a nationwide network for public safety's use, while also permitting use of the network for commercial purposes. While the legislation did not license the spectrum to the States, as Verizon had originally proposed, it clearly recognized the critical role of the States and charged FirstNet with working with the States to ensure that the network was deployed in a manner that addresses their specific needs. Verizon supported the legislation and worked with public safety organizations and other interested stakeholders to promote its passage.

While the new law places responsibility on FirstNet for ensuring the establishment of a nationwide, interoperable public safety network, it recognizes the

authority of the States to make their own communications decisions and includes provisions that provide States with the ability to construct their own networks should they not wish to use the network built and operated by FirstNet and its commercial partner. These "opt-out" provisions allow States to use the spectrum and federal funding provided to FirstNet by Congress to support the deployment and operation of state-based networks should they choose to opt-out of the FirstNet network.

Verizon commends the Commonwealth of Pennsylvania's efforts to thoroughly evaluate all options available to the State, and Verizon does not advocate that the Commonwealth pursue a particular option. We are prepared to work with the Commonwealth regardless of whether it opts in or opts out of FirstNet. It is critically important, however, that the Commonwealth have viable competitive alternatives in either case. Promoting competition and preserving the rights of states to make their own communications decisions, including building their own state-based networks, are two important tenets of the legislation enacted by Congress. While the law does not require States to participate in the FirstNet network, the opt-out provisions guarantee that States have a meaningful opportunity to participate in the establishment of the network while taking on the responsibilities for deployment within their states.

In order for such an option to be meaningful, however, it must allow States to pick their own commercial partner, or partners, and to establish their own public-private partnership in a manner comparable to FirstNet. It must also allow States and their commercial partners to develop network architectures and service arrangements that are viable and sustainable over the long term. Critical to the viability of such an option is the ability for a State to use its own network core, or one deployed by its preferred

commercial partner. States should not be required to use the network core deployed by FirstNet and its commercial partner, as such a requirement would put the State in the untenable position of being driven by the interests and decisions of FirstNet's commercial partner – a condition that would be unattractive to any prospective state commercial partner.

Ensuring interoperability between a State network and the FirstNet network is, of course, an important requirement for any State that opts out. Indeed, the law requires that States opting out of FirstNet demonstrate how they will achieve interoperability in their alternate state plans, which must be submitted to the FCC for approval. The FCC recently released the standards it will use to determine whether or not an alternate state plan is interoperable with FirstNet. The FCC's decision considered input from many parties, including state officials, Verizon, and others that sought clarification on the ability for States to utilize their own state network core. The FCC stated it would not reject a plan that includes the use of a separate state network core, but it declined to find that such a network core was expressly permitted because it believes that decision is outside the scope of its authority. While Verizon respects the FCC's decision, we hope the question is affirmatively answered at the federal level to solidify the viability of a state's decision to opt-out.

Regardless of whether the Commonwealth opts out of FirstNet, it should ensure that public safety agencies within the state have competitive options and that other public safety networks used by those agencies are interoperable with FirstNet. Enabling competitive alternatives for public safety is vitally important to ensuring continued innovation, increased reliability, and competitive pricing. A public safety

market that provides agencies with only one choice of network provider is unlikely to achieve those objectives.

Verizon's commitment to public safety is not predicated on whether or not a State chooses to opt-in or opt-out of FirstNet, and we are prepared to work with the Commonwealth regardless of its opt-out decision. In order to best satisfy public safety's unique requirements, Verizon announced earlier this year its intention to make substantial investments in new network capabilities and enhanced products and services for public safety. This commitment includes building and operating our own private network core dedicated to public safety communications, making priority and preemption services available to our public safety customers, and investing in new applications and capabilities including mission-critical voice communications that will interoperate with existing Land Mobile Radio networks.

Verizon's public safety solution will be available to all States and all public safety users throughout the country, irrespective of a State's decision to opt-out. Moreover, it does not require access to federal funding provided to FirstNet, and does not require any financial commitment from states to support network deployment. Along with a variety of enhanced products and services designed to meet public safety's unique needs, Verizon will also make available multi-band devices that provide access not only to Verizon's own reliable broadband network, but to Band 14 spectrum and enable full interoperability with any Band 14 radio access network (RAN) deployed by FirstNet or a State that decides to opt-out.

FirstNet has yielded significant benefits for public safety by focusing attention on the importance of mission critical communications for first responders and establishing

an effective framework for ensuring that goal is realized. While that goal is critically important for the country, it can be achieved while preserving the robust competitive framework that will continue to drive innovation and advancements for the benefit of public safety. Competition and interoperability are not mutually exclusive. Both can be achieved, and Verizon is committed to work with the Commonwealth, FirstNet, and all other interested stakeholders to make that happen.

Thank you for the opportunity to testify before your committees. We will be happy to answer any questions at this time or at your convenience.