



April 14, 2023

Joseph Wassel
CEO
FirstNet Authority
12201 Sunrise Valley Drive, Mail Stop 243
Reston, VA 20192

Dear Mr. Wassel,

Our coalition of law enforcement associations, representing Chiefs and Sheriffs nationwide, worked tirelessly with our public safety partners and Congress to advance the original legislation that established FirstNet. In the years since that bill was signed into law, we have worked closely with many stakeholders, including elected officials at every level of government, the Department of Commerce, NTIA, and the FirstNet Authority Board to support FirstNet's efforts to serve as the premier communications network for law enforcement and first responders alike. We remain committed to this mission and are concerned that FirstNet has lost sight of its initial purpose and the importance of its continued partnership with our organizations.

FirstNet was created to provide an essential nationwide broadband network for public safety. Yet, reports indicate FirstNet has expanded access and provided priority and preemption to non-public safety entities such as truckers, cable companies, and maintenance personnel.¹ Why has priority on a public safety network been provided to private companies before expanding the number of first responders subscribed to the FirstNet?

A February 2022 GAO report noted three key findings: FirstNet lacked (1) a reliable master schedule to review, (2) communication with relevant stakeholders regarding contract oversight, and (3) meaningful information on end users' satisfaction to gauge performance quality.² Our organizations do not believe FirstNet has addressed these issues, especially given its continued refusal to provide our associations with basic, routine information and statistics about FirstNet's operations.

A series of recent Department of Commerce Inspector General's reports related to the reinvestment of funds into the nationwide network further underscores the need for additional transparency surrounding FirstNet, its contract with AT&T, and AT&T's activities pursuant to this agreement. In November 2022, the Inspector General released a report that stated FirstNet did not utilize a sound process for choosing reinvestment opportunities. This included the failure to conduct a needs or alternatives analysis, a lack of justification regarding the need for the specific reinvestments that were made, and a reliance on information from AT&T that influenced the selection process.

¹ "Arizona Trucking Association Announces FirstNet as a Member Benefit," *Arizona Trucking Association*, September 20, 2021. <https://arizonatrucking.com/2021/09/arizona-trucking-association-announces-firstnet-as-a-member-benefit/>

² Public-Safety Broadband Network: Congressional Action Required to Ensure Network Continuity, GAO 22-104915, *Government Accountability Office*, February 2022. <https://www.gao.gov/products/gao-22-104915>

The report concluded, that as a result, the reinvestment opportunities FirstNet chose were not the most appropriate use of resources to improve network performance or address first responders' operational needs.³

Another Inspector General report from March 2023 found that FirstNet failed to adequately assess AT&T's performance concerning the reinvestments described above. More specifically, the Inspector General indicated that FirstNet did not have sufficient performance measures in place or independently verify AT&T's performance. The report also found that FirstNet's Senior Management Council reviews of the reinvestments were not conducted transparently. These findings are incredibly concerning, especially since the reinvestment in question is required by law.⁴

Law enforcement has a responsibility to be accountable and transparent with the communities they serve; a principle which our associations have advocated for both within our member agencies and government. FirstNet should be held to the same standard. However, despite several requests for visibility into the FirstNet/AT&T contract, milestones, subscribers, and more, we have not received clarity or concrete answers to our fundamental questions.

We are once again requesting the following information:

1. How many law enforcement agencies have deployed FirstNet? How many of these agencies are police departments, and how many are Sheriff's departments?
2. What is the total number of individual law enforcement personnel subscribed to or connected to FirstNet?
3. What is FirstNet's definition of a "connection"?
4. What percentage of FirstNet users are private companies?
5. What percentage of FirstNet users are non-first responders?

Please provide the information requested above by April 31, 2023. Thank you for your prompt attention to this matter. Please do not hesitate to contact either of us with any questions. Our organizations have and will continue to support FirstNet's mission to enhance public safety communications technology and infrastructure. We look forward to a continued and strengthened partnership with the FirstNet Authority.

Sincerely,



Jonathan Thompson
Executive Director, National Sheriff's Association



Laura Cooper
Executive Director, Major Cities Chiefs Association

CC: FirstNet Authority Board Members

³ "FirstNet Authority Could Not Demonstrate Investment Decision Were the Best Use of Reinvestment Funds or Maximized the Benefits to Public Safety," OIG-23-005-A, *U.S. Department of Commerce Office of Inspector General*, November 28, 2022. <<https://www.oig.doc.gov/OIGPublications/OIG-23-005-A.pdf>>

⁴ "FirstNet Authority Failed to Provide Adequate Contract Oversight for Its Initial Two Reinvestment Task Orders," OIG-23-012-A, *U.S. Department of Commerce Office of Inspector General*, March 1, 2023. <<https://www.oig.doc.gov/OIGPublications/%28REDACTED%29%20OIG-23-012-A%20%28REDACTED%29.pdf>>