



ALAN WILSON
ATTORNEY GENERAL

May 28, 2013

Mr. Samuel Ginn
Chairman, FirstNet Board
c/o National Telecommunication Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Suite 4898
Washington, DC 20230

Dear Chairman Ginn:

I am troubled by the course of the federally-appointed board of FirstNet which includes no current representatives from the state or local government. Recently, we have seen heroic actions by public safety officials during the responses to Hurricane Sandy in New Jersey, the fertilizer plant explosion in Texas, the marathon bombings in Massachusetts and, most recently, the devastating tornadoes in Oklahoma. The response by first responders to each event was effectively supported by dependable communications technology that had been designed and managed to meet the needs for public safety officials in the local jurisdictions. In my view, it is unrealistic to assume a federal board in Washington, D.C. can or should try to design and mandate a system to fit the future public safety communication needs of every state, county and municipality.

South Carolina is proud of its leadership in the area of safety communications. The Palmetto 800 Radio System is a cost-shared public/private partnership between state government, local governments, power utilities and the state's public safety communications vendor that has effectively reduced costs and improved interoperability for all system users. In operation since 1992, the system has continued to grow and today is one of the largest shared statewide public safety radio systems in the nation. South Carolina continues to receive top rankings for its interoperability efforts with the statewide shared public safety system, and we are committed to smartly moving forward to take advantage of technological advances based on the needs of the state's first responders and within the state's budget constraints.

I understand South Carolina will have an opportunity to participate in a June 26-27 forum in Memphis, Tennessee, with our neighboring states. But in advance of that session, I would like to underscore a few key issues that I am watching closely as the Attorney General:

- 1) I am concerned about the motion offered by FirstNet Board member Paul Fitzgerald, the Sherriff of Story County, Iowa and a former President of the National Sheriffs Association. According to his statement, "The board of FirstNet has meetings and conference calls with a quorum of directors present that are not treated as board meetings, are not publicly announced or disclosed, and are not subject to public observation. The proceedings of the public board meetings are generally well-rehearsed performances while the real decision-making takes place in other forums." I find it incredulous that a Federal board responded to these serious issues by establishing a Special Review Committee of its own members to look at FirstNet's compliance with applicable federal hiring and procurement rules, conflict of interest rules and open meeting requirements. To ensure impartiality and bolster the Board's credibility, I would have thought you would see the wisdom in choosing a non-affiliated entity and individuals to review the serious allegations.
- 2) I understand you are anticipating upwards of \$5 billion from the auction of the spectrum to be put toward FirstNet. When will you have an idea if that number is a reality? I have heard estimates that it will cost tens of billions to design and deploy the whole network nationally. Where will the funds come from to make up the widely recognized shortfall of billions of dollars? How much will this cost South Carolina?
- 3) I understand FirstNet is exploring the possibility of sharing the Nationwide Public Safety Broadband Network (NPSBN) with commercial operators. Widely reported commercial network failures and congestion issues during the aftermath of the Hurricane Sandy and the Boston bombings should spur FirstNet members to ask some hard questions before pursuing any potential sharing arrangements with commercial operators.

As my colleagues in Virginia and Oklahoma have expressed in previous letters to you, attorneys general are closely following FirstNet and will act if necessary to protect our state's interests. As I evaluate how South Carolina will be affected financially, legally, and from a public safety standpoint, I respectfully request that you respond within 30 days to my above concerns.

Thank you for your attention to these matters.

Sincerely,



Alan Wilson

AW/acp