

## PUBLIC COMMENT – ITEM 7 – PLANNING COMMISSION 5/8/2024

**From:** Becky Steinbruner <ki6tkb@yahoo.com>

**Sent:** Monday, May 6, 2024 3:32 PM

**To:** Nicholas Brown <Nicholas.Brown@santacruzcountyca.gov>

**Cc:** Allyson Violante <Allyson.Violante@santacruzcountyca.gov>; Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountyca.gov>; Becky Steinbruner <ki6tkb@yahoo.com>

**Subject:** Correspondence re: Santa Cruz County Planning Commission May 8, 2024 Agenda Item #7

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Dear Santa Cruz County Planning Commissioners,

I am writing to urge you to grant the appeal before you as Agenda Item #7, revoke Application approval and require a CEQA analysis of the proposed Project Application: 211097 165 Robin Meadow Ln., Watsonville 95076 APN's: 109-341-19

*Appeal of Zoning Administrator's decision from January 19, 2024, to approve a proposal to install an 85-foot Wireless Communication Facility with related ground equipment. Requires a Commercial Development Permit, and a determination that the project is exempt from further review under the California Environmental Quality Act (CEQA).*

**1) New information related to recent Superior Court case decisions mandate that this Application is *not* exempt from requirements of the California Environmental Quality Act (CEQA).** The recent Superior Court ruling in *Fiber First, etal vs. County of Los Angeles, etal* (March 27, 2024) ruling requires all new wireless facilities near scenic roads to comply with CEQA analysis on visual impacts.

Please require that the Applicants conduct a CEQA analysis of the 85' tall tower that will be visible from Casserly Road and Mt. Madonna Road, both of which are County Scenic Roadways. (Objective ARC 5.2 and Designation of Scenic Roads ARC 5.2.15.10.10:

[https://sccoplanning.com/Portals/2/County/Planning/SustainabilityUpdate/General\\_Plan/GeneralPlanChapter5\\_ARC\\_public\\_draft.pdf?ver=XcgRihCLXa0PclzdCdPbXQ%3D%3D](https://sccoplanning.com/Portals/2/County/Planning/SustainabilityUpdate/General_Plan/GeneralPlanChapter5_ARC_public_draft.pdf?ver=XcgRihCLXa0PclzdCdPbXQ%3D%3D))

Below are excerpts from the *Fiber First, etal vs. County of Los Angeles, etal* (2024) case law ruling related to CEQA requirements for new wireless facilities:

*"California Environmental Quality Act (CEQA) is not preempted by the federal Telecommunications Act of 1996 (TCA) and the Spectrum Act of 2012 (SA). The Court ruled (p. 29): "CEQA explicitly applies to discretionary projects by public agencies including but not limited to the enactment and amendment of zoning ordinances issuance of conditional use permits and approving tentative subdivision maps environmental analysis must be performed before an agency approves a project, and an agency may not commit itself to a project without performing such review."*

*a. CEOA*

*The County unlawfully exempted the Ordinance from environmental review under the*

*Class 1 and Class 3 categorical exemptions. Neither exemption can apply because (1) the*

*cumulative impact of successive projects, which the Ordinance does not limit, may be significant;*

*and (2) the Ordinance may cause a substantial adverse change in the significance of a historical resource.*

*CEQA must be interpreted "so as to afford the fullest,*

*broadest protection to the environment within reasonable scope of the statutory language." Friends*

*of Mammoth v. Board of Supervisors, (1972) 8 Cal.3d 247, 259. Public agencies must regulate*

*both public and private projects so that "major consideration is given to preventing environmental*

*damage, while providing a decent home and satisfying living environment for every Californian."*

*Public Resources Code §21000(g).*

*The Legislature chose to accomplish its environmental goals*

*through public environmental review processes designed to assist agencies in identifying and*

*disclosing both environmental effects and feasible alternatives and mitigations. §21002.*

*CEQA expressly applies to discretionary projects by public agencies, including but not*

*limited to the enactment and amendment of zoning ordinances, issuance of conditional use permits,*

*and approving tentative subdivision maps. §21080(a). Environmental analysis must be performed*

*before an agency approves a project (Laurel Heights Improvement Association v. Regents of the*

University of California, ("Laurel Heights") (1988) 47 Cal.3d 376, 394), and an agency may not commit itself to a project without performing such review (National Resources Defense Council v. City of Los Angeles, (2002) 103 Cal.App.4th 268, 271-72),

A "project" is defined as any activity which may cause either a direct physical change in the environment, **or a reasonably foreseeable indirect physical change in the environment (1) undertaken directly by any public agency, (2) supported through contracts, grants, subsidies, loans or other public assistance, or (3) involving the issuance of a lease, permit, license, certificate, or other entitlement for use by a public agency. §21065. The word "may" in this context means a reasonable possibility.** Citizen Action to Serve All Students v. Thornley, (1990) 222 Cal.App.3d 748, 753.

"These limitations do not preclude environmental review of wireless facility siting or zoning safeguards (e.g., setbacks from private properties, public places, or sensitive sites) unless it does one or more of the following: (1) has the effect of prohibiting the provision of personal wireless services". 47 U.S.C. §332(c)(7)(B)(i)(II)). See Green Mt. Realty Corp. v. Leonard, (1st Cir. 2012) 688 F.3d 40, 55-57 (local jurisdictions retain siting decision-making on aesthetics grounds which will be upheld against effective prohibition claim if supported by substantial evidence);

(2) regulates wireless facility siting on the basis of the environmental effects of RF emissions where the facility complies with FCC emission standards. 47 U.S.C. §332(c)(7)(B)(iv));

(3) allows unreasonable discrimination among providers of functionally equivalent services. 47 U.S.C. §332(c)(7)(B)(i)(I));6 or

(4) purports to deny EFRs that do not substantially change the physical dimensions of the tower or base station under criteria specified by the FCC. 47 U.S.C. § 1455(a); 47 CFR § 1.6100(c).

As stated, local jurisdictions retain zoning authority, albeit somewhat limited, as to the placement, construction, and modification of facilities. *City of Rancho Palos Verdes, supra*, 101 Cal.App.4th at 378. Specifically, Petitioners are correct (Reply at 9) that FCC regulations do not preempt CEQA review, including review of historic resource impacts. The TCA does not grant preemptive authority on environmental matters, which for federal matters are governed by the National Historic Preservation Act ("NHPA") (54 U.S.C. §300101 et seq.) and the National Environmental Policy Act ("NEPA") (42 U.S.C. §4321, et seq.). State and local mandates must be followed if not preempted by federal limitations. *Sprint Spectrum. L.P. v. Willoth*, (2d Cir. 1999) 176 F.3d 630, 644-45 (New York's Environmental Quality Review Act applied to wireless facility application so long as not preempted by TCA limitations).

Hence, California state and local governments must still comply with CEQA with respect to wireless facilities.

**2) Further new information that further supports your Commission revoking the Zoning Administrator's approval of the Application and to require a CEQA analysis exists related to potential significant and adverse visual and public safety impacts that the proposed 85' tower would cause by being located within the incoming flight landing pathway for aircraft approaching the Watsonville Airport.** The 85' tower would likely require a flashing beacon to warn any pilots making emergency or scheduled landings of the tower's existence.

The visual and safety impacts of the flashing beacons have not been evaluated or even mentioned, and must be evaluated in a CEQA analysis that includes comment by the Federal Aviation Administration (FAA), City of Watsonville Municipal Airport Advisory Committee and Watsonville Airport Pilots Association relative to visual and safety impacts for emergency landings and incoming flight pathways.

Santa Cruz County Code (SCCC) 13.12.050:

*(C) No permit shall be granted that would allow the establishment or creation of a hazard to air navigation or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation.*

*(D) Other Flight Hazards. Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall be allowed within the airport influence area only if the uses are consistent with FAA rules and regulations.*

The FAA would need to evaluate the tower and determine whether there must be flashing beacons on top of the proposed tower, and this should be part of a CEQA analysis with alternatives included:

<https://www.fcc.gov/media/policy/antenna-tower-lighting-and-marking-requirements>

*"As part of the its aeronautical study, the FAA may, if it considers it necessary, solicit comments from or convene a meeting of all interested persons for the purpose of gathering all facts relevant to the effect of the proposed construction on the safe and efficient utilization of the navigable airspace. See 14 CFR §§ 77.35, 77.41-77.69. The FAA regional office forwards its recommendation to FAA headquarters in Washington for final approval. The final FAA determination also must be submitted to the FCC with any antenna construction permit application that requires FAA notification. These structures will be subject to inspection and enforcement of marking and lighting requirements by the FCC."*

Therefore, your Commission should grant the appeal, revoke the approval of the new 85' tall wireless facility at 165 Robin Meadow Lane in Watsonville and require the Applicant to conduct a CEQA analysis of visual and safety impacts and thorough alternatives analysis evaluated for aeronautical safety, visual and aesthetic impacts with FAA, City of Watsonville Airport Advisory Committee, and Watsonville Pilots Association collaboration. .

**3) Your Commission should revoke the Zoning Administrator's approval of the Application because the Zoning Administrator failed to give equal consideration of property use restrictions that would be caused by the AT&T application for a new wireless facility at this site.** The Zoning Administrator stated that the proposed new 85' wireless tower location could not be moved closer to the pond area because it would restrict the property owner's potential use of that area of their property for a future Accessory Dwelling Unit (ADU) *while openly admitting that there is no application for such a structure.*

**The Zoning Administrator ignored the fact that if the new 85' wireless facility is allowed to be built at 165 Robin Meadow Lane, it will prohibit the adjacent property owner of the Oasis Ranch from equal ability to use her property for the socially-beneficial purpose establishing a facility to help restore well-being for at-risk and EMF-sensitive youth, the sole reason for her purchasing the property.**

The Los Angeles County Superior Court, in the *Fiber First, et al vs County of Los Angeles, et al* (2024) ruling, recognized the importance of equal civil due process:

*"A person may not be deprived of life, liberty, or property without due process of law. FAP, 9[228. Due process principles require reasonable notice and opportunity to be heard before governmental deprivation of a significant property interest. FAP, 9[228. **Land use decisions which substantially affect the property rights of owners of adjacent parcels may constitute deprivation of property.** FAP, 9[228.*

*The Ordinance is unconstitutional due to its vagueness, overbreadth, and failure to ensure procedural due process, including the failure to provide property owners with notice and fair hearing when the County processes permit applications and related approvals. FAP, 9[229. The placement of telecommunication devices near individual properties may or will affect and interfere with individual property rights, including the right to unimpeded use of property. FAP, 9[232."*

**4) New information discovered by neighbors when viewing public aerial photographs of the Applicant's property shows that the property owner may already have constructed an ADU on the property and it is unknown whether the property owner could realistically obtain permits to build another ADU near the pond in the future.** <https://gis.santacruzcounty.us/gisweb/?APN=10934119>

It is unknown whether or not the property owner actually has permits for the additional structure shown in GIS images, whether this second structure is an ADU, and whether or not the property owner could comply with Rural Residential Density Determinations if they did seek a building permit for a second ADU near the pond site. (Santa Cruz County Code 13.14, and 13.10.681  
<https://www.codepublishing.com/CA/SantaCruzCounty/#!/SantaCruzCounty13/SantaCruzCounty1314.html#13.14>

**Your Commission should therefore revoke the Zoning Administrator's approval of the Application because there was insufficient and unknown evidence to support her granting inequitable preference to the 165 Robin Meadow Lane property owner and Applicant based on future development that may not be possible, and that causes a gross and inequitable prohibition of property use by the adjacent Oasis Ranch property owner and Appellant.**

**5) The Planning Commission has authority to make discretionary decisions regarding placement and height of new wireless facilities. In other words, the Commission's "hands are *not* tied".**

*"Except as specified, the TCA does not limit or affect the authority of a state or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities. 47 U.S.C. §332(c)(7)(A). Local jurisdictions retain zoning authority, albeit somewhat limited, for the placement, construction, and modification*

*of facilities. City of Rancho Palos Verdes, supra, 101 Cal.App.4th at 378."*  
*[Fiber First, etal. vs. County of Los Angeles, etal. (2024)]*

For all of the above reasons, I request that your Commission grant the appeal before you, revoke the Zoning Administrator's approval of the Application 211097, and require the Applicant to conduct a thorough CEQA analysis that includes alternative sites.

Thank you for your careful consideration.

Sincerely,  
Becky Steinbruner

**From:** Ely Suarez <suarez.e@fsa-cc.org>

**Sent:** Monday, May 6, 2024 12:09 AM

**To:** Nicholas Brown <Nicholas.Brown@santacruzcountyca.gov>; Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountyca.gov>

**Subject:** Letter for Public Hearing 5/8/24 re: Application #211097 (cell tower)

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

*This letter is for the public record, in reference to the 5/8/2024 public hearing re: Application #211097 for a cell tower, proposed to be located at 165 Robin Meadow Lane, Watsonville.*

To the Planning Commission:

My name is Ely Suárez. I am the Trainer Manager at Suicide Prevention of the Central Coast.

We are part of a larger organization called Family Service Agency of the Central Coast. We have many projects in support of our community's mental health, such as WomenCARE (cancer support), Ageless Art (for residential facilities), Suicide Loss survivors, and Suicide Prevention. We serve Monterey, Santa Cruz, and San Benito counties. Our mission is to prevent as many suicides as possible, through a genuine and deep connection with people.

There is a dire need for mental health support in California. Our great state ranks #48 out of 50 for mental health support!

Nancy Sondel owns the property adjacent to 165 Robin Meadow Lane and she is dedicating her acreage to help remedy the mental health crisis. For this reason, she has founded the nonprofit-based Project Oasis for South County's at-risk youth. I was pleased to learn that the program will offer an array of social-emotional and practical life skills.

I know Nancy professionally, through our work toward mutual goals—enhancing and saving lives. Recently, I invited Nancy to be a guest speaker in one of my training courses for our Suicide/Crisis Hotline volunteers. I then witnessed how effective a group leader Nancy is, and how valuable her insights are.



My work at Suicide Prevention is short-term crisis intervention, with the plan of connecting people to the right resources so they can continue strengthening their internal resilience.

I appreciate knowing I can direct some of our youth callers to Project Oasis as a resource that will support them in their mental health, providing them with protective factors against future crises.

However, I'm very concerned because the presence of a cell tower at 165 Robin Meadow Lane would threaten the existence of Project Oasis. The idea of nearby 24/7 radiation from a visible cell tower will cause folks to turn away. I understand that if a cell tower is installed on this adjacent property, Project Oasis will need to terminate.

We can't afford to lose such a valuable community treasure. Therefore, I urge you, Commissioners, to approve an alternate cell tower site for the sake of our local youth—they are our future. Your decision will help determine what that future is.

Thank you.

Sincerely,

--

Elizabeth (Ely Suárez)

Training Manager - Gerente de entrenamiento  
Suicide Prevention Service-a program of Family Service Agency of the  
Central Coast |Servicio de Prevención de Suicidios  
un programa de la Agencia de Servicios Familiares de la Costa Central

[suarez.e@fsa-cc.org](mailto:suarez.e@fsa-cc.org)

(831) 244-6336 | ext 43

[SCHEDULE AN APPOINTMENT WITH ME](#)

**Suicide Prevention Service of the Central Coast**

[sps24hr@fsa-cc.org](mailto:sps24hr@fsa-cc.org) | [www.suicidepreventionservice.org](http://www.suicidepreventionservice.org)

Admin: 831-459-9373

**A program of Family Service Agency of the Central Coast**

[www.fsa-cc.org](http://www.fsa-cc.org)

Suicide Crisis Line - available 24/7, multilingual, confidential  
Toll free for Monterey, Santa Cruz, & San Benito Counties:  
9-8-8



CONFIDENTIALITY NOTICE: This message and any included attachments are from Suicide Prevention Service of the Central Coast and are intended only for the addressee. The information contained in this message is confidential and may constitute inside or non-public information under international, federal, or state securities laws. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you are not the addressee, please promptly delete this message and notify the sender of the delivery error by e-mail or you may contact program staff at [\(831\) 459-9373](tel:8314599373). Please consider the environment and print only as necessary.



April 26, 2024

Jonathan DiSalvo, Senior Planner  
Community Development & Infrastructure  
Phone: 831-454-3157  
Email: [Jonathan.Disalvo@santacruzcountyca.gov](mailto:Jonathan.Disalvo@santacruzcountyca.gov)  
701 Ocean Street, Room 400  
Santa Cruz, CA 95060

RE: AT&T MOBILITY - NATIONWIDE PUBLIC SAFETY BROADBAND  
NETWORK NEW SITE APPLICATION – CCL03146 - VICINITY OF  
165 ROBIN MEADOW LANE, WATSONVILLE, CA 95076

Dear Mr. DiSalvo,

Under the Middle Class Tax Relief and Job Creation Act of 2012, Congress established the First Responder Network Authority (FirstNet Authority) and directed it to ensure the building, deployment, and ongoing operation of the Nationwide Public Safety Broadband Network (“FirstNet”), the first nationwide high-speed broadband network dedicated to public safety.<sup>1</sup> The FirstNet Authority’s mission is to provide and maintain a single, interoperable platform that consistently satisfies the demanding communications needs of the public safety community in California and across the country. New radio access network (“RAN”) sites are essential to the success of the program and delivering the mission critical coverage public safety needs to communicate and save lives.

This network has been a top priority for first responders and public safety agencies in California and throughout the country, and has been designed based on their specific, expressed needs, with coverage and capacity being paramount. Simply put, coverage enables a first responder to send and receive data, and capacity ensures speed and quality of those communications. New RAN infrastructure connected to FirstNet will improve communication for first responders where that infrastructure has been currently lacking. The FirstNet Authority and our private-sector partner, AT&T, have worked with the California

---

<sup>1</sup> See Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), <https://www.congress.gov/112/bills/hr3630/BILLS-112hr3630enr.pdf>

public safety community to identify coverage needs throughout the state to improve emergency communications in everyday use as well as for large-scale emergencies, such as the past and present wildfires that continue to ravage the state.

In December 2017, Governor Brown opted into the FirstNet Authority plan for RAN deployment in California and thus authorizing construction of the FirstNet network in areas of the state where public safety needs coverage and capacity. By opting-in, the Governor enabled public safety to rapidly access broadband services in California, while also allowing the prompt buildout and deployment of the network which began in March of 2018. His decision also directed the FirstNet Authority to take on all the risks, costs, and responsibilities associated with deploying the network in California for 25 years and take immediate steps to make prioritized services and features available to public safety in the state.

This network not only needs to serve your local community but will also serve the thousands of first responders that have already adopted FirstNet in California that may respond to your next major emergency. The FirstNet Authority requests your consideration in our efforts to build new sites to achieve required coverage and capacity for our vital mission in the service of public safety.

I am your assigned Senior Public Safety Advisor in California and am a retired Chief Fire Officer with extensive fire service, law enforcement, and technical experience. I am available to assist you at any time. I may be reached at [kevin.nida@firstnet.gov](mailto:kevin.nida@firstnet.gov), or (202) 868-7670. For your reference, attached is additional information about the FirstNet Authority and the network we were entrusted by Congress to establish.

Sincerely,



---

Kevin R. Nida, Senior Public Safety Advisor  
First Responder Network Authority

Attachments:

1. Primer on the FirstNet Authority's Congressional Mandate to Deploy a Nationwide Public Safety Broadband Network.
2. FirstNet Contractor Officer Letter.



First Responder Network Authority  
12201 Sunrise Valley Drive, M/S 243 • Reston, VA 20192 • [www.firstnet.gov](http://www.firstnet.gov)

To Whom It May Concern,

On March 28, 2017, AT&T was awarded the federal government contract to deploy and operate the Nationwide Public Safety Broadband Network (NPSBN), following an open, transparent, and competitive procurement process—as well as consultation with state, local, tribal, and federal stakeholders—consistent with the First Responder Network Authority’s (FirstNet Authority) enabling statute. The NPSBN contract between the FirstNet Authority and AT&T has a period of performance of 25 years from the date awarded.

Per the terms and conditions of the NPSBN contract, and given that all U.S. states and territories and the District of Columbia (states) opted into the FirstNet Authority plan for network deployment, AT&T is responsible for providing a comprehensive network solution to each of the states. This comprehensive network solution includes: the deployment and provisioning of a nationwide Core Network and Radio Access Network equipment and services (e.g., cell sites, backhaul, aggregation, national transport networks and operation centers); a device ecosystem; deployable capabilities; operational and business support systems; an application ecosystem; network services; integration, maintenance, and operational services; and ongoing evolution of these systems required to function fully as an operational wireless 3rd Generation Partnership Project (3GPP) standards-based Long Term Evolution (LTE) NPSBN.

The FirstNet solution provided by AT&T brings Public Safety Entities across the country a dedicated interoperable broadband network with quality of service, priority usage, and preemption. In addition, the NPSBN is physically hardened, as needed, and is resilient, secure, and highly reliable. Furthermore, the NPSBN provides to public safety agencies local control over prioritization, preemption, provisioning, and reporting.

The NPSBN and associated devices are branded as FirstNet, consistent with applicable laws and regulations. AT&T is responsible for marketing; product management; sales; distribution; customer care; communications; strategic partnership; and network deployment, operation, maintenance, and evolution. However, in accordance with its statutory duties and responsibilities, the FirstNet Authority maintains rigorous oversight of the NPSBN and AT&T’s obligations under the contract.

If you have any questions with regard to this letter, please contact Kimberly Luke at [Kimberly.Luke@firstnet.gov](mailto:Kimberly.Luke@firstnet.gov), 202-868-3683.

Sincerely,

*Richard Reed*

Chief Network Management and Operations Officer (CNMO)

---

First Responder Network Authority

## PRIMER ON THE FIRSTNET AUTHORITY'S CONGRESSIONAL MANDATE TO DEPLOY A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK

- *Top 10 Frequently Asked Questions*  
([https://firstnet.gov/sites/default/files/TopTenFAQs\\_190906.pdf](https://firstnet.gov/sites/default/files/TopTenFAQs_190906.pdf))
- *FirstNet: The Future of Public Safety Communications*  
([https://firstnet.gov/sites/default/files/Branding\\_the\\_Future\\_of\\_Public\\_Safety\\_Communications\\_0.pdf](https://firstnet.gov/sites/default/files/Branding_the_Future_of_Public_Safety_Communications_0.pdf))
- The First Responder Network Authority (FirstNet Authority) was charged by the U.S. Congress to ensure the development, building, and maintenance of a nationwide mobile broadband network dedicated to meeting the needs of the public safety community. Over the past several years, the FirstNet Authority has made great strides toward fulfilling this purpose, including the establishment of a public-private partnership with AT&T, Inc. (AT&T) to deploy the nationwide public safety broadband network across the country and adoption of FirstNet service by hundreds of thousands of public safety professionals. As FirstNet matures and public safety reaps the benefits of a network dedicated to providing them with needed capabilities and features, the FirstNet Authority is focusing on the next stages of fulfilling its mission. The FirstNet Authority is committed to a vision where a dedicated and differentiated broadband communications experience transforms public safety operations to save lives and protect communities. This vision encapsulates the entirety of the “FirstNet Experience” from AT&T’s deployment of the FirstNet network to the FirstNet Authority’s value-adding activities and investments, which make FirstNet different from any other public safety communications experience. Over time, the FirstNet Authority’s work will help enable public safety to communicate in new and ever more useful ways to help transform public safety operations. (*First Responder Network Authority Roadmap*, at 3, [https://firstnet.gov/system/tdf/FirstNet\\_Roadmap.pdf?file=1&type=node&id=1055&force=0](https://firstnet.gov/system/tdf/FirstNet_Roadmap.pdf?file=1&type=node&id=1055&force=0)).
- *As with many bold public policy initiatives, the creation of FirstNet ensued from disaster and tragedy. Although the idea that all first responders across the United States should share one nationwide network existed prior to September 11, 2001, the events of that terrible day inspired collaborative action from public safety and Congress. As Congress directed, FirstNet is working toward the deployment of a single, interoperable platform for public safety communications that will bring dedicated priority wireless broadband services to millions of public safety personnel at the local, state, tribal, and Federal levels. . . . Authorized by Congress in 2012, FirstNet will fulfill a fundamental need of the public safety community and is the last remaining recommendation to be addressed of the 9/11 Commission. FirstNet’s mission is to ensure the deployment, and operation of a nationwide public safety broadband network (network) for public safety entities. Leveraging Long Term Evolution (LTE)5 technology standards, up to \$7 billion in funding from spectrum auctions, and a nationwide license of 20 MHz of radio frequency spectrum, the FirstNet network is intended to dramatically increase the safety and capabilities of all of those who serve in a public safety capacity, and thereby further protect the American people. Public safety, and thus the American people, will benefit from the availability of a dedicated wireless broadband network prioritized for first responders, the economies of scale afforded by a*



## PRIMER ON THE FIRSTNET AUTHORITY'S CONGRESSIONAL MANDATE TO DEPLOY A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK

national, commercial standards-based network, and the force of innovation in applications which to date has only been enjoyed by consumers. (2014 Annual Report to Congress, at 1, [https://firstnet.gov/system/tdf/FirstNet Annual Report to Congress-FY 2014.pdf?file=1&type=node&id=644&force=0](https://firstnet.gov/system/tdf/FirstNet%20Annual%20Report%20to%20Congress-FY%202014.pdf?file=1&type=node&id=644&force=0))

- During the events of September 11, 2001 (9/11), first responders could not communicate with each other. Some radios did not work in the high-rise World Trade Center; radio channels were overloaded by the large number of responders trying to communicate; and public safety radio systems operated on various frequencies and were not interoperable. There were also non-technical issues. Officials struggled to coordinate the multi-agency response, and to maintain command and control of the numerous agencies and responders.

The 9/11 Commission called for the “expedited and increased assignment of radio spectrum for public safety purposes.” Increased spectrum would allow public safety agencies to accommodate an increasing number of users; support interoperability solutions (e.g., shared channels); and leverage new technologies (e.g., live video streams) to enhance response.

In 2012, Congress acted on the recommendation of the 9/11 Commission. In Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), Congress authorized the Federal Communications Commission (FCC) to allocate additional spectrum for public safety use; established the First Responder Network Authority (FirstNet) and authorized it to enter into a public-private partnership to build a nationwide public safety broadband network; and, provided \$7 billion out of revenues from spectrum auctions to build the network....

FirstNet has made progress in implementing the provisions in the act. In March 2017, FirstNet awarded a 25-year, \$6.5 billion contract to AT&T to build and maintain the nationwide network for public safety. FirstNet provided AT&T with 20 megahertz (MHz) of broadband spectrum, which AT&T can monetize for public safety and non-public safety use. AT&T is providing FirstNet access to its infrastructure, valued at \$180 billion, and \$40 billion to maintain and improve the network.

In September 2017, FirstNet/AT&T presented states with plans detailing how the network would be deployed in each state. Governors could opt to have AT&T deploy the network (i.e., opt in), or have the state assume responsibility for the deployment (i.e., opt out). By January 2018, all 50 states and 6 territories opted in. This was viewed as a victory for FirstNet, AT&T, and public safety stakeholders who had long advocated for a nationwide network for public safety. (Congressional Research Service, *The First Responder Network (FirstNet) and Next-Generation Communications for Public Safety: Issues for Congress*, April 27, 2018, <https://crsreports.congress.gov/product/pdf/R/R45179>)

