



Legislative Post Audit Performance Audit Report Highlights

Office of Information Technology Services: Reviewing the State’s Options Related to the FirstNet Public Safety Network

April 2017 • R-17-004

QUESTION 1: *What Viable Options Does the State Have to Build an Emergency Telecommunication System if it Opts Out of the Federal FirstNet Program?*

Background Information

Federal legislation established the FirstNet Authority to develop and manage a nationwide public safety broadband network.

A nationwide core network and individual state radio access networks are the key components of the FirstNet public safety broadband network.

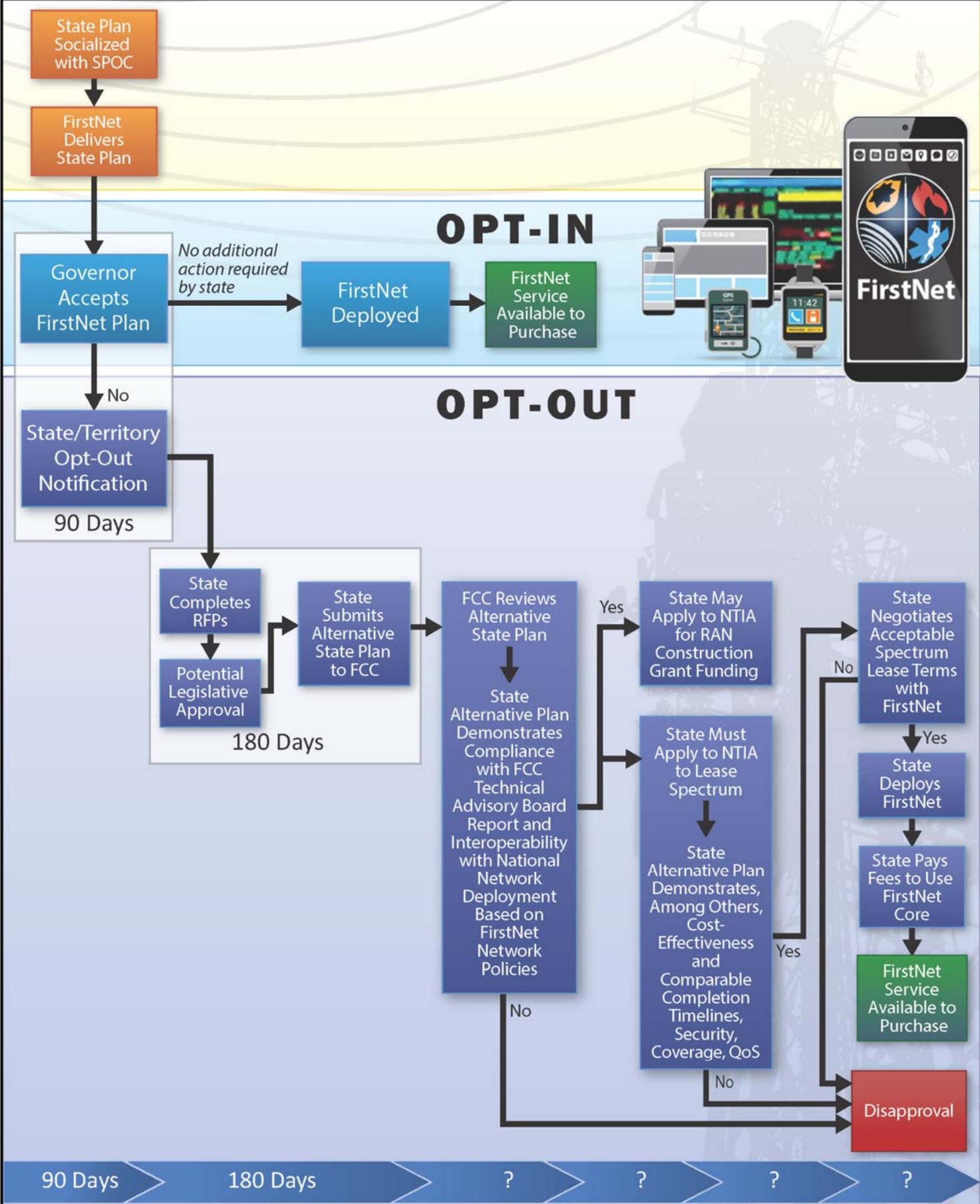
The FirstNet radio access network would supplement Kansas’ existing land mobile radio network.

The governor in each state will determine who builds the state’s radio access network.

Cost estimates to build and operate the nationwide network vary substantially depending on analysts’ assumptions.

- Although the state could face some potential risks by opting in to FirstNet, it would have to overcome several significant challenges in order to successfully opt out.
- Opting in and allowing the FirstNet Authority to build and manage the state’s radio access network requires little effort, but some concerns were raised. (p. 9).
 - *For states that opt in, the FirstNet Authority will assume responsibility for building, operating, and maintaining the state’s radio access network.*
 - *However, for states that opt in, there are some concerns the radio access network may not adequately serve all the needs of every state especially in rural areas.*
 - *Although opting in is supposed to create no financial obligations for states, there are some concerns that Kansas could incur unexpected costs in future years if network funding is insufficient.*
- Opting out would require the state to develop an alternative plan within about 6-9 months, a deadline the state is unlikely to meet (p. 10).
 - *After receiving its plan from the FirstNet Authority, the state has 90 days to opt out and another 180 days to develop its alternative plan.*
 - *Officials in Kansas and several other states are skeptical about whether the timeframe to develop an alternative plan is achievable.*
 - *Kansas may not have the staff or expertise to develop its alternative plan within the given timeframe.*
 - *Unlike Kansas, at least five other states have already issued a request for proposal from private vendors to develop an alternative state plan.*
- Opting out would require Kansas to navigate an extensive approval process with multiple points of potential failure (p. 13).
 - *States that opt out must have their alternative plan for a radio access network approved by three different federal agencies.*
 - *Any of the three federal agencies could reject the state’s alternative plan, forcing it to opt back in and have the FirstNet Authority assume responsibility for the radio access network.*
 - *Not all of FirstNet Authority’s guidelines have been finalized on how to successfully navigate the opt out approval process.*

Figure 1-1
Comparison of Opt in and Opt out Process States Must Follow for the FirstNet Network



Source: First Responder Network Authority (www.firstnet.gov)

- Opting out would require Kansas to develop a financing plan and negotiate with a private vendor to operate the state's radio access network (p. 15).
 - *The state may incur some costs to develop the request for proposal for an alternative plan.*
 - *States that opt out will need to develop a request for proposal that specifies how the costs of the state's radio access network would be covered.*
 - *The state would likely need to obtain financing for its radio access network through a combination of a public-private partnership, federal grants, and user fees.*
 - *Despite these potential funding sources, the state may still incur costs to build, operate, and maintain a statewide radio access network.*

SUMMARY OF RECOMMENDATIONS

This audit did not have any recommendations. Although it is our conclusion that successfully opting out of FirstNet would be challenging, we see this as a policy decision for the Governor and therefore it is not appropriate for us to make a formal recommendation.

AGENCY RESPONSE

This audit did not have an agency response.

HOW DO I REQUEST AN AUDIT?

By law, individual legislators, legislative committees, or the Governor may request an audit, but any audit work conducted by the division must be directed by the Legislative Post Audit Committee. Any legislator who would like to request an audit should contact the division directly at (785) 296-3792.

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