

**RESOLVED:**

**(1) FirstNet recognizes that the plan for the development of the PSBN presented to this board may not gain the support of the public safety community because, among other reasons:**

**(a) The plan was developed without FirstNet's having undertaken the detailed and structured consultation process with states and their public safety agencies contemplated by Public Law 112-96 pursuant to which FirstNet has been and the PSBN will be created (the "Law");**

**(b) The process by which the plan was developed was flawed in that the development proceeded in the face of possible conflict of interests or the appearance thereof that have not been publicly disclosed;**

**(c) The plan was developed without the participation of all board members, and its development was driven largely or entirely by board members having a commercial wireless point of view and not by board members with a public safety point of view;**

**(d) The plan was developed largely by consultants who were not engaged "in a fair, transparent, and objective manner" as required by the Law, whose qualifications in relation to public safety communications have never been disclosed or demonstrated to the board, who have prior relationships with certain members of the board who come from the commercial wireless world not the public safety community, and who are paid amounts that have never been disclosed to the board as a whole;**

(e) The plan was developed without material input from the Public Safety Advisory Committee that despite its role as provided in the Law has been essentially sidelined;

(f) The plan has been presented to the board without any presentation of any analysis of alternatives to the heavy dependence upon commercial wireless carriers explicit in that plan;

(g) The plan is so far along in its development that it is not apparent that the detailed and structured consultation process with states and their public safety agencies contemplated by the Law (the “Consultation Process”) could practically alter the direction or even the details of that plan; and

(h) The plan is so far along in its development that it is not apparent that the right of states to build their own radio access networks (“RANs”) within their borders instead of having FirstNet build those RANs is not compromised or improperly constrained; and

(2) FirstNet recognizes that for the plan for the development of the PSBN presented to this board to maximize the support of the public safety community for the plan it is necessary to have that plan subjected to an independent review and to reform certain of the processes according to which FirstNet operates, and, therefore, the following actions shall be undertaken:

(a) A committee of this board shall be appointed to review the plan for the development of the PSBN from a public safety standpoint (the “Review Committee”);

- (b) The Review Committee shall be composed of members of the board who did not direct or participate in the development of the plan presented to the board and who are free of all conflicts of interests and would not create the appearance of a conflict of interest;
- (c) The Review Committee shall develop and analyze from a public safety standpoint alternatives to the plan presented to the board;
- (d) The Review Committee may engage consultants and others having credible qualifications in relation to, among other bodies of knowledge, public safety communications technologies, operations, and practices and broadband technologies to assist it in its work, and such assistance shall be secured “in a fair, transparent, and objective manner” as required by the Law;
- (e) The Review Committee may engage counsel to assist it in its work and such assistance shall be secured “in a fair, transparent, and objective manner” as required by the Law;
- (f) The compensation of any providers of assistance to the Review Committee shall be borne by FirstNet and fully disclosed to all board members;
- (g) FirstNet shall not finalize any plan for the development of the PSBN unless and until (i) the report of the Review Committee has been presented to and fully considered by the Board and (ii) the Consultation Process is undertaken and completed after states

have received their grant funding and have had adequate time to procure any required support for preparation for the Consultation Process, completed needs assessments that drive the development of state plans and RAN designs as contemplated by the Law;

- (h) FirstNet shall make full and effective use of the PSAC and shall seek advice from the PSAC whenever such advice may be necessary, useful, or proper, which advice shall be disclosed promptly to all members of this board substantially contemporaneously and disclosed to the public to the extent and at the time required by law or when to this board disclosure not otherwise required is deemed proper, and FirstNet shall not to avoid seeking advice from the PSAC as a result of concerns regarding legal requirements for the disclosure of that advice;
- (i) FirstNet shall comply with the process for the development of the PSBN set forth in the Law and with the requirements of the Law and all other applicable laws and regulations, including, but not limited to, requirements relating to the procurement of goods and services and competition in relation thereto and requirements and best practices relating to the openness of the proceedings of the board and the availability of information and documentation to all board members (the "PSBN Legal Process");

- (j) FirstNet shall not seek an exemption from the Federal Acquisition Regulations;
- (k) A committee of the board shall be appointed to examine and to report to the board as a whole upon the question whether FirstNet has to date complied with the requirements of the PSBN Legal Process, including, but not limited to, requirements relating to the procurement of goods and services, and the members of that committee (the "Legal Process Committee") shall be directors who have not been engaged in the procurement of consulting services for FirstNet to date or in working with those consultants.
- (l) All members of this board shall be promptly provided with all documents, financials, staffing lists, cost and pricing information, business plans, technical plans, financial plans, strategy briefs, analyses of whatsoever kind, and all other documents bearing upon the plans, operations, financial position or results, or affairs of FirstNet, without limitation, including all drafts and preliminary versions and comments, if any, thereon;
- (m) As a matter of course, with immediate effect, all documents, financials, staffing lists, cost and pricing information, business plans, technical plans, financial plans, strategy briefs, analyses of whatsoever kind, and all other documents bearing upon the plans, operations, financial position or results, or affairs of FirstNet, without limitation, including all drafts and preliminary versions

and comments, if any, thereon hereafter prepared, drafted, made, or developed shall be promptly made available to all board members;

- (n) All board members shall have equal and unrestricted access in scope and timing to all FirstNet documentation of any kind or character; and
- (o) A committee of the board shall be appointed to examine and to report to the board as a whole upon the question whether board members have been given equal and unrestricted access in scope and timing to all FirstNet documentation of any kind or character and, if not, why such access has not been provided, and the members of that committee shall not include directors who have refused access to documents requested by other directors or have been involved in determinations not to share documentation equally with other directors and shall certify that they qualify as members of that committee and are not precluded as herein provided.