

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

*Re: Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network, PS Docket No. 16-269, Report and Order.*

The Middle Class Tax Relief and Job Creation Act of 2012 (Act) provided the Commission with very little authority over the inner workings of FirstNet's nationwide interoperable public safety broadband network. While I pushed for the FCC to have a greater overall role, I didn't win that policy argument. Instead, we have the task of administering the state-opt out process and reviewing any alternative plans submitted for the radio access network, or RAN. Generally, today's order appears consistent with the authority provided to the Commission under the Act and attempts to apply its provisions fairly. Hopefully, we struck the right balance, providing states the ability to make an informed choice and FirstNet the certainty needed to proceed. Therefore, I support this order.

Besides discussing the substance of the various filings, this item contemplates the timeframes in which the states need to indicate their intention to opt-out and provide their alternative plans. Failure to meet these timelines and submission requirements is quite consequential – states lose the ability to opt out. We hold parties accountable and the Commission should be held to a similar standard. This is why I am disappointed that the Commission's 90-day shot clock for the review of state alternative plans is just "aspirational." The Commission has a history with aspirational shot clocks that seem to be stopped and started at will. In fact, they have proven to be as reliable as a sundial on a cloudy day. The item states, however, that the shot clock will only be suspended for special circumstances, such as "a national, state, or local emergency that requires diversion of Commission staff resources to address the situation." I expect the Commission to live up to this commitment. Ultimately, the Commission must do what it can to move the process along so that this network can finally be built.