



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

February 20, 2018

Representative Jennifer Williamson
House Majority Leader
900 Court Street NE H295
Salem OR 97301

Re: House Bill 4155-6

Dear Representative Williamson:

You asked whether the network neutrality restrictions in the House Bill 4155-6 amendments apply to the First Responder Network Authority (FirstNet) broadband network. To the extent that the FirstNet broadband network is used for emergency communications, law enforcement, public safety or national security, prioritization on the FirstNet broadband network is expressly exempted from the network neutrality restrictions in HB 4155-6.

House Bill 4155-6, in general, prohibits public bodies in Oregon from contracting with broadband Internet access service (BIAS) providers that engage in certain non-network neutral activities, including prioritization, content blocking and traffic impairment. However, HB 4155-6 provides several exceptions to this prohibition, including when a BIAS provider engages in any non-network neutral activity in the process of addressing “the needs of emergency communications, law enforcement, public safety or national security authorities.”¹

The FirstNet broadband network is Congressionally established to provide a high-speed, wireless broadband data network dedicated to public safety.² In general, it provides priority broadband network access among public safety users.³ In 2017, FirstNet and the Department of Commerce entered into a public-private partnership with a BIAS provider for the FirstNet network.⁴ Under this agreement, the BIAS provider plans to give emergency communications over its network the “highest quality priority and preemption.”⁵ Although HB 4155-6, in general, would not allow a public body to contract with the FirstNet BIAS provider due to this prioritization, because the prioritization is for “emergency communications” the prioritization is expressly exempted under section 1 (4)(b) of HB 4155-6.

¹ House Bill 4155-6, section 1 (4)(b).

² State Interoperability Executive Council, *Oregon Planning for FirstNet Network Technical Report* (2015), at 1 available at <http://www.oregon.gov/siec/Documents/FirstNet/SPOC-FNIO-14-01%20Planning%20for%20FirstNet%20Network%20Release%204.pdf> (visited February 20, 2018).

³ *Id.*

⁴ State Interoperability Executive Council, *FirstNet and AT&T Partnership Announcement Webinar* (2017), at 2 available at <http://www.oregon.gov/siec/Documents/FirstNet/FirstNet%20and%20ATT%20Partnership.pdf> (visited February 20, 2018).

⁵ *Id.* at 6.

Because any non-network neutral activity engaged in by the FirstNet BIAS provider is in the process of addressing the needs of emergency communications, HB 4155-6 would not preclude a public body from contracting with the BIAS provider due to this non-network neutral activity.

Very truly yours,

A handwritten signature in black ink that reads "Lori Anne Sills". The signature is written in a cursive, flowing style.

Lori Anne Sills
Deputy Legislative Counsel