

Nationwide Public Safety Broadband Network Was Not Always Available to First Responders During the Catastrophic 2023 Maui Wildfires

FINAL REPORT NO. OIG-25-004-A

DECEMBER 5, 2024



U.S. Department of Commerce
Office of Inspector General
Office of Audit and Evaluation



December 5, 2024

MEMORANDUM FOR: Alan Davidson
Assistant Secretary of Commerce for Communications and
Information and NTIA Administrator
National Telecommunications and Information Administration

Joseph M. Wassel
Executive Director and Chief Executive Officer
First Responder Network Authority

FROM: Arthur L. Scott, Jr.
Assistant Inspector General for Audit and Evaluation

SUBJECT: *Nationwide Public Safety Broadband Network Was Not Always
Available to First Responders During the Catastrophic 2023 Maui
Wildfires*
Final Report No. OIG-25-004-A

Attached for your review is our report on the audit of FirstNet Authority's Nationwide Public Safety Broadband Network (NPSBN). Our audit objective was to assess FirstNet Authority's NPSBN services in response to the Maui wildfires.

Overall, we found that FirstNet Authority's NPSBN services were not effective in supporting public safety's response to the Maui wildfires. Specifically, FirstNet Authority did not ensure that:

- I. timely, adequate NPSBN services were provided to support public safety's response to the wildfires;
- II. a sufficient plan for business continuity and disaster recovery was developed before the wildfires; and
- III. NPSBN service response efforts were accurately reported after the wildfires.

FirstNet Authority must improve its oversight of AT&T to ensure the NPSBN meets its intended purpose as a reliable communication network for first responders during emergencies.

We also wish to bring to your attention an issue we discuss in detail in finding III. We learned during our audit that AT&T had altered data it reported to FirstNet Authority about the Maui wildfires. This is a deeply concerning matter, and we urge FirstNet Authority to take immediate

action to ensure that contract-required data is not altered and that AT&T is held to the ethics standards in the Federal Acquisition Regulation and the contract.

In its response to our draft report, NTIA concurred with all 11 of our recommendations and described actions it intends to take to address them. The response is included in this report as appendix B.

Pursuant to Department Administrative Order 213-5, please submit an action plan that addresses the recommendations in this report within 60 calendar days. We will post the final report on the Office of Inspector General's website pursuant to the Inspector General Act of 1978, as amended (5 U.S.C. §§ 404 & 420).

Pursuant to Pub. L. No. 117-263, Section 5274, non-governmental organizations and business entities specifically identified in this report have the opportunity to submit a written response for the purpose of clarifying or providing additional context to any specific reference. Any response must be submitted to Analee Striner-Brown, Director for Telecommunications, at astriner-brown@oig.doc.gov and OAE_ProjectTracking@oig.doc.gov within 30 days of the report's publication date.

The response will also be posted on our public website at <https://www.oig.doc.gov/Pages/Audits-Evaluations.aspx>. If the response contains any classified or other non-public information, those portions should be identified in the response as needing redaction and a legal basis for the proposed redaction should be provided.

We appreciate the cooperation and courtesies extended to us by your staff during this audit. If you have any questions or concerns about this report, please contact me at (202) 577-9547 or Analee Striner-Brown at (202) 893-8759.

Attachment

cc: Tyra Carroll, Attorney Advisor, NTIA
William B. Fillman, Acting Chief Financial and Administrative Officer, FirstNet Authority
David Bean, Senior Legal Counsel, AT&T
Marcellus Brooks, Director, Global Public Sector Contracts, AT&T



Report in Brief

December 5, 2024

Background

The Nationwide Public Safety Broadband Network (NPSBN) was developed to give first responders dedicated, reliable wireless communications during emergencies. The First Responder Network Authority, an independent authority within the National Telecommunications and Information Administration (NTIA), manages and oversees the NPSBN, including oversight of a contract with AT&T to deploy the network.

The NPSBN's fundamental purpose is to be available to first responders in an emergency, when every second counts. After wildfires broke out on the Hawaiian island of Maui in August 2023, the network was damaged and went out of service. In response, AT&T deployed equipment and personnel to help facilitate NPSBN restoration. A FirstNet Authority team also provided onsite support.

Why We Did This Review

Our audit objective was to assess FirstNet Authority's NPSBN services in response to the Maui wildfires. We focused on AT&T's operational response, FirstNet Authority's oversight of AT&T from a program and contract perspective, and the extent to which the network was a reliable means of communication for public safety agencies during the wildfire response.

FIRST RESPONDER NETWORK AUTHORITY

Nationwide Public Safety Broadband Network Was Not Always Available to First Responders During the Catastrophic 2023 Maui Wildfires

OIG-25-004-A

WHAT WE FOUND

We found that FirstNet Authority's NPSBN services were not effective in supporting public safety's response to the Maui wildfires.

Specifically, FirstNet Authority did not ensure that timely, adequate NPSBN services were provided to support public safety's response to the wildfires. We found it took up to 11 days to temporarily restore service at affected cell sites. In addition, AT&T's response to the need for mobile cell sites was inadequate. When network service was restored, issues with connectivity and communication hampered first responders' ability to provide their services.

FirstNet Authority also did not ensure that a sufficient plan for business continuity and disaster recovery was developed before the wildfires. In fact, FirstNet Authority accepted an inadequate plan from AT&T about 2 months before the wildfires began.

Finally, FirstNet Authority did not ensure that NPSBN service response efforts were accurately reported after the wildfires. We found that AT&T altered data in a report it submitted to FirstNet Authority on its wildfire response, and that other AT&T reports and briefings on the response were inaccurate and insufficiently documented.

When disaster strikes, reliable communications are crucial to first responders' lifesaving efforts as well as their own safety. FirstNet Authority must improve its oversight of AT&T to ensure that the NPSBN meets its intended purpose as a reliable communication network for first responders during emergencies, and that this \$6.5 billion investment provides communication services first responders can trust.

WHAT WE RECOMMEND

We made 11 recommendations to NTIA. If implemented, our recommendations will help improve FirstNet Authority's management of the NPSBN contract, its disaster recovery oversight, and its ability to hold AT&T accountable for effective restoration of NPSBN service during emergencies.

After reviewing our draft report, NTIA provided a response concurring with our recommendations and describing actions it plans to take to implement them.

Contents

- Background 1**
 - Maui Wildfires and Response..... 1
 - FirstNet on Maui.....2
 - Prior Work Identified Weaknesses in FirstNet Authority’s Oversight Related to Current Deficiencies.....3
- Objective, Findings, and Recommendations 4**
 - I. FirstNet Authority Did Not Ensure That Timely, Adequate NPSBN Services Were Provided for Public Safety’s Wildfire Response4
 - A. Temporary Service Restoration at Impacted Cell Sites Took up to 11 Days.....5
 - B. AT&T’s Response to the Need for Deployable Cell Sites Was Inadequate.....7
 - C. Network Service and Equipment Issues and Communication Gaps Hampered First Responders’ Ability to Provide Needed Services.....9
 - Recommendations 11
 - II. FirstNet Authority Did Not Ensure That a Sufficient Plan for Continuity and Disaster Recovery Was Developed 12
 - Recommendation 13
 - III. FirstNet Authority Did Not Ensure That NPSBN Service Response Efforts for the Wildfires Were Accurately Reported..... 13
 - A. AT&T Altered the October 2023 Deployable Report..... 14
 - B. AT&T’s Maui Wildfire After-Action Report and Briefing Were Insufficiently Documented.. 15
 - Recommendations 16
 - Conclusion..... 16
- Summary of Agency Response and OIG Comments 17**
- Appendix A: Objective, Scope, and Methodology 19**
- Appendix B: Agency Response 21**

Cover: Herbert C. Hoover Building main entrance at 14th Street Northwest in Washington, DC. Completed in 1932, the building is named after the former Secretary of Commerce and 31st President of the United States.

Background

When disaster strikes, reliable communications are crucial to first responders' lifesaving efforts as well as their own safety. The Nationwide Public Safety Broadband Network (NPSBN, commonly known as FirstNet) is a nationwide, interoperable broadband network developed to give first responders a dedicated, reliable wireless network for communicating when responding to emergencies.¹

The First Responder Network Authority (FirstNet Authority), an independent authority within the National Telecommunications and Information Administration (NTIA), was established in 2012 to ensure the building, deployment, and operation of the NPSBN.² In March 2017, FirstNet Authority awarded AT&T a \$6.5 billion, 25-year contract³ with a ceiling of \$100 billion to deploy the network.⁴ FirstNet Authority manages and oversees the network, including program management and contract administration.

For this audit, we assessed FirstNet Authority's NPSBN services during the August 2023 wildfires on the Hawaiian island of Maui. We focused on AT&T's operational response, FirstNet Authority's oversight of AT&T from a program and contract perspective, and the extent to which the network provided first responders with reliable communications during the wildfire response.

Maui Wildfires and Response

According to news reports, the first brush fire in Maui was reported shortly after midnight on August 8, 2023. By approximately 3:00 p.m.,⁵ Maui residents were making life-and-death decisions about whether to evacuate the area.

The wildfires spread rapidly through Maui, destroying most of the town of Lahaina and resulting in lost power and cellular service when fire damaged powerlines and fiber-optic cables. As of June 2024, the death toll from the wildfires was reported at 102, making them the deadliest wildfires in the United States in over a century.

During the wildfires, AT&T's leased fiber backhaul (intermediate links connecting cell sites to the NPSBN's core network) was destroyed, causing the network's cell sites to go out of service. AT&T sent a response operations group (ROG) to support public safety with

¹ The network provides a dedicated radio spectrum band for first responders. This band, Band 14, is a spectrum in the 700MHz band. Public safety users are priority users on Band 14, and commercial users are removed from it when the network is congested.

² See Pub. L. No. 112-96, Middle Class Tax Relief and Job Creation Act of 2012, §§ 6204(a), 6206(b), codified at 47 U.S.C. §§ 1424(a), 1426(b).

³ The U.S. Department of the Interior signed the contract on behalf of the U.S. Department of Commerce and FirstNet Authority, then transferred the contract's management to FirstNet Authority in December 2017.

⁴ As of December 31, 2023, AT&T had collected over \$6.4 billion from FirstNet Authority for completing activities related to task orders associated with the first 5 years of work, excluding additional reinvestments into the network. (Source: AT&T Securities and Exchange Commission filing for calendar year 2023.)

⁵ All times in this report are in Hawaii Standard Time.

deployable assets and solutions. The ROG arrived in Maui on August 11, 2023, and provided support until August 23. FirstNet restoration efforts were also supported by AT&T's field representative in Hawaii, national disaster response teams, and headquarters. Public safety initially contacted AT&T's local field representative for Hawaii on August 8, as the wildfires started to spread throughout Maui and network services went down. Additionally, AT&T national disaster recovery staff started supporting the Maui wildfire response 2 days later, on August 10.

AT&T reported dispatching [REDACTED] deployable communication assets⁶ to provide FirstNet coverage between August 10 and approximately September 17. Additionally, AT&T provided temporary microwave equipment⁷ and distributed approximately 60 network-ready devices⁸ to first responders. A team of three FirstNet Authority staff members were also onsite providing support from August 18 through 25.

FirstNet on Maui

Before the wildfires, over 30 cell sites provided NPSBN service in the Maui region.⁹ AT&T also had four deployable satellite cells on wheels, or SatCOWs (mobile cell sites that connect via satellite and provide network coverage equivalent to a regular cell site), pre-positioned in Hawaii to assist with disaster response (figure 1). One SatCOW was on Maui; the others were on the Big Island, Kauai, and Oahu.

Figure 1. Photo of a SatCOW on Maui



Source: AT&T website

⁶ These assets included satellite cells on wheels, compact rapid deployables, mini-compact rapid deployables, small cells (such as cell booster pros), and repeaters. AT&T's ROG also initially provided three [REDACTED] satellite panels to provide broadband Internet connections to deployables.

⁷ Microwave provides point-to-point communication using high-frequency radio waves to provide high-speed wireless connections.

⁸ Twenty FirstNet phones and two hotspots were provided on August 10. AT&T provided 40 more FirstNet phones and four hotspots the next day; these had to be shipped to Maui via air cargo.

⁹ These sites, also known as macro sites, provide high-power radio coverage from towers, buildings, water towers, and other tall structures.

In general, state and local public safety agencies that responded to the wildfires had a small number of FirstNet subscriptions,¹⁰ with limited devices and capabilities. Some federal agencies that responded also had FirstNet subscriptions; however, we could not determine the total number of subscribers responding to the wildfires.

Prior Work Identified Weaknesses in FirstNet Authority's Oversight Related to Current Deficiencies

We have reported on the NPSBN as a top management challenge for the U.S. Department of Commerce for fiscal years (FYs) 2020 through 2025.¹¹ Our prior audit reports have also identified issues with FirstNet Authority's oversight of AT&T's contract performance. Many of these issues continue to exist and relate directly to our findings in this report. For example:

- FirstNet Authority did not conduct onsite surveillance (overseeing and documenting AT&T's performance of services) of deployables to ensure that the assets provided the support public safety entities needed. Additionally, AT&T's deployable performance reports, which FirstNet Authority relies on to assess contractor performance, were not accurate.¹²
- AT&T's plan for business continuity and disaster recovery was ineffective at mitigating and managing some public safety emergency events. The 14-hour recovery time objective, or RTO (the length of time taken to reestablish network connectivity), was also found to be ineffective and a weakness, and AT&T relied too heavily on deployables as a solution for connectivity issues.¹³
- FirstNet Authority did not adequately assess AT&T's performance related to network coverage¹⁴ and public safety use and adoption.¹⁵

¹⁰ Of the [REDACTED] network device connections reported in Hawaii by the end of August 2023, approximately [REDACTED] were subscribed in the Maui region.

¹¹ See the U.S. Department of Commerce Office of Inspector General's (OIG's) *Top Management and Performance Challenges Facing the Department of Commerce* reports for (1) FY 2020: October 16, 2019, OIG-20-001, 12–13; (2) FY 2021: October 15, 2020, OIG-21-003, 12–14; (3) FY 2022: October 14, 2021, OIG-22-001, 37–38; (4) FY 2023: October 13, 2022, OIG-23-001, 28–29; (5) FY 2024: October 12, 2023, OIG-24-002, 32–34; and (6) FY 2025: October 16, 2024, OIG-25-001, 22–23.

¹² DOC OIG, March 1, 2023. *FirstNet Authority Failed to Provide Adequate Contract Oversight for Its Initial Two Reinvestment Task Orders*, OIG-23-012-A. Washington DC: DOC OIG.

¹³ We contracted with The MITRE Corporation to evaluate the NPSBN's security risks from its security architecture. We issued the report, *FirstNet Authority Must Increase Governance and Oversight to Ensure NPSBN Security* (OIG-22-011-1), on December 14, 2021.

¹⁴ DOC OIG, June 5, 2024. *FirstNet Authority's Lack of NPSBN Contract Oversight for Coverage Puts at Risk First Responders' Ability to Serve the Public Effectively*, OIG-24-026-A. Washington DC: DOC OIG.

¹⁵ DOC OIG, June 12, 2024. *FirstNet Authority's Lack of Contract Oversight for Device Connection Targets Puts the NPSBN at Risk of Impacting First Responders' Use of the Network*, OIG-24-027-A. Washington DC: DOC OIG.

Objective, Findings, and Recommendations

Our audit objective was to assess FirstNet Authority's NPSBN services in response to the Maui wildfires. Appendix A provides a detailed description of our scope and methodology.

We found that FirstNet Authority's NPSBN services were not effective in supporting public safety's¹⁶ response to the Maui wildfires. Specifically, FirstNet Authority did not ensure that:

- I. timely, adequate NPSBN services were provided to support public safety's response to the wildfires;
- II. a sufficient plan for business continuity and disaster recovery was developed before the wildfires; and
- III. NPSBN service response efforts were accurately reported after the wildfires.

Because of network failure, public safety could not rely on the NPSBN when responding to the Maui wildfires. FirstNet Authority must improve its oversight of AT&T to ensure that the NPSBN meets its intended purpose as a reliable network for public safety's emergency response and that the initial \$6.5 billion investment in the network provides communication services that first responders can trust. Addressing these issues will help ensure that the NPSBN is available when first responders need it most.

I. FirstNet Authority Did Not Ensure That Timely, Adequate NPSBN Services Were Provided for Public Safety's Wildfire Response

Notwithstanding contractual requirements defining these responsibilities, FirstNet Authority did not ensure that the network was resilient enough to withstand the Maui wildfires. FirstNet Authority also did not ensure that AT&T met the NPSBN contract's service restoration requirements.

During the fires, nine NPSBN cell sites in the Maui region went out of service. We found that AT&T:

- took up to 11 days to temporarily restore service to all impacted FirstNet cell sites;
- denied first responders' initial request to deploy the SatCOW already positioned on Maui to allow members of the public to call 911, even though this request identified damage to the network;
- took approximately 2 days to get the Maui SatCOW on air to provide network coverage until the cell sites were temporarily restored; and
- took approximately 6 to 7 days to transport three SatCOWs from other Hawaiian islands to Maui and get them on air.

¹⁶ *Public safety* refers to agencies and people that provide public safety services. *Public safety* and *first responders* are used interchangeably in this report.

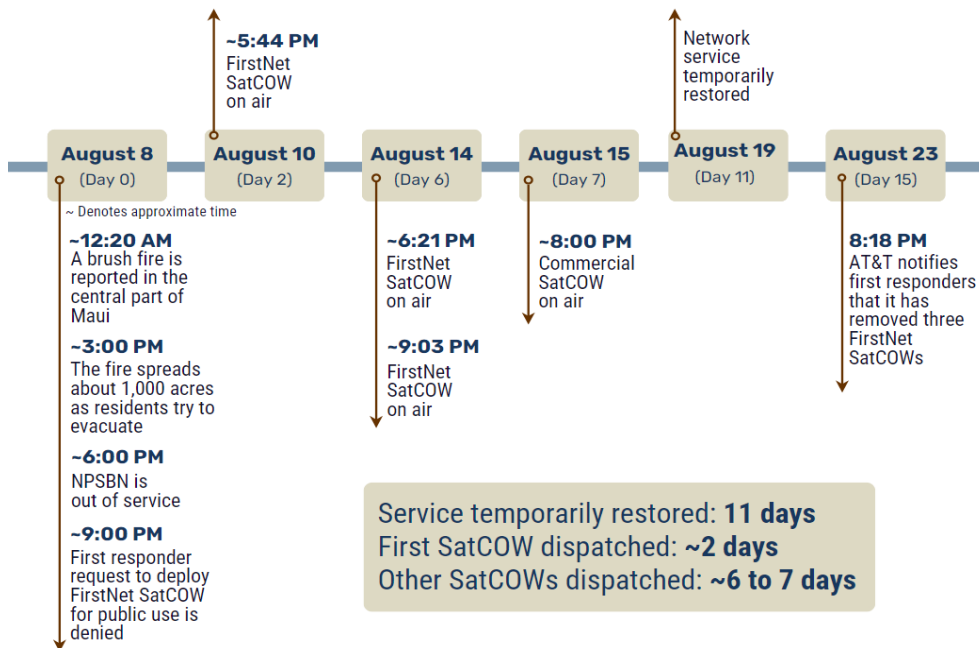
The Federal Acquisition Regulation (FAR)¹⁷ requires agencies to verify that contractors’ services meet requirements and identify when requirements are not being met. The NPSBN contract also requires FirstNet Authority to ensure AT&T’s compliance with contractual terms, monitor overall performance of the NPSBN, and oversee AT&T’s disaster response. However, FirstNet Authority did not meet these requirements and did not ensure that AT&T met the NPSBN’s operational requirements.

As a result, the NPSBN was not available in the Lahaina area to support public safety’s response to the Maui wildfires during the first 2 days. With the network out of service, first responders communicated using land mobile radio, which was not affiliated with the NPSBN.¹⁸ Even after the network became available, service and equipment issues reduced first responders’¹⁹ communication capabilities and hindered disaster response.

A. Temporary Service Restoration at Impacted Cell Sites Took up to 11 Days

Nine NPSBN cell sites in the Maui region went out of service when the wildfires destroyed AT&T’s leased fiber backhaul. The sites first lost service on August 8, 2023, at approximately 6:00 p.m., about 18 hours after the fires began, but AT&T did not finish getting all of the sites temporarily back on air until 11 days later, on August 19 (figure 2).

Figure 2. NPSBN Restoration Snapshot for August 2023 Maui Wildfires^a



Source: OIG analysis of news reports and documentation from AT&T and first responders

^a This snapshot focuses on the SatCOW-specific restoration activities we discuss in this report section.

¹⁷ FAR §§ 46.102 & 46.103.

¹⁸ Land mobile radio transmits two-way voice communications. Hawaii’s system remained operational during the Maui wildfires because, unlike the NPSBN, it uses microwave backhaul consisting of wireless network connections and does not rely on cellular or landline fiber and copper lines.

¹⁹ *First responders* here refers to those we interviewed and obtained relevant information from based on their involvement in the Maui wildfire response.

The NPSBN contract requires AT&T to harden the network²⁰ so that it is highly reliable, resilient, and secure, and so that it remains operational during and after a disaster. However, FirstNet Authority did not ensure AT&T hardened the NPSBN in the Maui region to ensure its resiliency against wildfires.

Considering Maui's known wildfire risk²¹ and the unique challenges presented by Hawaii's remote location (approximately 2,400 miles from the mainland), FirstNet Authority should have ensured that AT&T was able to maintain the network's reliability when faced with wildfires. Reinforcing the need for reliability, an after-action report by the Maui Department of Fire and Public Safety²² included a recommendation to request that AT&T conduct an island-specific network analysis to improve firefighter operations and safety during wildfires. According to the report, the fire department had considered subscribing to the NPSBN in the past but at the time found its infrastructure inadequate.

Furthermore, the contract requires FirstNet Authority to ensure that AT&T achieves its service availability and restoration requirements, with no exceptions. In particular, the network is required to have redundancies in place so it can meet the contract's availability requirement and be available when public safety needs it most. Additionally, the contract requires that [REDACTED]."

Finally, the FAR²³ requires agencies to conduct quality assurance to ensure that contractors' services meet requirements and identify when requirements are not being met.

FirstNet Authority officials told us they were uncertain about the actual expectation for the service restoration requirement, describing the contract's language as ambiguous and stating that they were unclear on the actual requirement and expectation—namely, whether service restoration must begin within 2 hours or be completed within 2 hours. Although one FirstNet Authority official expressed the belief that the requirement was for 2 hours to start restoration activities, that official then stated that the contract was not clear and detailed enough to clearly articulate the requirement's meaning. However, while AT&T has responded to numerous disasters since the contract was awarded in 2017, FirstNet Authority has never sought to clarify the requirement.

Regardless of the interpretation of the contract service restoration requirement, AT&T did not begin restoring services until approximately 2 days later. Because it was unclear on the intent of the contract requirements, FirstNet Authority did not hold AT&T

²⁰ The Association of Public Safety Communications Officials International, which established standards for public-safety-grade site hardening requirements, defines network hardening as "various characteristics to make mission critical communications network sites sufficiently robust to meet the service availability requirements of public safety."

²¹ The Maui region is rated as a high-risk area for wildfires by the U.S. Department of Agriculture Forest Service. Since 1999, there have been 13 wildfires on Maui, including fires in 2019 that burned more than 20,000 acres.

²² County of Maui Department of Fire and Public Safety, *After-Action Report, Maui Wildfires*, issued April 18, 2024.

²³ FAR §§ 46.102, 46.103, & 46.401.

accountable for either starting or completing service restoration activities within the 2-hour requirement specified in the contract.

In addition, FirstNet Authority did not have access to AT&T's detailed real-time network data. This lack of access impeded FirstNet Authority's ability to actively monitor network services, including deployed assets, during and after the wildfires. During a progress briefing, FirstNet Authority agreed that its lack of access to real-time network data hampers its ability to conduct oversight.

Further, although the network was temporarily restored with microwave backhaul and fiber that was laid on the ground until it could be permanently installed, FirstNet Authority did not actively monitor AT&T's disaster response efforts to confirm network restorations were fully completed.

B. AT&T's Response to the Need for Deployable Cell Sites Was Inadequate

AT&T relied on deployables such as SatCOWs to provide NPSBN services until the network's cell sites were temporarily restored. After first responders notified AT&T on August 8, 2023, that cell sites had gone out of service, AT&T denied an initial request by first responders to deploy a SatCOW so members of the public could call 911. First responders also requested SatCOWs for their own use, but AT&T ultimately took approximately 2 to 7 days from the time the network initially went out of service to get them on air.²⁴

AT&T Denied Initial First Responder Request to Deploy SatCOW for Public Use Even Though This Request Identified Damage to the Network. At approximately 9:00 p.m. on August 8, first responders notified AT&T that fiber appeared to be burned and cell sites were down in the Lahaina area. They asked AT&T to deploy the SatCOW already on Maui so members of the public could call 911. (The contract specifically permits first responders to request SatCOW support.) However, AT&T denied this request, stating that the SatCOW only supports first responders. Regardless of whether the request for a deployable for 911 support was covered by the NPSBN contract, this frustrated first responders²⁵ because at the time people had no way of calling 911; aside from any other issue, the receipt of the request should have alerted AT&T that the network needed restoration. AT&T also did not include the denied request as part of the response activities it reported to FirstNet Authority. AT&T later accepted SatCOW requests for first responder use.

SatCOW Stored on Maui Took 2 Days to Get on Air. AT&T took approximately 2 days from when the network initially went out of service to get the Maui SatCOW into position and on air for first responders. (The SatCOW went on air on August 10 at around 5:44 p.m.) Part of the delay occurred because AT&T had to fly technicians to

²⁴ Since AT&T must maintain continuous operation of the NPSBN, we calculated the RTO based on when cell sites on Maui went out of service.

²⁵ *First responders* here refers to those we interviewed and obtained relevant information from based on their involvement in the Maui wildfire response.

Maui from Oahu to launch the SatCOW, including updating it and readying it for deployment. Although AT&T had denied the initial request for the public's use of the Maui SatCOW, once it was on air for first responders it was also opened for the public (until first responders asked to remove public use because the network was too congested and they could not use it).

Additional SatCOWs Took 6 to 7 Days to Get on Air. Three additional SatCOWs positioned on other Hawaiian islands were eventually deployed to Maui.²⁶ It took approximately 6 to 7 days for them to go on air, with the first being in the evening of August 14. The delays occurred primarily because the SatCOWs had to be barged in due to the limited available transportation options. According to public safety officials, AT&T also did not have shipping agreements in place for transporting the SatCOWs. As a result, a public safety official had to write to the shipping company on AT&T's behalf to request expedited transport.

RTO Is Not Clearly Defined or Aligned with the Network's Intent. The NPSBN contract gives AT&T a 14-hour RTO for dispatching SatCOWs and other deployables in emergent situations. (*Dispatch* is defined as preparing the deployable, transporting it to a site, testing it, and getting it on air.) An emergent situation²⁷ requires immediate action and is the only request that has a contract-required response time.

Although the 14-hour RTO is AT&T's performance metric for emergent deployables, FirstNet Authority did not ensure that the contract clearly defined the requirements for dispatching deployables, to include defining the deployment type (whether emergent, urgent, or planned) and calculating when the RTO should begin for emergent requests. In particular, the contract does not specify how to calculate the RTO for network restoration or improving existing coverage. During interviews, FirstNet Authority personnel acknowledged weaknesses in overseeing RTO data and the need to better define contract requirements. Further, during this audit, FirstNet Authority initiated discussions with AT&T on pursuing a contract modification to enhance contract language on this topic.

In general, AT&T does not dispatch emergent deployables until a customer requests them, calculating the RTO from the time of the request rather than the time of the network outage. While this approach may be appropriate for emergencies in which first responders need to improve available network coverage, it is inadequate for responding to network outages during disasters because AT&T is responsible for maintaining continuous operation of the NPSBN, as required by the contract and expected by public safety. Furthermore, we found that overall, the 14-hour RTO does not align with the NPSBN's purpose of being operational so that public safety can rely on it during

²⁶ Two SatCOWs were shipped from Oahu, one from Kauai.

²⁷ Deployment requests fall into three categories: (1) Emergent requests are for immediate public safety support for serious, unexpected, and often dangerous situations requiring immediate action. The 14-hour RTO applies only to emergent requests. (2) Urgent requests are for critical support with an onsite response time of more than 14 hours and less than 30 days from the time the request was submitted. (3) Planned requests are to support events scheduled over 30 days in advance.

disasters to save lives and for their own safety (which we also identified as a finding in a prior report).²⁸

We note that FirstNet Authority came to a similar conclusion. After the wildfires, FirstNet Authority reported internally on the insufficient access to deployables on Maui and other remote locations. The report stated that users outside the continental United States “contend with inadequate or insufficient access to deployable equipment.” The report also stated, “As later experienced during the wildfires in Maui, it can be very difficult to move people and assets to [remote locations] given limited transport options (e.g., barge in Hawaii). Ultimately, staging and access to deployables is insufficient for contending with the unique conditions of these isolated regions.”²⁹



Ultimately, staging and access to deployables is **insufficient** for contending with the unique conditions of these **isolated regions**.

—November 2023 FirstNet Authority report



These issues occurred because FirstNet Authority did not have adequate oversight over the response efforts. Even though FirstNet Authority personnel were onsite, as outlined below in section C, formal contract surveillance was not conducted to ensure that AT&T complied with contract requirements and adequately provided necessary services to first responders.

C. *Network Service and Equipment Issues and Communication Gaps Hampered First Responders' Ability to Provide Needed Services*

First responders we interviewed³⁰ expressed frustration with NPSBN service and equipment issues. FirstNet Authority's onsite incident support team also reported on service issues first responders experienced.

First Responders Contended with Connection Issues. As the network became available for wildfire response efforts, first responders could not always upload search-and-rescue data or make mission-related phone calls on their FirstNet phones due to limited network capacity and connection issues, impacting their response operations.

²⁸ We reported that the 14-hour RTO was ineffective in our December 14, 2021, report, *FirstNet Authority Must Increase Governance and Oversight to Ensure NPSBN Security* (OIG-22-01 I-1).

²⁹ Office of Public Safety Advocacy, *2023 Annual Review Report*, November 2023.

³⁰ *First responders* here refers to those we interviewed and obtained relevant information from based on their involvement in the Maui wildfire response.

First responders also expressed frustration over AT&T's lack of communication before removing three FirstNet SatCOWs amid disaster response operations and 2 days after an August 21 presidential visit to Maui. On August 23, after temporarily restoring network services, AT&T notified first responders that the SatCOWs were removed from their current locations and moved to an alternate area for preventative maintenance. However, first responders stated that AT&T moved them back to their original storage locations without adequately communicating its plans or coordinating with them. Because of the lack of communication, first responders stated that removing the deployables so soon after the President's visit created a perception of a "dog-and-pony show."

According to first responders, the removal of the deployables caused service to worsen. For example, first responders stated that after AT&T removed the SatCOW providing coverage to the Maui Sheraton Hotel, which served as an emergency operations center, the service at the hotel degraded, impairing their ability to communicate with disaster survivors and the families of victims and survivors.

Starting around August 24, first responders reported multiple coverage issues at the Sheraton to AT&T. AT&T initially attempted to address the issues on August 29 by providing two repeaters, which extend network coverage areas, but coverage remained inadequate. First responders ultimately borrowed a state-owned mini-compact rapid deployable (mini-CRD)³¹ to provide coverage so they could carry out their mission.

As a result of the continued coverage issues, an AT&T response operations group (ROG) member returned to Maui on approximately September 15. AT&T also tried to order equipment to help resolve the issues, but it was backordered for 2 weeks, leaving public safety to continue relying on the borrowed, state-owned mini-CRD.

FirstNet Authority's Onsite Team Observed Network Issues. Beginning on August 13, FirstNet Authority learned of issues, misunderstandings, and conflicting information among the first responders related to NPSBN operations on Maui. After consulting and coordinating with the ROG and public safety officials, FirstNet Authority sent a three-person incident support team to Maui from August 18 through 25 to provide onsite support and "liaise with local, state, and federal response teams."

The incident support team was involved in a myriad of activities. These included obtaining restoration updates, creating situational reports, testing the network, and later obtaining first responders' feedback on the network and developing an internal report on the wildfire response.³² The internal report described network issues including the following:

- On several occasions, users had to turn their NPSBN phones' airplane mode on and off to get them to work. AT&T confirmed that devices in Lahaina were connecting to coastal cell sites on an adjacent island and worked to fix the issue.

³¹ A mini-CRD is a portable FirstNet deployable kit in two ruggedized cases that can be carried or transported by a single person. The mini-CRD provides up to half a mile of network coverage.

³² *Maui Wildfire Response, Incident Response Summary.*

- NPSBN phones within a mile of one deployable were connecting to a cell site rather than the deployable. As a result, devices could not send text messages, conduct data sessions, or make calls.

The report also outlined improvements for FirstNet Authority to consider, including developing a better method for understanding real-time changes to deployables and cell sites since FirstNet Authority does not have access to AT&T's real-time data.

According to FirstNet Authority officials, this was the first incident in which its staff were sent to support a disaster. Although the team provided necessary support, it was not deployed until 10 days after the NPSBN went out of service.

Additionally, having the team onsite presented an opportunity to conduct contract surveillance to ensure AT&T was meeting its performance requirements during the Maui wildfire response. However, FirstNet Authority did not have formal processes or procedures in place to conduct timely contract surveillance of AT&T's services. Therefore, the information obtained from the onsite FirstNet Authority team was not used for contract surveillance. Further, the onsite team members were not appointed contract surveillance personnel, nor were they trained to conduct and document contract oversight.

Recommendations

We recommend that the Assistant Secretary of Commerce for Communications and Information and NTIA Administrator direct FirstNet Authority's Chief Executive Officer to:

1. Ensure that special hardening measures are implemented for the unique threats faced in the Maui region, as required by the NPSBN contract.
2. Hold AT&T accountable for meeting service restoration and recovery time objectives for disaster response, as required by the contract.
3. Reevaluate the RTO metric to ensure that it aligns with the NPSBN's operational purpose of being available during disasters.
4. Modify the contract to clearly define the requirements for dispatching emergent deployable assets, including defining deployment types and specifying how to calculate RTO for restoring network coverage and improving existing coverage.
5. Take the necessary steps to ensure that FirstNet Authority has access to real-time network data and the ability to actively monitor network services and deployed assets.
6. Strengthen disaster recovery oversight by developing and implementing formal processes for:
 - a. actively monitoring AT&T's disaster response efforts until complete network restoration is confirmed; and
 - b. using FirstNet Authority's incident response teams to conduct contract surveillance activities with public safety to determine the sufficiency of AT&T's performance.

II. FirstNet Authority Did Not Ensure That a Sufficient Plan for Continuity and Disaster Recovery Was Developed

AT&T's *Business Continuity/Disaster Recovery Plan* that was in place at the time of the wildfires did not demonstrate that it could provide uninterrupted NPSBN access, within contractually required response times, during a disaster. Although Hawaii is 2,400 miles from the mainland, Hawaii was included in AT&T's plan for the continental United States, which did not include sufficient information about how AT&T would respond to incidents.

For example, the plan did not contain protocols and processes for achieving service availability requirements and dispatching deployables during disasters, including:

- responding to disasters in rural areas and outside the continental United States, including Hawaii and Alaska;
- pre-positioning deployables with varying capabilities in isolated and rural regions;
- considering logistics for timely transportation and setup of deployables; and
- proactively launching deployables to restore service.

The NPSBN contract requires FirstNet Authority to oversee AT&T's disaster response planning. One of the core requirements of the *Business Continuity/Disaster Recovery Plan*, as outlined in the contract, is to ensure that AT&T demonstrates that it can provide uninterrupted access to the NPSBN during the disaster within the RTOs. Although the plan AT&T submitted did not demonstrate this capability—and, as noted above, incorrectly included Hawaii with the continental United States—FirstNet Authority accepted it on May 30, 2023, approximately 2 months before the Maui wildfires.

As a result, AT&T was not prepared to respond to the Maui wildfires, a point that many first responders discussed. One first responder stated, “It didn’t seem like AT&T had a plan in place.” First responders we spoke with described the following planning issues, many of which we discussed in finding I:

- The SatCOW pre-positioned in Maui was not proactively dispatched as soon as NPSBN cell sites went out of service and required updates prior to going on air.
- Technicians had to be flown in from Oahu to launch SatCOWs.
- No prearranged shipping agreements or contracts were in place to transport SatCOWs.
- No plan was in place to airlift SatCOWs if needed.
- Not enough pre-positioned rapid-response deployables (such as mini-CRDs) were available.

“
It didn’t seem like AT&T had
a plan in place.”

—First responder’s comment about time
taken to dispatch SatCOWs to Maui

Recommendation

We recommend that the Assistant Secretary of Commerce for Communications and Information and NTIA Administrator direct FirstNet Authority's Chief Executive Officer to:

7. Revoke acceptance of AT&T's *Business Continuity/Disaster Recovery Plan* and require AT&T to submit a plan that meets all NPSBN contract requirements. The plan should include:
 - a. a demonstrated capability to provide uninterrupted access to the NPSBN during the disaster within the RTOs;
 - b. specific protocols for responding to disasters in rural areas and outside the continental United States (including Hawaii and Alaska);
 - c. a process for pre-positioning deployables with varying capabilities in isolated and rural regions, as determined necessary;
 - d. logistics for timely transportation and setup of deployables; and
 - e. a process for proactively launching deployables to restore service.

III. FirstNet Authority Did Not Ensure That NPSBN Service Response Efforts for the Wildfires Were Accurately Reported

We found issues with two of AT&T's contract deliverables that reported on the wildfires. AT&T's October 2023 deployable report³³ contained data integrity issues, including deployable requests that had been downgraded in priority, inaccurate information, and comments indicating that AT&T employees had improperly altered data. In addition, AT&T's after-action report (AAR) and subsequent briefing on the wildfires was not sufficiently documented as required by the NPSBN contract.

The FAR³⁴ requires contractors to maintain supporting evidence that their services conform to the contract's quality requirements and to furnish this information to the government. Further, U.S. Government Accountability Office standards³⁵ describe using quality information to achieve the entity's objectives and emphasize using reliable data sources that are reasonably free from error and bias and not misleading. The NPSBN contract also requires AT&T work products to be accurate in presentation and technical content, and for FirstNet Authority to review each product for accuracy before determining whether to accept it.

³³ The NPSBN contract requires AT&T to report to FirstNet Authority each quarter on its use of deployables. This report, the *D-29 Deployable Units and Temporary Coverage Solutions*, is required by the contract to include deployables' status, storage locations, usage data for service restoration during the reporting period, reason for activation, time in use, and RTO.

³⁴ FAR § 46.105.

³⁵ Government Accountability Office, September 10, 2014. *Standards for Internal Control in the Federal Government*, GAO-14-704G. Washington, DC: GAO, 59. Available online at <https://www.gao.gov/products/gao-14-704g>.

Nevertheless, FirstNet Authority accepted both the deployable report and the AAR without ensuring that AT&T had accurately reported its response efforts. These issues indicate inadequate oversight, which hindered FirstNet Authority's ability to hold AT&T accountable for its performance and improve future disaster responses.

A. *AT&T Altered the October 2023 Deployable Report*

FirstNet Authority did not ensure AT&T's deployable report was accurate, as required. Although communications were essential throughout the Maui wildfire response, AT&T downgraded first responders' requests for 14 deployables from emergent (requiring immediate action) to urgent (requiring action between 14 hours and 30 days). Recategorizing these requests circumvented AT&T's 14-hour RTO requirement for emergent dispatches, the only contract performance metric related to the deployable report. Had these requests remained emergent, none of them would have met the RTO requirement.

We also found the report included inaccurate information. For example, a deployable was reported as an emergent dispatch that went on air and met the 14-hour RTO requirement, but the deployable actually malfunctioned and never went on air. In addition, the report included comments from AT&T staff related to "backdating" and "padding" data used to calculate the RTO for dispatched deployables, as well as changing requests to urgent. The report comments included:

- "Backdated the Customer Request Time and Event Start Date. I am showing that the RTO is negative . . . Can I back date the request time . . . I need to pad my stats with some negative [RTO] times."
- "Changed to Urgent per ROG."

This indicated that the data had been altered, even though FAR § 3.1002(a) specifically states, "Government contractors must conduct themselves with the highest degree of integrity and honesty."

The data integrity issues call into question the accuracy of the deployable report, which reflects AT&T's performance of services under the contract. However, because FirstNet Authority did not have comprehensive oversight in place, as required by the contract and the FAR,³⁶ to identify data integrity issues and ensure accurate reporting, it did not identify the issues in the report and accepted it without verifying AT&T's self-reported data.

After we identified the data integrity issues in the deployable report, FirstNet Authority took several actions. It revoked acceptance of the report, invoked its contractual right to audit AT&T's records, and required AT&T to submit a corrected deployable report and self-certify its accuracy. AT&T resubmitted the report in January 2024, but FirstNet Authority issued a corrective action report rejecting it on March 5, 2024. On March

³⁶ FAR §§ 46.102, 46.103, & 46.401.

18, 2024, AT&T submitted a plan of corrective actions, which FirstNet Authority was monitoring at the time of our review.

B. AT&T's Maui Wildfire After-Action Report and Briefing Were Insufficiently Documented

FirstNet Authority did not ensure that AT&T's AAR for the Maui wildfires included sufficient information about lessons learned and process and protocol improvements to implement, as required by the NPSBN contract. Specifically, the AAR did not discuss lessons learned and improvements related to cell sites going out of service during wildfires, delays in restoring the network and dispatching deployables, and first responders' network and communication issues. (We discuss these issues in finding I.)

Additionally, AT&T staff's comments about deployables in the AAR were inaccurate and did not match the comments in the deployable report, from which the comments originated. For example, the AAR shows AT&T staff commenting "Urgent Request—Accepted—Initiate by ROG" for a deployable requested by public safety, but for the same request in the deployable report, the comment is shown as "Changed to Urgent per ROG." That is, even though the deployable report seemingly acknowledged that the designation was changed to urgent, the AAR suggested that the request had initially been designated as urgent.

Although the AAR included inaccuracies and did not capture the extent of the issues surrounding the Maui wildfire disaster response, FirstNet Authority accepted the report. FirstNet Authority required AT&T to clarify some of the AAR's information, but AT&T provided very brief responses and did not answer one of FirstNet Authority's key clarification questions: "What actions helped bring the sites back in service?" Despite AT&T's vague, incomplete responses to the questions, FirstNet Authority accepted the responses and marked them as adequately addressed.

In addition, although AT&T briefed FirstNet Authority on the AAR as the contract required, AT&T did not take written briefing minutes for FirstNet Authority to include in the contract file, as the contract also required. Neither AT&T nor FirstNet Authority took meeting minutes, and FirstNet Authority did not hold AT&T accountable for its requirement to document the briefing. Since AAR briefing minutes were not captured, we could not substantiate that discussions between FirstNet Authority and AT&T occurred during the briefing.

Because the AAR did not contain sufficient detail and its briefing was not documented, key information related to AT&T's Maui wildfire response was not captured. This hinders FirstNet Authority's ability to improve its oversight of AT&T's operational response to future disasters and to hold AT&T accountable for improving its performance.

Recommendations

We recommend that the Assistant Secretary of Commerce for Communications and Information and NTIA Administrator direct FirstNet Authority's Chief Executive Officer to:

8. Develop and implement a system for verifying the accuracy and reliability of data in the *D-29 Deployable Units and Temporary Coverage Solutions* report before accepting it.
9. Require AT&T to self-certify the *D-29 Deployable Units and Temporary Coverage Solutions* report going forward.
10. Ensure that AT&T's AARs are accurate and sufficiently documented, with detailed lessons learned and process and protocol improvements to be implemented, before accepting them.
11. Ensure that AAR briefing meeting minutes are documented and maintained in the contract file.

Conclusion

The Maui wildfires were a significant test of the NPSBN's performance during a widespread disaster. The wildfire response highlighted many areas in which the network did not meet first responders' need for effective and resilient communications. In addition, we have serious concerns about AT&T's alteration of data that it reported about the Maui wildfires. Although FirstNet Authority required resubmission of a particular report, more generally FirstNet Authority must take action to ensure that contract-required data is not altered and that AT&T is held to the ethics standards in the FAR and the contract.

Because FirstNet Authority did not hold AT&T accountable for meeting its contract requirements, the network was not available for first responders when they needed it most. Consistent with our past reports, FirstNet Authority's lack of oversight continues to be an issue. The response to the Maui wildfires further highlights the operational impact of these oversight deficiencies.

The network's fundamental purpose is to be available to first responders in an emergency, when every second counts. When it fails to achieve this purpose, the public safety community loses confidence in it and seeks other services that will meet their needs. FirstNet Authority must improve its oversight of AT&T to ensure that the NPSBN meets its intended purpose as a reliable communication network for first responders during emergencies and that this \$6.5 billion investment provides communication services first responders can trust.

Summary of Agency Response and OIG Comments

On August 19, 2024, we received NTIA's response to our draft report. NTIA concurred with all 11 of our recommendations and described actions it intends to take to address them. NTIA's formal response is included in this report as appendix B. At FirstNet Authority's request, we have redacted certain business-sensitive information and other protected information otherwise protected from disclosure from the public version of this report.

Our Responses to Technical Comments from FirstNet Authority

FirstNet Authority also provided technical comments on the draft report. We considered these comments and made changes in this final report where appropriate. We also determined it was appropriate to address some of the technical comments as outlined below.

Comment on 2-hour service restoration requirement

Regarding this contract requirement, which specifies that [REDACTED]

[REDACTED] " FirstNet Authority stated in its technical comments that both it and AT&T interpret this requirement to mean "that the process to begin restoration should start within this timeframe, not that the service must be fully restored within 2 hours." However, as we describe in finding I.A, the FirstNet Authority officials we interviewed during our audit said they were uncertain of the actual expectation for this requirement.

Nothing we have received suggests that the interpretation in the technical comments was FirstNet Authority's uniform interpretation at the time of the wildfires or during the audit fieldwork. For the purposes of this audit, we relied on the information we received during our fieldwork; although the interpretation may have been clarified since that time, we heard consistently from the FirstNet Authority staff responsible for ensuring compliance with contractual requirements that they did not clearly understand the service restoration requirement.

Comment on our finding that AT&T altered the October 2023 deployable report

FirstNet Authority stated it "does not believe this is an accurate statement," but it did not provide adequate evidence to substantiate its position. After we identified the issue (described in finding III.A), FirstNet Authority shared documentation from AT&T containing responses to the items at issue. That documentation, however, did not sufficiently support the changes made to the deployable report. We also note that FirstNet Authority had opportunities to provide adequate evidence during fieldwork and in response to the draft report but did not do so. Accordingly, we did not change this portion of the report.

Our Responses to NTIA's Proposed Actions

NTIA concurred with all 11 recommendations. However, NTIA's proposed actions for three of the recommendations do not appear fully to meet the recommendations' intent, as we discuss below. Accordingly, we consider the proposed actions nonresponsive to these recommendations.

Recommendation 3 (reevaluating RTO metric to ensure it aligns with NPSBN's operational purpose)

NTIA concurred with this recommendation but also stated that FirstNet Authority addresses the NPSBN's operational purpose during disasters through existing audit processes and continually evaluates the RTO metric to ensure that it aligns with the operational goals of the NPSBN. However, as stated in finding I.B, we found that the 14-hour RTO does not align with the NPSBN's purpose of being operational so that public safety can rely on it during disasters. NTIA appears to be relying primarily on existing practices, and it is unclear what additional action NTIA or FirstNet Authority will take to address the recommendation. FirstNet Authority also did not provide documentation to support its assertion that the NPSBN's operational purpose is addressed through existing audit processes or that it continually evaluates the RTO metric for alignment with the NPSBN's operational goals.

Recommendation 6 (strengthening disaster recovery oversight processes)

NTIA concurred with the recommendation but stated that FirstNet Authority monitors AT&T's restoration efforts for contract compliance. That is, NTIA appears to be relying on existing practices, which we found to be insufficient. More specifically, as noted in finding I, FirstNet Authority did not have formal processes or procedures in place to conduct timely contract surveillance of AT&T's services. Therefore, the information obtained from the onsite FirstNet Authority team on the wildfire response was not used for contract surveillance. As we also reported, FirstNet Authority did not actively monitor AT&T's disaster response efforts to confirm network restorations were fully completed, as confirmed by FirstNet Authority personnel.

Recommendation 7 (revoking acceptance of AT&T's "Business Continuity/Disaster Recovery Plan" and requiring a new plan)

NTIA concurred in part with this recommendation. The bureau stated, however, that FirstNet Authority will assess AT&T's *Business Continuity/Disaster Recovery Plan* but does not plan to revoke its acceptance of that plan. Although an assessment of the plan may be an appropriate first step, as set forth in finding II, we concluded that AT&T's plan did not include required information, such as protocols and processes for achieving service availability requirements and dispatching deployables during disasters, to demonstrate that AT&T could provide uninterrupted access to the NPSBN during the disaster within the RTOs. Accordingly, these stated actions do not sufficiently meet the intent of the recommendation.

Overall, we are pleased that NTIA concurred with our recommendations. We look forward to receiving an action plan that will provide details on its corrective actions and sufficiently address our recommendations.

Appendix A: Objective, Scope, and Methodology

The objective of our audit was to assess FirstNet Authority's NPSBN services in response to the Maui wildfires. To accomplish our objective, we:

- Reviewed and analyzed the following policies, practices, and guidance:
 - Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96
 - U.S. Government Accountability Office, *Standards for Internal Control in the Federal Government*, GAO-14-704G
 - FAR Part 3, *Improper Business Practices and Personal Conflicts of Interest*
 - FAR Part 46, *Quality Assurance*
 - NPSBN contract terms and conditions
 - FirstNet Authority NPSBN *Deliverable Management Process*
 - FirstNet Authority NPSBN *Deliverable and Quality Assurance Surveillance Plan Metric Review Training*
- Reviewed and analyzed documentation that supported FirstNet Authority oversight efforts of AT&T's response to the Maui wildfires, including:
 - *Maui Wildfire Response, Incident Response Summary*
 - Office of Public Safety Advocacy, *2023 Annual Review Report*, November 2023
 - *Business Continuity/Disaster Recovery Plan*
 - *D-29 Deployable Units and Temporary Coverage Solutions* report
 - FirstNet Authority *Emergency Management Resource Guide*, September 2023
 - Maui wildfire AAR and briefing
 - Hawaii state commitment letter and updates
 - NPSBN hardening plans
 - FirstNet subscriber data
 - Maui wildfire daily situational reports
 - Cell site availability reports
 - Band-14 reports
 - Corrective action reports
- Interviewed FirstNet Authority staff who were involved with:
 - AT&T's Maui wildfire response efforts
 - Oversight of contract requirements
 - Deployment to Maui to support AT&T's response efforts

- Interviewed 12 first responders from federal, state, and local agencies involved with the Maui wildfire response efforts to discuss their experiences with NPSBN services and obtain corroborating records
- Coordinated via email with two public safety officials involved with the Maui wildfire response efforts to discuss their experiences with NPSBN services

We gained an understanding of the internal controls significant within the context of the audit objective by interviewing FirstNet Authority personnel and reviewing policies and procedures. We identified weaknesses in internal controls related to contract oversight, as noted in the *Objective, Findings, and Recommendations* section of the report.

We conducted our audit from October 2023 through July 2024 under the authority of the Inspector General Act of 1978, as amended (5 U.S.C. §§ 401–424), and Department Organization Order 10-13, as amended October 21, 2020. We performed our work remotely.

We conducted this audit in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our finding and conclusions based on our audit objective.

Appendix B: Agency Response


NTIA's response to our draft report begins on the next page.



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

August 19, 2024

TO: Arthur L. Scott Jr.
Assistant Inspector General for Audit and Evaluation

FROM: Alan Davidson 
Assistant Secretary of Commerce for Communications and Information and NTIA
Administrator

SUBJECT: Response for Draft Audit Report entitled *Nationwide Public Safety Broadband Network Was Not Always Available to First Responders During the Catastrophic 2023 Maui Wildfires*

Report Date: July 18, 2024

Audited Entities: First Responder Network Authority (FirstNet Authority) and
National Telecommunications and Information Agency (NTIA)

This memorandum contains the response from the National Telecommunications and Information Administration (NTIA) to the Office of the Inspector General (OIG) draft report entitled *Nationwide Public Safety Broadband Network Was Not Always Available to First Responders During the Catastrophic 2023 Maui Wildfires*. NTIA concurs with all the recommendations in the draft report with the comments noted below. We will prepare a formal action plan upon issuance of OIG's final report. We have included technical corrections from the First Responder Network Authority (FRNA) as an attachment to our response.

Per the draft report, the OIG recommends that the Assistant Secretary of Commerce for Communications and Information and NTIA Administrator direct FirstNet Authority's Chief Executive to:

OIG's Recommendation #1: Ensure that special hardening measures are implemented for the unique threats faced in the Maui region, as required by the NPSBN contract.

NTIA concurs with the recommendation that the FRNA ensure that special hardening measures are implemented for unique threats faced in the Maui region as required by the NPSBN contract. NTIA understands from FRNA that current NPSBN sites have fulfilled the hardening requirements as stipulated in the NPSBN contract and state plan commitments. FRNA has informed us that as it continues to invest in the NPSBN network, FRNA is committed to continue additional hardening measures to address special considerations for areas or regions with unique homeland security or national security needs. FRNA will assess and incorporate lessons learned from the Maui wildfires in coordination with state, territory, and local authorities.

national security needs. FRNA will assess and incorporate lessons learned from the Maui wildfires in coordination with state, territory, and local authorities.

OIG's Recommendation #2: Hold AT&T accountable for meeting service restoration and recovery time objectives for disaster response, as required by the contract.

NTIA concurs with the recommendation that the FRNA hold AT&T accountable for meeting service restoration and recovery time objectives for disaster response, as required by the contract and the FAR.

OIG's Recommendation #3: Reevaluate the RTO metric to ensure it aligns with the NPSBN's operational purpose of being available during disasters.

NTIA concurs with the recommendation that the FRNA reevaluate the RTO metric to ensure it aligns with the NPSBN's operational purpose of being available during disasters. FRNA has informed us that the NPSBN's operational purpose during disasters is addressed through existing audit processes, and that FRNA continues to evaluate the RTO metric to ensure its alignment with the operational goals of the NPSBN.

OIG's Recommendation #4: Modify the contract to clearly define the requirements for dispatching emergent deployable assets, including defining deployment types and specifying how to calculate RTO for restoring network coverage and improving existing coverage.

NTIA concurs with the recommendation that the FRNA modify the contract as appropriate to clearly define the requirements for dispatching emergent deployable assets, including defining deployment types and specifying how to calculate RTO for restoring network coverage and improving existing coverage. We understand that in circumstances adjustments are permissible, and necessary, under the current contract.

OIG's Recommendation #5: Take the necessary steps to ensure that FirstNet Authority has access to real-time network data and the ability to actively monitor network services and deployed assets.

NTIA concurs with the recommendation that the FRNA take the necessary steps to ensure that FirstNet Authority has access to real-time network data and the ability to actively monitor network services and deployed assets. The FRNA is currently performing a gap analysis of services and defining requirements that will enable access to real-time network data and the ability to actively monitor network services (all aspects to include temporary coverage) in the near future.

OIG's Recommendation #6: Strengthen its disaster recovery oversight by developing and implementing formal processes for:

- a. actively monitoring AT&T's disaster response efforts until complete network restoration is confirmed; and
- b. using FirstNet Authority's incident response teams to conduct contract surveillance activities with public safety to determine the sufficiency of AT&T's performance.

NTIA concurs with the recommendation that the FRNA continually look to strengthen its disaster recovery oversight processes. We understand that FRNA contracting and program officials currently monitor AT&T's disaster response to ensure that AT&T performs as required by the NPSBN contract. The FRNA has assigned the FRNA Public Safety Advocacy Team to stay in close contact with both public safety entities and with AT&T during disaster response. While the FRNA's incident response teams are not currently trained to conduct contract surveillance, the PSA team performs an assessment of the response and reaches out to those certified to conduct contract surveillance activities to report potential performance deficiencies.

OIG's Recommendation #7: Revoke acceptance of AT&T's Business Continuity/Disaster Recovery Plan and require AT&T to submit a plan that meets all NPSBN contract requirements. The plan should include:

- a. demonstrated capability to provide uninterrupted access to the NPSBN during a disaster within the RTOs;
- b. specific protocols for responding to disasters in rural areas and outside the continental United States (Hawaii and Alaska);
- c. a process for pre-positioning deployables with varying capabilities in isolated and rural regions, as determined necessary;
- d. logistics for timely transportation and setup of deployables; and
- e. a process for proactively launching deployables to restore service.

NTIA concurs in part with the recommendation that the FRNA require that the AT&T Business Continuity/Disaster Recovery Plan meet all NPSBN contract requirements. NTIA understands that FRNA does not intend to revoke acceptance of the current plan in place but will be assessing the requirements in the Business Continuity/Disaster Recovery Plan.

OIG's Recommendation #8: Develop and implement a system for verifying the accuracy and reliability of data in the D-29 Deployable Units and Temporary Coverage Solutions report before accepting it.

NTIA concurs with the recommendation that the FRNA Develop and implement a system for verifying the accuracy and reliability of data in the D-29 Deployable Units and Temporary Coverage Solutions report before accepting it.

OIG's Recommendation #9: Require AT&T to self-certify the D-29 Deployable Units and Temporary Coverage Solutions report going forward.

NTIA concurs with the recommendation that the FRNA require AT&T to self-certify the D-29 Deployable Units and Temporary Coverage Solutions report going forward. We understand that FRNA is adding this requirement to all NPSBN deliverables/QASP metrics submitted by AT&T.

OIG's Recommendation #10: Ensure AT&T's After-Action Reports (AAR)s are accurate and sufficiently documented, with detailed lessons learned and process and protocol improvements to be implemented, before accepting them.

NTIA concurs with the recommendation that the FRNA ensure AT&T's After-Action Reports (AAR)s are accurate and sufficiently documented, with detailed lessons learned and process and protocol improvements to be implemented, before accepting them. We understand that FRNA has evaluated recent events (February 2024 AT&T Network Outage), and the level of detail documented was noted as an area that needed improvement.

OIG's Recommendation #11 Ensure AAR briefing meeting minutes are documented and maintained in the contract file.

NTIA concurs with the recommendation that the FRNA ensure AAR briefing meeting minutes are documented and maintained in the contract file. The FRNA is implementing changes within its program management function that require program/project managers to record meeting minute developments to include any action items that require follow-up.

We look forward to working with you as we continue to address the recommendations in this report. Should you have questions, please contact Josephine Scarlett, NTIA Audit Liaison at jscarlett@ntia.gov and Stephanie Weiner, NTIA Chief Counsel and Audit Liaison at sweiner@ntia.gov.

REPORT

FRAUD & WASTE ABUSE



HOTLINE



Department of Commerce

Office of Inspector General Hotline

www.oig.doc.gov | 800-424-5197