

SHLB – Public Safety

Presenters: Laura Pettus, NTIA

Date: Thursday, May, 24, 9:45am

Session Format: Presentation (Informal Meeting Notes)

Summary of Presentation:

The Middle Class Tax and Job Creation Act dedicates 20 MHz in the 700 MHz spectrum to the creation of a nationwide public safety broadband network. The Act creates the First Responder Network Authority (FirstNet) that will oversee a single, national network architecture. The law is funded through spectrum auction proceeds through FY2022 and the network will be self-sustaining through long-term fees. NTIA was given borrowing authority of \$2B to implement FirstNet and up to \$135M for a State and Local Implementation grant program.

FirstNet is an independent agency within NTIA and will be headed by a 15 member board. The Board will have 3 permanent members: Secretary of Homeland Security, Attorney General of the United States, and Director of the Office of Management and Budget. The other twelve individuals will be appointed by Secretary of Commerce. The Act requires the members of the Board to possess specific expertise and have diverse geographic representation. In addition, FirstNet will establish a standing public safety advisory committee to assist in carrying out its duties and responsibilities.

FirstNet must consult with regional, state, tribal, and local jurisdictions regarding the construction of the core network and any radio access network build out; placement of towers; coverage areas of the network; adequacy of hardening, security, reliability, and resiliency; assignment of priority of local users; access to and use of the network; and training needs of local users. The states must designate a single officer or governmental body that will perform the consultation duties. The same designated officer or governmental body will be the point of contact for the State and Local Implementation grant program.

NTIA will establish the State and Local Implementation grant program that will assist jurisdictions to identify and plan the most effective and efficient way to utilize and integrate the infrastructure, equipment, and other architecture into the nationwide public safety broadband network. The Act stipulated that no later than 6 months after enactment (which is August 22, 2012), NTIA would need to define eligible cost, eligible activities, and how to prioritize grants to ensure coverage in rural and urban areas. NTIA has released a Federal Register Notice with a Request for Information (RFI) to seek stakeholder input on the design of the grant program.

NTIA is requesting comments on the following areas:

- Consultation process;
- Existing public safety governance and planning authorities;
- Leveraging existing infrastructure;
- State and local grant activities;
- Funding and performance requirements; and
- Other

The RFI is posted on NTIA website. Comments are due back by June 15, 2012 and all comments will be posted on the website.

Question & Answer

Q: Is this presentation on the Website?

A: It is on the NTIA website and it is also on the SHLB Wiki.

Q: When states don't opt out (i.e., if states opt in), is there any allocation within the Act so that FirstNet can pay for operations and maintenance?

A: The \$7B outlined in the statute will be used by FirstNet to build, operate, and maintain the network. If a state opts out, operations and maintenance costs are not covered with federal grant funds. The opt-out state will need to come up with its own funds for operation and maintenance.

Q: How will Firstnet operate and maintain the network?

A: The statute states FirstNet can collect user fees. There is a section in the statute (6208) that addresses options for FirstNet to collect fees associated with leasing network capacity and network equipment. All fees must be reinvested back into constructing, maintaining, operating, or improving the network.

Q: Will FirstNet ensure there is not an overbuild?

A: The statute encourages leveraging existing commercial, federal, state, local, and tribal infrastructure where facilities are available. It is important to understand that this wireless network will not be used for general public customers. It is a public safety broadband network.

Q: What happened to the existing BTOP public safety grants?

A: The BTOP 700 MHz (\$382M) awards have been partially suspended. A letter went out to each of the recipients that outlines a specific set of activities that each recipient will need to do before moving forward. The recipients must submit budgets that identify LTE and non-LTE activities in 45 days. NTIA provided the recipients with low risk project activities and an opportunity to re-scope to non-LTE broadband activities. Until a path forward with FirstNet is identified, funds for LTE activities will be suspended. NTIA is working with recipients to keep the BTOP funds in each of the communities for broadband development for future integration into the nationwide public safety broadband network.

Q: When are comments due on the FCC Interoperability Report?

A: Please refer to the FCC website, but I believe comments on FCC Interoperability Report are due on the 31st of May.

Q: Has the spectrum for incentive auctions been identified?

A: The FCC is working to identify spectrum for incentive auctions. The majority of this act is paid for by spectrum auctions.

Q: Would the \$115M NG911 include data modeling and standardization and centralized to FirstNet?

A: The \$115M is a grant program that is subject to auction proceeds and priorities of the funding. The program rules have not been developed yet.

Q: Will FirstNet be in contact with state governors' offices? Who is tasked with responding to FirstNet?

A: Each of the states needs to certify a single officer or governmental body to serve as a coordinator of the Implementation grant program, and this designee will serve as the single officer or governmental body in the consultations with FirstNet, as well.

Q: Does NTIA have any idea who the states will designate?

A: It is a question in the RFI. NTIA assumes it will vary state by state.

Q: When does the designee need to be designated?

A: The only timing outlined in the statute to make this certification of the designee is during the State and Local Implementation grant application process. The states might choose to designate a single officer or governmental body prior to the grant program, but the requirement in the statute is for the state to designate the single officer or governmental body in its application for the grant program.

Q: Have any of the states used SBI planning dollars to look at FirstNet planning activities?

A: The states have an approved budget for how they will use the SBI funding, and it was granted prior to the legislation and the concept of FirstNet. We will work closely with states that have existing or ongoing efforts regarding public safety broadband to ensure that there is not a duplication of efforts among federal programs.

Q: What will happen in some states where commercial and state infrastructure cannot be co-owned?

A: NTIA is seeking feedback to understand this situation in the RFI.

Q: Will there be matching requirements for the \$135M?

A: Yes, there is a 20% matching requirement in the State and Local Implementation grant program.

Q: If a state opts out, can they still build a separate wireless network or avail their existing network to FirstNet?

A: This is not a network of networks. It is a single national architecture. Vendors who are encouraging states to build now are taking huge risks since the infrastructure may not be able to be integrated easily and cost-effectively into the nationwide public safety broadband network.

Q: Is the network going to be voice and data?

A: No, not at first. Right now this is a data broadband network with video. Commercial carriers have not yet deployed voice over LTE technology, and they are several years away from deployment. This public safety broadband network does not replace traditional public safety land mobile radio (LMR) systems.

Q: If a state opts out, is there any funding from FirstNet?

A: If a state decides to opt-out, and after following the steps outlined in the slides, the state can apply to NTIA to obtain a grant for funding of the construction of the radio access network.