

Idaho Bureau of Homeland Security
State Local Grant Implementation Program

January 13, 2016

SUBJECT: Response To Request For Comment, Notice Of Proposed Rulemaking

1. Paragraph 2, page 5: What would be considered non-fee based income?
2. Paragraph 2, page 5: "NTIA proposes that the Act affords NTIA no authority to review or approve as a "fee" any other form of income FirstNet may receive beyond those fees listed in Section 6208(a)." Does this mean charges, not deemed fees, would be outside of the review process by NTIA? If so, are these same charges not intended to have the same requirement to only equal the amount necessary to recoup the total expenses of the First Responder Network Authority in carrying out its duties and responsibilities, as written in the Act under 6208(b), and outside of fees described in 6208(a) 1) Network user fees, 2) lease fees pursuant to a covered lease agreement, or 3) fees from entities seeking access to or use of any network equipment or infrastructure constructed or otherwise owned by FirstNet?
3. Sec 6208(a) (3) of the Act provides that FirstNet can impose Lease fees to any entity for access to equipment or infrastructure. Does NTIA hold that this would include any Public Safety Agency who is utilizing equipment such as phones, tablets, or any other wireless device on the National Public Safety infrastructure? In other words, can public safety agencies expect to see fees outside those listed in 6208(a) (1)?
4. Paragraph 2, Page 6: "Further, NTIA proposes that it will not evaluate the reasonableness, or similar subjective attributes, of the specific fees assessed by FirstNet or its prospective partner or partners as contemplated in the Act."
Further,
Section B, page 10: "The wording of the Act itself does not direct NTIA to perform a reasonableness review."
And also,
Final Paragraph, page 11: "Moreover, a reasonableness review of FirstNet fees is unnecessary as a matter of policy."

We submit that FirstNet, sought to run as a business and enjoy the flexibility that a private corporation may enjoy, is in the business of interoperability as stipulated in the findings of the 9/11 Commission's Report. That being said, it may not be the best policy to not review the reasonableness of fees assessed by FirstNet if the primary consideration at the end of the day is that the finances are in the black. Considering Idaho is primarily composed of rural small agencies and volunteer agencies, if there is no oversight to how the fees are assessed, it may invite the potential to have disproportionate ratios of fees.

5. Last paragraph, page 11: "Public safety users themselves will determine whether FirstNet's proposed user fees are reasonable in comparison to the fees they are offered by competing providers." While this statement is absolutely true, what sense does it make to not implement some oversight of fees to begin with, as opposed to coming to the realization years down the road and at the expense of billions only to find not enough agencies wish to participate and this entire endeavor is for not?

V/R

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