



DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

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Development of the State and Local Implementation Grant Program (SLIGP) for the Nationwide Public Safety Broadband Network (NPSBN)

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce (NTIA).

ACTION: Request for Information

Prepared by: San Francisco Bay Area Regional Interoperable Communications Systems Authority (BayRICS)

Introduction:

BayRICS agrees with and supports the Operator Advisory Committee (OAC) responses to the RFI and incorporates portions of the OAC responses specifically below. BayRICS is also engaged in collaborative planning discussions with the State of California and Los Angeles Regional Interoperable Communications Systems Authority (LA-RICS) for NPSBN planning, and agrees with and supports the RFI responses of both entities. Where BayRICS provides no response to a Question below, NTIA may assume that BayRICS joins in the responses of OAC, State of California and LA-RICS.

As an initial matter, BayRICS urges the NTIA to allocate a portion of the SLIGP funding for planning for the integration of existing or in-progress projects (BTOP funded or otherwise) into FirstNet. Timely development of such integration plans will provide certainty for these projects and for the states in which they are located. These plans can also be used to incorporate the best practices and lessons learned into the planning process and give FirstNet a quick and efficient first round of network deployments. Early builders, waiver recipients and others with

direct experience deploying and planning LTE or similar networks should lead these efforts and be expected to contribute their best practices.

BayRICS also believes that grant funds should be distributed to the States, with each State then distributing a portion of the funds to regional, tribal and local entities based on priorities and needs. However, BayRICS urges the NTIA to make funding available to a State only after it demonstrates that it has implemented (or has begun the process of implementing) a governance structure with adequate regional, local and tribal representation and has consulted with regional tribal and local entities to determine their priorities and needs.

The Consultation Process

1. Section 6206(c)(2) of the Act directs FirstNet to consult with regional, State, tribal, and local jurisdictions about the distribution and expenditure of any amounts required to carry out the network policies that it is charged with establishing. This section enumerates several areas for consultation, including:

- (i) construction of a core network and any radio access network build-out;***
- (ii) placement of towers;***
- (iii) coverage areas of the network, whether at the regional, State, tribal, or local level;***
- (iv) adequacy of hardening, security, reliability, and resiliency requirements;***
- (v) assignment of priority to local users;***
- (vi) assignment of priority and selection of entities seeking access to or use of the nationwide public safety interoperable broadband network; and***
- (vii) training needs of local users.***

What steps should States take to prepare to consult with FirstNet regarding these issues?

Most of the areas for consultation identified above will require extensive collaboration with regional, tribal and local government entities. These entities own or control towers and backhaul assets, understand coverage needs, and employ the end users who will expect and require adequate hardening, security, priority and training. In most cases, the only way to ensure that states are able to collect the necessary information in these areas will be for states to consult directly with the local, Tribal and regional entities and to share grant funding available with local and Tribal entities to pay for eligible planning tasks.

In the majority of cases, states likely will consult directly with local and tribal entities to collect the required information. However, in urban areas similar to BayRICS, a more efficient approach may be to develop regional authorities (within a given state, in this case, as opposed to

multi-state regional consortia, which may also be helpful) with the ability to facilitate agreements with the State or with FirstNet for the access to and use of the assets; such regional authorities may also develop appropriate end user surveys and document end user requirements.

a. What data should States compile for the consultation process with FirstNet?

The business model and network architecture ultimately selected by FirstNet should drive specific requirements for gathering required asset information, including types of tower locations, equipment, facilities, backhaul, power and security. The States, working closely with their regional, local and tribal entities, should develop consultation plans to identify the assets most useful for the FirstNet build-out.

Another major category of data to consider is the user-specific data which will need to capture: function, operational capabilities, access privileges, home system, security clearances, and the like. Understanding the application needs, quantities of users, types of users and the traffic and business volumes these users will create will be of enormous value to effectively designing, sizing and deploying the network.

Additional useful data may include information related to governance planning, including the state's governance structure, selection of state, regional, tribal and local participants and identification of additional stakeholders that will ensure adequate representation of the interests of regional, tribal and local entities.

FirstNet should work with State Point of Contact, to determine the value of creating surveys, databases, outreach plans and other tools to help compile information of value to FirstNet, which may include the following, for example:

- Inventory of available sites (public safety and other government owned)
- Inventory of government owned backhaul (fiber and microwave)
- Inventory of additional sites and backhaul (fiber and microwave) resources, final mile, tower space and useable building sites – all of which may be suitable for sharing
- Inventory all Stakeholder agencies within the State and assure up-to-date point of contact information

- Inventory First and Secondary responders along with appropriate governmental and non-governmental support personnel to determine the number and category of prospective users to help with the cost model for the State
- Survey the Jurisdictions to assess the critical coverage/capacity requirements
- Determine the appropriate areas of coverage for adequate public safety service to metro and rural areas.

In addition, depending upon the approach adopted by FirstNet, FirstNet or states will need to research state and local laws to develop standard agreements or MOUs to define the relationship between regional, tribal and local entities that control sites and other assets, (e.g. site and backhaul access and use agreements).

Finally, FirstNet should consult with state—and states in turn should consult with regional, local and tribal entities—to develop plans to collect the following data:

- Estimated user counts
- User needs assessment (applications, devices, etc.)
- User agency back-office (e.g. PSAP or dispatch center) connectivity needs

b. *Should this activity be covered by the State and Local Implementation grant program?*

Yes. In addition to the activities described above, the grant should fund outreach and education on what the NPSBN means to the existing interoperable communications framework for State, Local and Tribal Public Safety entities so that they can supply accurate and appropriate input into the discovery efforts. This will also help establish buy-in and increase the adoption rate when the network is activated.

2. *The Act requires that each State certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.*

a. *Who might serve in the role as a single officer within the State and will it or should it vary for each State?*

b. *Who might serve on the governmental body (e.g., public partners, private partners, technical experts, Chief Information Officers, SWIC, finance officials, or legal experts)?*

c. *How should the States plan to involve the local entities in the State and Local Implementation grant program?*

d. *How should the States plan to involve the tribal entities in the grant program?*

e. What requirements should be included in the grant program to ensure that local and tribal public safety entities are able to participate in the planning process?

Regional, tribal and local entities *must* have adequate representation on any State entity that will be responsible for coordinating the implementation of grant funds. Although BayRICS agrees that the States should have flexibility in encouraging local participation, we add that the NTIA should require States to develop a specific process for regional, tribal and local entity input but leave the States wide discretion as to the structure and details of that process. Possible grant criteria for meeting this requirement include:

- NTIA should make funding available to a state only after it demonstrates that it has implemented a governance structure with adequate regional, local and tribal representation
- States should allocate a substantial amount of the State's grant to regional, tribal and local entities to conduct planning, if the local entity agrees to meet certain standards and conduct specific work to facilitate the State's planning efforts
- A local entity should have the opportunity to protest directly to FirstNet Board if it believes it is not being adequately represented
- Local entities should be allowed to apply for grant funding directly if the state proves unwilling or unable to participate in the planning grant process

f. How should the State and Local Implementation grant program ensure that all public safety disciplines (e.g., police, sheriffs, fire, and EMS) have input into the State consultation process?

g. How should the State and Local Implementation grant program define regional (e.g., interstate or intrastate) and how might the grant program be structured to facilitate regional participation through the States?

Several Waiver Recipients have a robust experience in developing regional governing bodies. For example, the San Francisco Bay Area has learned hard lessons about the consequences of attempting to pursue a project in a diverse urban area without the appropriate governing body in place. However, the BayRICS Joint Powers Authority, established in August 2011, has become a recognized model for fair and transparent representation, having since executed a regional Build-Own-Operate-Maintain agreement with Motorola for the BayWEB

project, hired a general manager and established by-laws, procedures, and a regular meeting schedule to oversee this complex project.

In the summer of 2011, the State of Texas initiated a series of open dialog meetings involving the vendors and federal FEMA Region VI. The State of Texas remains intrigued by the possibility of collaborating and consolidating regional resources and operations and highly supportive of regional-based entities.

In 2009, Los Angeles established a Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority. The Authority 17-member Board of Directors represent its 88 member jurisdictions. The LA-RICS Joint Powers Authority has established regular meetings, bylaws and four standing committees (technical, operational, finance and legislative). These examples are only a sample of the many successful governance practices already developed by OAC members.

h. How should States plan to involve the Federal users and entities located within their States in the grant program?

BayRICS encourages NTIA to reach out to federal users to encourage their participation and cooperation with the states as states undertake their planning and preparation for participation in the consultation with FirstNet.

3. The Act contemplates that FirstNet will consult with States regarding existing infrastructure within their boundaries, tower placements, and network coverage, which FirstNet can use to develop the requests for proposals called for by the Act. The States, however, will need time and funding to collect the necessary information before they are ready to consult with FirstNet.

a. Given these interrelated activities, how should the State and Local Implementation grant program be used by States to assist in gathering the information to consult with FirstNet?

b. Should consistent standards and processes be used by all States to gather this information? If so, how should those policies and standards be established? What should those policies and standards be?

c. What time period should NTIA consider for States to perform activities allowed under the grant program as it relates to gathering the information to consult with FirstNet?

States should provide timelines in their grant application and NTIA can determine the appropriate time necessary to complete planning activities based on submitted grant application. Since the information is critical to FirstNet, the timeline should not exceed 24 months. However,

States should have an opportunity to request extensions to these timelines if necessary to complete planning activities.

Existing Public Safety Governance and Planning Authorities

4. Over the years, States have invested resources to conduct planning and to create governance structures around interoperable communications focused primarily on Land Mobile Radio (LMR) voice communications, including the Statewide Interoperability Coordinators (SWIC) and Statewide Interoperability Governing Bodies (SIGB), often called Statewide Interoperability Executive Committees (SIEC).

Leveraging Existing Infrastructure

5. How should States and local jurisdictions best leverage their existing infrastructure assets and resources for use and integration with the nationwide public safety broadband network?

This question cannot be answered fully without a better understanding of the business model for the network ultimately selected by the FirstNet Board of Directors. The manner in which FirstNet will obtain access to state and local infrastructure will depend on the network architecture adopted by the FirstNet Board.

For this reason, BayRICS agrees with the OAC proposal that a portion of the planning grant funding be reserved until the FirstNet Board provides more information about the business model of the NPSBN, at which time the funds can be more appropriately allocated. Our comments to this series of questions will thus be limited to the context of the planning grant program and the *potential* uses of funding that may apply under a variety of business models.

Potentially, planning grant funding might be used for any of the following purposes that would assist state, regional, tribal and local governments in planning for integrating existing infrastructure assets and resources into the NPSBN:

- Infrastructure inventory and cost analysis:
 - Inventory of available sites (public safety and other government owned)
 - Inventory of government owned backhaul (fiber and microwave)
 - Inventory of additional sites and backhaul
 - Evaluation of sites and backhaul to determine upgrade and remediation needs

- Costs of such upgrade and remediation
- Cost of site/backhaul acquisition (lease fees, permit fees, etc.)
- Cost of site/backhaul use and maintenance (electricity, staff time for site visits)
- Need to identify additional assets to complete coverage and backhaul
- Research of state and local laws to develop standard agreements or MOUs to define the relationship between regional, tribal and local entities that control local infrastructure (e.g. site and backhaul access and use agreements).
- Collection of the following data:
 - Estimated user counts
 - User needs assessment (applications, devices, etc.)
 - User agency back-office (e.g. PSAP or dispatch center) connectivity needs

a. How should States and local jurisdictions plan to use and/or determine the suitability of their existing infrastructure and equipment for integration into the public safety broadband network?

b. What technical resources do States have available to assist with deployment of the nationwide public safety broadband network?

If not readily available, the grant program should fund surveys, databases and other tools to develop inventories of available infrastructure, as well as best practices guidelines for identifying, evaluating and estimating costs for integrating state, regional, tribal and local assets into the NPSBN. The types of data to be collected are described in detail above.

The survey should include infrastructure such as available public rights-of-way, towers and other existing radio sites, dark fiber, fiber connectivity, microwave networks and infrastructure, buildings, etc. The method of access to public infrastructure will depend on an understanding of the applicable state, tribal and local law.

The results of the state surveys of public infrastructure may serve to provide an overview of potential resources that may be leveraged by state, tribal and local governments in implementing components of a national network. However, the availability of public infrastructure to incorporate into the NPSBN will depend on the network architecture model ultimately adopted by FirstNet.

c. How will States include utilities or other interested third parties in their planning activities?

d. Should NTIA encourage planning for the formation and use of public/private partnerships in the deployment of the nationwide public safety broadband network? If so, how?

The States should use every possible option to work with FirstNet to offset the costs of building and maintaining their portion of the NPSBN RAN. This includes State, Local and Tribal hardware, right of way and Public/Private partnerships (including partnerships with utilities and private concerns). The “how” will be dependent on each State’s selective approach and their individual legal and regulatory position. We don’t believe the NTIA should weigh in on what is appropriate in this process.

The NTIA should encourage the participation of public/private partnerships (PPP) in the implementation of the NPSBN. However, as with the above responses, the degree of possible of PPP participation will depend on the network architecture model adopted by FirstNet. The adoption of a network architecture model that encourages active participation by state and local governments would open the door for these governmental entities to partner with private companies under PPP arrangements. For instance, a local government could access dark fiber from an MOU or electric cooperative and through a PPP arrangement contract with an equipment vendor to “light” the fiber and create a local or state regional fiber network dedicated to providing connectivity as part of the NPSBN. Such partnerships, if feasible under the model ultimately selected, should be encouraged and developed as part of the State governance process.

6. Section 6206(b)(1)(B) of the Act directs FirstNet to issue open, transparent, and competitive requests for proposals (RFPs) to private sector entities for the purposes of building, operating, and maintaining the network. How can Federal, State, tribal, and local infrastructure get incorporated into this model?

a. How would States plan for this integration?

b. Should States serve as clearinghouses or one-stop shops where entities bidding to build and operate portions of the FirstNet network can obtain access to resources such as towers and backhaul networks? If so, what would be involved in setting up such clearinghouses?

The state’s ability to serve as a state-wide clearinghouses or one-stop shop will be limited because most state governments cannot compel tribal and local governments to grant access to their infrastructure to build the NPSBN without fair compensation.

States could serve as a clearinghouse for access to its own public infrastructure, and may be able to develop standards or models for regional, tribal and local participation. Regional, tribal and local governments will seek to provide access to their public infrastructure under terms and conditions that fairly compensate the entity for the value of the infrastructure. The compensation may be in the form of in-kind contributions or other appropriate compensation methodology. In many states the terms and conditions may be standardized and local assets may be included in the clearinghouse with the understanding that those assets are available subject to the execution of a standard access and use agreement.

c. Should setting up a clearinghouse be an eligible cost of the grant program?

Yes.

State and Local Implementation Grant Activities

7. What are some of the best practices, if any, from existing telecommunications or public safety grant programs that NTIA should consider adopting for the State and Local Implementation grant program?

The Broadband Technology Opportunities Program (BTOP) provides several best practices in terms of grant management procedures:

- Online grant management tools, such as grantsonline or PAM that provide a quick and uniform process to administer the grant.
- Uniform guides and templates for reporting, modifications, and other grant requests.
- Fact sheets that provide a quick glance and key issues.
- Seminars and webinars that detail critical aspects of the grant, i.e. match requirements, reporting requirements, etc.
- Match contributions from recipients that include both cash and in-kind match.

8. What type of activities should be allowable under the State and Local Implementation grant program?

9. What types of costs should be eligible for funding under the State and Local Implementation grant program (e.g., personnel, planning meetings, development/upgrades of plans, or assessments)?

All costs associated with activities listed in item 8 above and all cost associated with gathering information required for consultation process with FirstNet:

Some examples include, but not limited to:

- Personnel costs required in the planning process (i.e. grant administrators, project managers, accountants, financial analysts, etc.)
- Planning meetings
- Costs associated to establishing local governance
- Development of plans and business models
- Environmental documentation and assessment of potential sites
- Training regarding grants and LTE technology
- Travel costs
- Grant application costs

a. Should data gathering on current broadband and mobile data infrastructure be considered an allowable cost?

Yes. Data gathering will require dedicated staff time to conduct outreach and make sure data is complete and accurate. With current budget cuts, State and local jurisdictions need funding to provide adequate staff to gather data. Such data will provide States with information in assessing existing infrastructure and projecting for future infrastructure.

b. Should the State and Local Implementation grant program fund any new positions at the State, local, or tribal level that may be needed to support the work to plan for the nationwide public safety broadband network? If so, what, if any, restrictions should NTIA consider placing on the scope of hiring and the type of positions that may be funded under the grant program?

Yes, state and local jurisdictions are experiencing unprecedented budget cuts and may not have the staff necessary to execute on the various tasks required.

10. What factors should NTIA consider in prioritizing grants for activities that ensure coverage in rural as well as urban areas?

11. Are there best practices used in other telecommunications or public safety grant programs to ensure investments in rural areas that could be used in the State and Local Implementation grant program?

12. In 2009, NTIA launched the State Broadband Initiative (SBI) grant program to facilitate the integration of broadband and information technology into state and local economies.

a. Do States envision SBI state designated entities participating or assisting this new State and Local Implementation grant program?

b. How can the SBI state designated entities work with States in planning for the nationwide public safety broadband network?

13. What outcomes should be achieved by the State and Local Implementation grant program?

a. Are there data that the States and local jurisdictions should deliver to document the outcomes of the grant program?

b. If so, how should they be measured?

c. Who should collect this information and in what format?

d. What data already exist and what new data could be gathered as part of the program?

14. The U.S. Department of Homeland Security's Office of Emergency Communications (OEC) has developed the following tools through its Technical Assistance Program available at <http://www.publicsafetytools.info>, including:

(1) Mobile Data Usage and Survey Tool – Survey process to document the current-state mobile data environment, in preparation for a migration to LTE;

(2) Statewide Broadband Planning Tool– Template and support on Statewide strategic broadband planning issues designed to serve as an addendum to the SCIP;

(3) Frequency Mapping Tool – Graphical tool to display FCC license information and locations including cellular sites within a jurisdiction; and

(4) Communications Assets Survey and Mapping Tool (CASM) – Data collection and analysis tool for existing land mobile radio assets. Should States be encouraged to utilize tools and support available from Federal programs such as those developed by OEC? Are there other programs or tools that should be considered?

15. Do the States have a preferred methodology for NTIA to use to distribute the grant funds available under the State and Local Implementation grant program?

a. Should NTIA consider allocating the grant funds based on population?

b. What other targeted allocation methods might be appropriate to use?

c. Should NTIA consider phasing the distribution of grant funds in the new program?

BayRICS strongly believes that the two most important factors to consider in allocating

available funding are (1) population and (2) risk levels for urban areas as established by the Department of Homeland Security. Areas that exhibit high levels of risk from natural or man-made disasters may require additional or more detailed planning than areas with less risk. In addition, large urban areas will be particularly challenged in identifying and accessing infrastructure necessary to ensure adequate coverage. BayRICS also encourages the NTIA to consider timing priorities that will ensure that high risk areas are funded first, so that planning for FirstNet can begin quickly. BayRICS believes that FirstNet should consider making every effort to plan for the first deployments of the NPSBN in higher risk urban areas with urgent needs for the advanced services now. Providing adequate funding and making high risk areas a priority for grant funding will be the best way for the NTIA to ensure that high risk urban areas are prepared to deploy the network quickly.

State Funding and Performance Requirements

16. What role, if any, should the States' Chief Information Officer (CIO) or Chief Technology Officer (CTO) play in the State and Local Implementation grant program and the required consultations with FirstNet? How will these different positions interact and work with public safety officials under the State and Local Implementation grant program?

17. The Act requires that the Federal share of the cost of activities carried out under the State and Local Implementation grant program not exceed 80 percent and it gives the Assistant Secretary the authority to waive the matching requirement, in whole or in part, if good cause is shown and upon determining that the waiver is in the public interest.⁷ As NTIA develops the State and Local Implementation grant program, what are some of the factors it should consider regarding States' ability to secure matching funds?

FirstNet's success depends on full participation from all state, regional, tribal and local entities. Full participation from all States must be encouraged in order to collect the large amount of data regarding sites, backhaul, users, etc. Thus, FirstNet's interest and the public interest is best served by setting a low bar for granting a waiver of the match requirement if a State is unable to meet the 20% requirement.

Furthermore, many States and local jurisdictions have committed resources and funding to early deployment and such activity should be given special consideration as they have

demonstrated commitment to the program through early planning. Alternatively, planning work already conducted should be considered an in-kind match for grant funding purposes.

18. What public interest factors should NTIA consider when weighing whether to grant a waiver of the matching requirement of State and Local Implementation grant program?

Other

19. Please provide comment on any other issues that NTIA should consider in creating the State and Local Implementation grant program, consistent with the Act's requirements.

BayRICS urges the NTIA to consider a proposal that the FirstNet Board establish, in addition to the Public Safety Committee, a standing "Local Government" Committee to represent the interests of regional, tribal and local governments before the FirstNet Board. BayRICS has direct experience as the beneficiary of a BTOP grant from NTIA awarded to a commercial partner, Motorola. This relationship may be very similar to the relationship of local jurisdictions under RFP awards from FirstNet to commercial entities contemplated under the Spectrum Act.

While BayRICS generally has a good relationship with NTIA with respect to BTOP administration, we can certainly envision many circumstances in which local governments, who will be contributors of infrastructure and users of the network but not parties to the competitive agreements, may be placed in awkward or unfavorable positions. BayRICS believes that a Local Government Committee, made up of regional and local government representatives, and perhaps supported by an advisory group of local stakeholders, could serve as a liaison among the local entities, FirstNet and the private contractors. Such a body could be instrumental in facilitating the flow of key information about needs, concerns and solutions among all the parties.

BayRICS believes that the Local Government Committee should be a separate entity from the Public Safety Committee. Although Public Safety will ultimately use the network, other local government representatives will oversee infrastructure contributions, PSAP interconnection and finding money in budgets to pay for FirstNet services. Local real estate directors must approve site and backhaul contributions, IT directors must develop the back-end connectivity and application integration for their PSAPs, finance directors must allocate scarce

financial resources and justify expenditures for the service, and local elected officials must approve the jurisdiction's participation at each stage of the process. We believe that a separate Local Government Committee will best represent those local government interests.

Finally, BayRICS believes that there is already interest in developing the foundation for such a Committee among stakeholders currently engaged in this RFI process. The OAC and its individual members know what is needed to engage the support of the various local stakeholders, and organizations such as the National Association of Telecommunications Officers and Advisers (NATOA) have a long-standing history and experience of both vigorously representing these local interests and working with federal agencies and other partners to craft solutions acceptable to all parties. BayRICS encourages the NTIA to reach out to these organizations to begin the development of a proposed framework for such a Local Government Committee for the FirstNet Board to consider as soon as the Board is established.

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