DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Docket No: 120509050-1050-01

RIN: 0660-XC001

Development of the State and Local Implementation Grant Program for the Nationwide Public Safety Broadband Network

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

ACTION: Request for Information

Prepared by: California Technology Agency, Public Safety Communications Office and California Emergency Management Agency

Introduction:

The State of California offers the following comments to the National Telecommunications and Information Administration (NTIA) to assist in the planning efforts in establishing the State and Local Implementation Grant Program for the Nationwide Public Safety Broadband Network.

The California Technology Agency, Public Safety Office in collaboration with the California Emergency Management Agency continues to work closely with the various communications projects throughout the State establishing a shared vision and effective organization structure to support any project or initiative through common policies, processes, and procedures. The two largest projects within the State are the LARICS and BayRICS, which will provide comments separately for the regional, local and tribal perspective in which the State agrees and supports.

All parties encourage the NTIA to develop a phase approach for the distribution of grant funds. The initial phase funding should be used for the development of governance structures and development of state plans to conduct asset inventory and evaluation, cost estimation, and the research and development of standard access/use agreements and other contractual and governance documents. Development of uniform best practices and tools to facilitate the inventory process for use by all states

should also be funded in this phase. A portion of the initial phase funding be made available for the integration development planning of existing or in-progress projects funded by prior grants such as the BTOP.

The Phase Two round of funding should be delayed until the First Responder Network Authority (FirstNet) Board can provide states with some information about the business model and architecture it intends to implement. This round would focus on using the tools developed in the initial phase to conduct asset inventory, evaluate asset needs and execute agreements. The second round of funding would also include activities related to development of coverage maps, assessment for additional assets, design costs, and other architecture needed for network build-out.

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.

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

    The Network business model and architecture needs to be identified in order for the States to fully prepare for detailed interactions and consultation with FirstNet. Depending on the network model chosen, different data sets may be more important than others. In any network model, identifying coverage areas will be critical to the development of any subsequent data sets. Once coverage is identified then potential sites, potential partners, and backhaul capability can be researched.

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

Consultations of this scope will require an enormous amount of planning and preparation on the part of both the States and FirstNET. California's geographic diversity and size alone could amount to years of work collecting terabytes of data on the state's numerous communication systems. Rather than expend efforts to collect data on all systems, limited resources should be used on efforts to collect and pinpoint key critical information that is essentially to get the early phases of project moving. Identifying the "critical information" will be dependent on FirstNet selecting a network architecture or design. Until that is identified, any efforts by the States to collect data would be superfluous.

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?**

This could vary within the States and it is recommended that the NTIA allow flexibility for the coordinator of the governance and the coordination of implementation of the grant funds to be filled by someone other than the SWIC. Some possibilities include, but are not limited to, the Chief Information Officer, the Public Safety Communications Director, Chief Technology Officer, State Administrative Agency, or Homeland Security Director.

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)?**

The governance body should include multi-discipline representatives of state, local, tribal and private associations. These leaders should possess decision making authority to ensure initiatives related to the program can move forward without delay.

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

States should look at successful efforts that energize groups to participate. In most cases, these groups have a sense of equal representation and decision making authority when dealing with the distribution of funds. States should make use of existing organizations such as regional or statewide interoperability planning groups such as the California Statewide Interoperability Executive Committee (CalSIEC) to reach out to local and tribal agencies who participate in these

planning groups. Consideration should also be given to professional organizations such as Chief of Police and Fire Chief Associations, National Emergency Number Association (NENA), and Association of Public-Safety Communications Officials (APCO).

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

Leverage existing tribal liaisons at the state and local levels. Additionally, consider tribal alliances and associations that focus on fostering business relationships with public and private entities.

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?

Recommend the NTIA 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.

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?

Many states developed similar processes when building their SCIPs and managing the PSIC grant program. States may wish to mirror the SCIP/PSIC process, although states should be allowed flexibility in this regard.

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?

In terms of managing the grant program, regions defined by the grantee should be used. This could differ for each state.

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

Recommend the NTIA 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?**

Recommend Grant funds could be utilized to solicit consultation work.

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?**

Aggregating data from all states into a single source will require standards that apply to everyone. This means data standards must be established early by FirstNet before any collection efforts take place.

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?**

Since the information is critical to FirstNet, the timeline should not exceed 24 months. However, States should have an opportunity to request extensions to 24 months if necessary to complete planning activities.

<u>**Existing Public Safety Governance and Planning Authorities**</u>

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).**

a. **What is the current role of these existing governance structures in the planning and development of wireless public safety broadband networks?**

The California Statewide Interoperability Executive Committee (Cal SIEC) has been in a supporting role with regards to D-Block legislation. States need to strengthen enterprise public safety communications governance utilizing existing communication committees and enable greater accountability through enhanced government transparency and accessibility.

b. **What actions have the States' governance structures (*e.g.*, SWIC, SIGB, or SIEC) taken to begin planning for the implementation of the nationwide public safety broadband network?**

Early actions by both the SWIC and SIEC should include outreach to those agencies that are involved with broadband. This would include the 700 MHz waiver recipients who are using BTOP grants to build LTE networks. Additionally, reaching out to your state's NG911 division could also help with future planning efforts.

c. **Can these existing governance structures be used for the PSBN, and if so, how might they need to change or evolve to handle issues associated with broadband access through the Long Term Evolution (LTE) technology platform?**

Yes, however governance bodies should consider including technologist who are familiar with LTE technology. In most cases, these bodies have been exclusively focused on technology related to Land Mobile Radio Systems.

d. **What is or should be the role of the Statewide Communications Interoperability Plans (SCIPs) in a State's planning efforts for the nationwide public safety broadband network?**

The SCIP along with other state communication plans should serve as supporting documents/references for the project plan. In 2010, the California Public Safety Radio Communications Plan (CAPSCOM) was created to assist the 13 State Public Safety Agencies in planning, collaboration and coordination of replacing and better utilizing the States communication infrastructure, a goal for interoperability.

e. **What actions do the States need to take to update the SCIPs to include broadband?**

All SCIPs should include initiatives relating to broadband and how the SIECs should be involved.

f. **Should the costs to change or evolve existing governance and Statewide Plans be eligible in the new program?**

Yes, recommend no funding match should be considered for these activities.

g. **Should the maintenance of those existing governance bodies and plans be eligible in State and Local Implementation grant program?**

Yes, recommend no funding match should be considered for these activities.

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?**

a. **What factors should be considered for sustainability and integration?**

Sustaining a network will require a committed subscriber base. Keeping that subscriber base

exclusively to Fire, Law Enforcement, and EMS will not be large enough to generate revenues to keep the system running. There should be some consideration with providing access to those disciplines that work closely with First Responders. This could include public health, and transportation, private entities to name a few. General government functions requiring data service such as public works SCADA systems should be given consideration as eligible services. These functions would place a low load on the network, and in many cases moving this to the PSBN would release needed narrowband spectrum.

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

As identified in question 1 regarding consultation, leveraging resources for the build out will require upfront information from FirstNet on their intentions or expectations.

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

In the case of California, we leverage partnerships with utilities through the California Utilities Emergency Association (CUEA). More information can be found on http://www.cueainc.com

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?**

In cases where it is mutually beneficial; absolutely. This may be the only feasible method for sustaining long-term operations of this network.

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?**

As stated earlier the initial identification of the "critical information" will be dependent on FirstNet selecting a network architecture or design that the State's will add their data collection to. Aggregating data from all state into a single source will require standards that apply to everyone. This means data standards must be established early by FirstNet before any collection efforts take place.

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?**

FirstNet should take into consideration, integrating existing projects to ensure compatibility.

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

If deemed a requirement under FirstNET it should be an allowable cost.

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 BTOP grant along with the website serves as a good example for reporting transparency and availability of information.

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

    Personnel costs related to planning, coordination, site acquisition services, monitoring & control activities should be allowable. Recommend no funding match should be considered for these activities.

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)?**

    Personnel costs related to planning, coordination, planning meetings, training for grants and LTE training, travel costs, and environmental documentation and site assessment. Recommend no funding match should be considered for these activities

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

    Yes

    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?**

Private infrastructure in rural areas will be limited and therefore should be entitled to a proportion of funding to develop and expand existing infrastructure. This could be fiber infrastructure that has been put in place to support school districts and municipality services like irrigation and power. Under BTOP, many projects supported last mile efforts to extend these networks to rural areas; why not expand on these efforts.

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?**

Under BTOP, many projects supported last mile efforts to extend these networks to rural areas; why not expand on these efforts.

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?**

    This information will vary by State based upon the robustness of their SBI operations. AS a general matter, SBI does not have a public safety focus, and States should be hesitant to rely on the SBI structure.

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

    This information will vary by State based upon the robustness of their SBI operations. AS a general matter, SBI does not have a public safety focus, and States should be hesitant to rely on the SBI structure.

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?**

At this time, it is difficult to determine documents that measure outcome. Until FirstNet provides information regarding the duties and responsibilities of States, it is not clear what documents will be required to measure outcomes.

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?

   The tools and the data collected will certainly be beneficial to the program. Although some of the data may need to be updated in regards to the Communications Assets Survey and Mapping Tool (CASM) the administrative mechanism that supports it and the user base is a step in the right direction.

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?

   Yes, early planning functions should receive early funding and should not be subject to the 20% matching requirements.

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?

The State's CIO should be a key figure in the planning and development of the program. First Net's proposal must take into account how it will integrate with a State's strategic IT direction and how it could leverage other statewide IT projects. The governance lead for this program should be the State CIO working with the SWIC, CalSIEC and technologists.

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?**

No matter what the factors, it is in the best interest of all users that everyone participates. Economies of scale will take precedence on a project this large. Planning, assessment, securing staff should not have match funding.

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?**

Refer to response above.

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.**

The biggest challenge that the public sector will face with the PSBN is sustainment. Technology is constantly changing and without the support of a recurring revenue model, the network will eventually fall into disrepair and neglect. It would beneficial to follow business models used by the wireless industry and considered how those sustainment practices can be tailored for public entities.

Timelines for California including the planning, coordination and statewide assessments need more than 12 months to accomplish.