

**June 8, 2012**

**From:**

Carlos Delatorre

Principal Consultant

719-661-7701

[cdelatorre@macro.com](mailto:cdelatorre@macro.com)

**To: The National Telecommunications and Information Administration, U.S  
Department of Commerce**

**Reference: Comments on Development of the State and Local Implementation  
Grant Program for the Nationwide Public Safety Broadband Network**

## **Personal Professional Background:**

Mr. Delatorre is a seasoned professional with over 24 years of solid diverse background in the Telecommunications industry with a concentration in Land Mobile Radio, Wireless Broadband, Microwave Networks, Cellular, and Satellite systems, consulting for state, county, city and local governments nationwide. Prior assignments in positions of increased responsibility include: President and CEO, Vice President of Engineering Services, Director of Engineering, Principal Engineer, Program/Project Manager and Senior Systems Engineer.

In staying abreast of technological advancements related to Public Safety networks, recently graduated from a Certified LTE Radio Design Planning and Optimization program to compliment his years of field experience deploying and upgrading cellular voice and data system's infrastructure for carriers nationwide.

In addition, Mr. Delatorre is actively participating with National Public Safety Telecommunications Council (NPSTC) Broadband Working Group, updating the National 700 MHz Statement of Requirements (SOR) to include Broadband Requirements.

As an accomplished Grant Writer with a firm understanding of the entire process, Mr. Delatorre has successfully helped Tribal clients apply for and receive DHS, FEMA, and USDA/RUS Broadband grants in excess of 10,000,000 dollars.

With over 12 years of experience working in Indian Country on 299 federally recognized reservations, Mr. Delatorre has an intimate knowledge of Tribal Public Safety agencies work environment, user needs, and has developed a keen awareness of their Tribal Government's structure and procedures.

Mr. Delatorre has assisted the Bureau of Indian Affairs, Office of Law Enforcement and Facilities Departments work with Tribal Governments to align federal and tribal radio communications needs and goals, and continues to work with individual Tribes in a wide range of initiatives related to assessing, constructing, and deploying LMR and Broadband Systems in Tribal Land for the use and benefit of their own Public Safety and Tribal Members.

## **Education**

M.S. – Regis University (Graduation pending thesis completion)

B.S. – Colorado Christian University, Denver, CO

7(j) Executive Management Training, Alabama A&M University Research Institute

## 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?

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

**Response:** At a minimum, they should collect data relevant to local infrastructure asset's inventory; qualifications of existing assets for integration to the PSBN; cost estimates of all required infrastructure upgrades; respective user-needs; local urban/rural coverage requirements; list of all Statewide PS jurisdictions, Tribal and private entities willing to participate on this initiative

There are several steps that the States need to perform to compile the necessary information; at a minimum:

- 1) The states need to first understand the needs of their user community related to everything related to the new broadband network, such as: application services, network services, transport services, off-network communications, system design, user equipment, local operations support, and migration. Knowledge of their state's user requirements will allow for direct comparison with those formulated at the federal level for use of the FirstNet Board Members; this way they can make an easy comparison and determine if their needs are met or not; and if not, the states could easily determine if the identified user requirements gaps are acceptable to them or not.
- 2) The States need to update their infrastructure inventory from across all jurisdictions, to include Tribes. This data needs to be compiled and available prior to consultation with the FirstNet.

- 3) The States need to understand Urban, Rural, and Tribal jurisdictional coverage requirements (at a high level). This way, regardless of which propagation methodology is specified by FirstNet, the states should be able to see if their coverage requirements will be met or exceeded by the FirstNet’s proposed areas of coverage for that specific State and Tribal areas.
- 4) The States need to develop a list of “potential” additional infrastructure requirements in support of their perceived “high level coverage requirements”. Compilation of this data will be critical for the design team, so it’s best to get it done in advance and prior to final coverage negotiations with FirstNet.
- 5) The States need to quantify required enhancements to existing infrastructure assets to bring them up to FirstNet specified National Structural Standards (to be specified in the PSBN SoR Document). Again, this knowledge will allow States to prepare and negotiate with FirstNet properly.
- 6) The States should revise/develop their own Governance model designed to establish how they will work with local jurisdictions, Tribes and private entities. Critical step to ensure that all local jurisdictions and Tribes are aware of how they will work with their own State and how the State plans to consult with the FirstNet

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

**Response:** Yes, all of the above mentioned planning activities should be covered by this grant program. With the budgetary constraints that state and local governments are currently experiencing, is hard or impossible for them to allocate set-aside funding to cover the inherent cost obligations to perform the above mentioned tasks. The fact that these Planning Activities are required to be performed so that States are ready to consult with FirstNet in a perceived short period of time, failure to fund these activities could mean that the States perhaps will not be ready to consult with FirstNet on an effective and timely manner. The longer the consultation/negotiation process between the States and FirstNet, the longer it will take to move on to the design and implementation phase of this PSBN.

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 mplementation of the grant funds.<sup>6</sup>

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

**Response:** It should vary for each State to allow the Governor to make this decision

**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)?**

**Response:** A combination of State officials (i.e. CIO, CTO, Comptroller), un-biased technical experts/consultants, SWIC, legal experts.

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

**Response:** The States should/could use existing DHS Grant implementation processes to deal with local entities/jurisdictions in an effective manner, as most entities are familiar with the process and the States are setup to implement that process. The State needs to calculate the level of effort that each local jurisdiction or regional communications working group will be required to perform and request/allocate adequate funding to pay for those activities.

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

**Response:** Historically, the above mentioned process has not worked well between the States and Tribes, and therefore a different approach/plan should be designed and implemented.

The Tribes, as sovereign nations, should be treated as both, a potential PSBN user and as a local government. As such, they should be allowed to contract technical experts to help them plan and specify their own user needs, coverage requirements, inventorying existing infrastructure assets, assess the potential use of existing assets, assess/identify the need for additional infrastructure within the boundaries of their own land, and perform all other required planning activities so that they can effectively consult/negotiate with the State or directly with FirstNet (if so specified by FirstNet or/and requested by the States or Tribes themselves).

As such, the States should request that a specific percentage/amount of their own allocated grant program allocation be directly provided to the Tribes so that they can conduct their own planning activities; or request that a set percentage of the total grant program allocation be set aside by FirstNet for the Tribes nationwide, without affecting the State's allocations.

**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?**

**Response:**

- 1) The States should develop a complete contact list of all local jurisdictions and Tribal Public Safety agencies to ensure that they have the right POC for each entity
- 2) Conduct pre-planning meetings to inform all local/Tribal PS of the pending State-level Planning Process, outline what's required from the local/Tribal PS POCs to complete all State/Tribal Planning tasks, and develop a tentative schedule of activities
- 3) Once all formal Planning activities commence, ensure that all respective POCs are always engaged in all activities
- 4) Should a specific local/Tribal entity fail to engage on a proactive basis, reach out to them and help them overcome whatever obstacles they may be experiencing, or if needed, directly assist them to complete their required tasks
- 5) Allow any local/Tribal entity to opt-out of all Planning Activities if requested, and notify FirstNet of such event.

**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?**

**Response:** The States should develop a comprehensive outreach plan to ensure that all public safety disciplines are consulted with. Utilize existing regional Communications Working Groups to reach out to their respective first responders and collect requirements if feasible and allowed by the State.

**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?**

**Response:** Most, if not all States have defined regional entities that already work with the State on matters related to first responders' communications and grant allocations; that structure, if it already exists, should continue to be utilized; but if not in existence, it should be developed prior to receiving any grant allocations.

The States should honor the sovereignty of all Tribes and work with them individually or through already existing State-wide Inter-Tribal entities representing some or all of the Tribes within a specific State. However, if the existing Inter-Tribal entities do not represent the entire Public Safety community of all Tribes, then the States should work directly with those Tribal first responders or request that the Inter-Tribal entity work with them directly.

Another option is to allow the First Net to develop and implement a National Tribal Outreach program to ensure that all Tribes are properly engaged in all matters related to the grant program, and when all planning tasks are completed, provide that information to their respective State representative(s) for inclusion to the State Plan. With limited resources at the State level, and perhaps with little to no experience in working/coordinating with Tribes in an effective manner, the idea of FirstNet developing and implementing a National Tribal Outreach program is highly desirable. This is especially more important if the relationships between the State and Tribes are not firmly established already.

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

**Response:** The States should develop a Federal Users Outreach Program designed for those federal entities within their states. Although agency / military installation(s) needs will vary, grouping them in a special group will allow the State representatives to easily collect requirements and ensure that their individual / collective user needs are collected and included into the State Plan.

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?**

**Response:** States and Tribes should be allowed to contract expert technical consulting services with grant funding to supplement their own staffing resources to gather all required information in an expedited and efficient manner.

With the limited internal resources available at the State level, it would be a difficult task for them to do this work with internal resources only.

External resources will also bring much needed technical expertise and the technical tools needed to perform high-level coverage studies that will help in determining what coverage could be achieved with existing tower infrastructure, analyze where the coverage gaps exist, and pinpoint where new tower placements are needed to achieve the required coverage requirements.

**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?**

**Response:** Yes, States should be given standard procedures to use by them and their hired expert consultants to ensure that all data is uniformed across the entire USA. This polices should be established and managed by FirstNet to ensure that they are consistent with the national goals and requirements.

Those standards should include all sections of the SoR utilized by FirstNet, especially when it comes down to specifying propagation models and tower site's reliability, resilience, security and hardening standards.

The standards should also provide RAN / User Devices HW equipment specifications to be used by the engineering staff.

**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**

**Response:** Given the requirement to gather this information in an expeditious manner, the States should be given a 6-9 months period to collect all required data to consult with FirstNet.

### **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).

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

**Response:** These existing documents should represent the basic structure of their new Broadband Governance. The Broadband Governance will include issues related to how the network will be implemented, managed, operated, and maintained,, therefore new rules / agreements will apply.

- 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?**

**Response:** These bodies need to start discussing new issues related to Broadband and start working on achieving consensus. Of course, all BN planning activities need to be completed prior to completing their new governance structure for BN

- 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?**

**Response:** Yes, some existing governance structure can and should be used for the PSBN with some modifications related to new PSBN activities / issues.

- 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?**

**Response:** Since this position is for the most part a one-man shop, with a heavy workload, their role should be that of “coordinator” between the people working on the PSBN planning tasks and the local jurisdictions / PS practitioners. He/she can also play a role in planning / implementing a State-wide outreach program to educate first responders and local governments prepare to participate on the state-wide effort to collect data and prepare for consultation with FirstNet.

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

**Response:** Before updating their existing SCIPs to include Broadband, they need to first go through the planning phase so that they can work with facts and not just assumptions.

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

**Response:** Yes. Revising SCIPs will require effort and wide participation. At a minimum, the SWICs and those people that chair SIGBs and SEICs should be compensated. Also, any expert consultant’s services needed to help them complete this task should be reimbursed under this grant program.

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

**Response:** Yes.

### **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. 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?**

**Response:** Again, FirstNet needs to publish national standards for existing infrastructures to ensure that all assessments are conducted in a similar manner and to help standardize data; with this information on hand, States and local jurisdictions planning teams should be able to assess and determine if their facilities exceed, meet, or do not meet those national standards. If those facilities do not meet the standards, then they'll need to quantify the cost of all required upgrades and submit that data to the State data collection entity for inclusion to the State Plan.

Those facilities that meet the standards should be included into the preliminary coverage modeling to see if they are useful for integration into the PSBN. We need to keep in mind that some existing infrastructure facilities will not fit into the overall scheme of the BN infrastructure requirements.

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

**Response:** Few Program/Project Management and Financial resources and perhaps a smaller number of internal “expert technical” resources. For the most part, most States will need the support of external resources to assist them with the deployment of the NPSBN

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

**Response:** These third party entities should be brought in at the very beginning of the planning phase along with all local jurisdictions so that they can benefit from

those planning activities and understand their role in the entire process. These are critical entities that will own a great deal of infrastructure facilities that could be integrated into the NPSBN system design phase, and consequently, will need to be included into the new / revised Governance Model.

**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?**

**Response:** Yes. If FirstNet is to manage the overall deployment and O&M of the network at the national level, then they should draft public/private partnerships teaming agreements models for the State's to use as is, or revise as needed, so long as the main structure of the agreement falls within federal guidance.

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 gets incorporated into this model?

**a. How would States plan for this integration?**

**Response:** First, the States need to complete the following tasks:

- 1) Conduct a comprehensive inventory of all infrastructure facilities
- 2) Assess whether they are ready for inclusion to the PSBN or need enhancements / repairs to qualify for inclusion to the network
- 3) Quantify need for repairs
- 4) Document inventory and repair requirements with cost estimates
- 5) Complete the new / revised Governance Model inclusive of how the State and local jurisdictions agree to allow the inclusion of those assets into the PSBN, and specify what responsibilities would those

local jurisdictions be willing / capable to undertake, and what responsibilities they expect those “selected” public sector entities to undertake and / or be responsible for to ready those assets for inclusion and to use them in support of the PSBN

- 6) States should submit these data / requirements to the FirstNet during their consultation phase. FirstNet would need to include those requirements into their own RFPs for proposer’s evaluation.

**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?**

**Response:** Yes, only because this task will require man-power not available at the local jurisdiction level. However, the States need to have completed their BN Governance that clearly identifies what the local jurisdictions will allow the State to perform and under what conditions.

When it comes to Tribal assets, the State should only be allowed to coordinate with the local representative as the Tribes are sovereign nations with internal rules and regulations affecting site access, site construction / remediation.

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

**Response:** Yes. The resources needed for this clearinghouse will need a set of skills that perhaps are not readily available at the State level, and they’ll need to hire external expert support.

### **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?**

**Response:** The USDA/RUS Community Connect Broadband grant program could be used as a model for building Broadband infrastructure at the State or local level.

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

**Response:** Project Management, travel, implementation contractors, repairs to existing infrastructure, cost to build new infrastructure, equipment installation, systems engineering.

**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)?**

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

**Response:** 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?**

**Response:** Yes. Some restrictions that should apply are:

- 1) Hired staff must meet / exceed skill set requirements of such positions
- 2) Should be funded for the expected period of performance, from planning to end of implementation work, unless required to support the network at the local level, then these positions should continue to be funded on a regular / on-going basis

- 3) Skills that may be required include but are not limited to: Project Managers, tower site's construction, design / network engineers, equipment configuration, equipment installation and optimization, end-user equipment support staff.

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

**Response:** Areas where existing infrastructure and backhaul networks are ready for integration to the NPSBN; areas where existing infrastructure are ready for integration but there is a requirement to enhance / upgrade / deploy new backhaul networks; areas where repairs / upgrades to existing infrastructure are required; areas where new infrastructure is required.

**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?**

**Response:** FirstNet / States should ensure that preliminary coverage studies are conducted for rural areas utilizing existing infrastructure to determine suitability and readiness. These coverage studies should also reveal coverage gaps and potential locations of new infrastructure that can be used to enhance the network coverage for that specific area. Once these existing and new infrastructure requirements are identified and built, these assets should be incorporated into the network's infrastructure pool after local agreements for the use of those assets are in place.

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?**

**Response:** No comment

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

**Response:** No comment

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?**

**Response:** Every eligible activity should have a required set of deliverables; States, local jurisdictions, and Tribes should deliver those deliverables to FirstNet as proof of successful project / activity completion

**b. If so, how should they be measured?**

**Response:** Depending on tasks / activity requirements and desired outcome

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

**Response:** States should be the data collection clearinghouse. The format of these data files will vary depending on the desired type of data input / output. At a minimum, data formats should use applications that are typically used by the applicable user-base; for instance, all reports, databases, presentations should use MS Applications; engineering drawings could be formatted on MS Visio or CAD (need to specify format/version).

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

**Response:** I assume that the existing data collected at every State / local jurisdiction could be different, but FirstNet should specify data requirements to standardize data type(s).

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?

**Response:** These are all excellent tools that should be utilized to assist with the collection of applicable data; however, there are real reasons to believe that States should verify / validate existing data before relying entirely on that information to make sound decisions. It appears that public safety has falling short of complying with asset information collection and reporting requirements and therefore, before relying on existing data, it should be verified and databases updated with “pertinent information”.

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?**

**Response:** While this approach could be a simple approach to an otherwise complex process, the allocations should be more aligned with the expected level of effort that will be required at each state to complete all planning tasks in the given amount of time. Just because some states are more populous than others, it does not mean that they have the larger number of urban / rural / tribal areas with the greatest number of local jurisdictions that need to be included in the planning process.

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

**Response:** While population count could / will be utilized in the design phase, for the purpose of setting planning funding allocations, the number of cities, towns, rural communities, and Indian Reservations in a given state, along with a count of all public safety jurisdictions within that state, should be more adequate when it comes to allocation of planning funding on a more fair and adequate manner.

During the implementation phase, funding allocations should be based on the required level of effort. This projected level of effort should be extracted from the individual state's planning deliverables.

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

**Response:** If FirstNet establishes a "planning and consultation completion timeline", along with the Notification of Funds Availability with stated allocations per State / Tribal entities ahead of schedule, then the distribution of funds should be made at as required to give the States and Tribes the right to manage their workload requirements internally and if needed, acquire the required technical expert assistance they'll need to perform all planning tasks on schedule.

If FirstNet decides to give the States more than the suggested 6-9 months to complete all required planning tasks, then perhaps the distribution of funds should be phased by the individual level of effort that each individual State / Tribes decide to apply to the performance of these tasks. Some States / Tribes will perhaps be more pro-active and prepared to act than others, and therefore, those States / Tribes should be given their own allocations based on that desired level of effort, so long as all entities complete all tasks within the FirstNet specified period of performance.

## **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?

**Response:** Their office could play the Program Management role and oversee all planning, coordination, and construction activities, and be the one entity that coordinates / communicates with FirstNet on behalf of the State.

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.<sup>7</sup> 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?

**Response:** Several factors could play in this determination, such as local budgetary conditions, size of required matching contribution, implementation timelines, and in-kind matching contributions proposed by local entities.

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?

**Response:** No comment

### **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.

### **Tribal Outreach:**

Based on previous known situations when federal /state agencies attempted to coordinate with Tribal Public Safety entities on issues related to Interoperability Requirements, asset inventories, utilization of existing Tribal assets for inclusion into regional networks, and other related issues, and failed to achieve the stated goals; prompts me to question the potential success of just implementing an Outreach Program at the State level to work with local Tribes and ensure that they are full participants in the planning and implementation phases of the PSBN.

When you consider that the planning, design, and deployment of an LTE Broadband Network is a foreign concept to Public Safety as a whole, and add to that the fact that historically Tribal PS agencies are severely understaffed and lack the support of local technical personnel that could be qualified to adequately represent them in everything related to the planning and construction of a PSBN that will include their own needs and incorporate their own assets into the network, is not difficult to imagine the potential failure of this initiative.

In addition, when considering that in some cases, the Bureau of Indian Affairs OLES / Facilities, which are federal agencies, provide PS services to the Tribes and in some instances also own, operate and maintain existing communications assets; now you have the need to understand how the BIA and the Tribes operate individually and collectively when dealing with external local jurisdictions and State representatives in order to properly coordinate with them in regards to the NPSBN issues.

When you consider that in cases when the BIA agencies needed to successfully plan and accomplish a specific project related to the inventory of existing assets, construction of new communications facilities or enhancements to existing infrastructure on Tribal land, especially when the scope of the project was at the district/regional or state/national level, they relied on

expert technical support to assist them on completing all related planning, coordination, and construction tasks; you would think that FirstNet should benefit from copying that same approach model. Keep in mind that these technical resources will need to be carefully evaluated to determine their level of competence and prior experience working with Tribal PS agencies and their Governmental Bodies, and assessing their relevant prior experience before selecting them for the job to minimize the inherent risk of partial or full failure.

I have had the privilege of leading several similar initiatives on behalf of the BIA over the past several years. Based on previous experience, I would highly suggest that FirstNet takes the initiative of acquiring such qualified expert technical assistance and work with them to draft a national approach of reaching out to the Tribes, and provide the required technical resources to assist them with the collection and proper dissemination of infrastructure data, identifying user-needs, identifying coverage requirements, assist them in consultations with the State and FirstNet (if allowed to consult with them directly), and to manage the construction / implementation activities that may needed to be performed in their lands.

Given the complexity of the scope of work, and the need to effectively integrate the needs of all Tribal PS agencies (Tribal and Federal) into the overall SoR, and to develop the opportunity to incorporate Tribal assets in support of the NPSBN, this approach represents the best Outreach Model that has proven to work with Tribes.

This is the primary reason for my suggested idea of allocating grant program funds directly to Tribes; perhaps duplicating what DHS is already doing – allocating grant funds to States and local jurisdictions under one program, and allocating grant funds for Tribes only under a similar but separate program; just ensure that the allocations are adequately for the stated SOW.