

State of Montana

Comments in response to Request for Information issued by the
National Telecommunications and Information Administration's (NTIA)
Docket No: 120509050-1050-01 RIN: 0660-XC001

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

Submitted by the Office of the Governor on behalf of the Montana State Chief Information
Officer, the Montana Department of Administration Public Safety Services Bureau, and
the Statewide Interoperability Coordinator
June 14, 2012

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?

Response: As directed in the Middle Class Tax Relief and Job Creation Act (Act) the Governor of each State should designate a single officer or governmental body to coordinate the planning and the implementation of the grant funding, such as the State Chief Information Officer or Statewide Interoperability Coordinator.

a. What data should States compile?

Response: As stated in the Act, States should collect and compile the necessary data and information to identify, plan and implement the necessary infrastructure, equipment and other architecture. States may also be able to coordinate additional broadband-related data and information through their participation in NTIA's State Broadband Initiative (SBI) program.

b. Should this planning activity be covered by the State and Local Implementation grants?

Response: Yes, States will need financial assistance to collect the required data and information. All of the costs associated with collecting, compiling and providing the data and information should be covered. State budgets and resources are already strained with no additional resources or capacity to support these efforts.

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?

Response: This decision should be retained within the discretion of each individual Governor.

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: An already established governing body in each individual state should be utilized (ex: State Technology Board, State Interoperability Governing Board, etc.) if possible, but this decisions should be left to the discretion of each individual State.

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?

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?

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

Response: NTIA should provide guidance and direct the funding to encourage the States to engage in an inclusive planning approach to provide local, tribal, regional and federal stakeholders with the opportunity to participate and provide input into the State's planning efforts. For example, participation in regional planning by the states should be an eligible expenditure under the grant and NTIA should develop, coordinate and host regional planning events.

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: As stated in the Act, FirstNet will provide each Governor the details of the proposed plan for network build-out in each State. Therefore FirstNet should identify the necessary data and information requirements and standards for their proposed plan and NTIA should require that State's collect the data and information and provide the necessary funding through the State planning grant program. Adequate funding needs to be provided to ensure that State's are able to acquire the necessary resources to fulfill FirstNet/NTIA's 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, establishing consistent standards and processes should be essential to FirstNet to develop the proposed plan in each State in the most efficient and effective manner. FirstNet needs to establish the policies and standards.

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: FirstNet and NTIA should develop a timeline for successful planning and deployment, with input from the States. This process will set a reasonable time period for gathering the information by the States.

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: Through guidance received from the U.S. Department of Homeland Security, Montana is planning on updating the Statewide Interoperability Communications Plan (SCIP) to include wireless broadband.

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: In Montana, the SWIC has briefed the SIGB about the PSBN and the updating of the SCIP.

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: As stated previously, to facilitate the planning and deployment an already established governing body and governance structure in each individual state should be utilized (ex: State Technology Board, State Interoperability Governing Board, etc.) if possible, but this decisions should be left to the discretion of each individual State.

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: As stated previously, through guidance received from the U.S. Department of Homeland Security, Montana is planning on updating the Statewide Interoperability Communications Plan (SCIP) to include wireless broadband. In addition Montana is engaged in broadband planning activities under NTIA's SBI program. In order to maximize the use of scarce resources, these efforts and programs should be coordinated and complement each other.

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

Response: FirstNet needs to establish the planning, information and data requirements before States move forward in their SCIP and other planning efforts or resources could be misallocated.

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

Response: Yes

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: FirstNet needs to establish the architecture, requirements, plan, etc. for planning and implementation before the State's will be able to define "suitability".

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

Response: States will require additional dedicated resources for the deployment of the NPSBN and federal funding to obtain these resources.

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

Response: NTIA should provide guidance and direct the funding to encourage the States to engage utilities and other private stakeholders in the planning.

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, as directed in the Act, FirstNet should maximize the use of existing commercial infrastructure.

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?

Response: The FirstNet RFP should include the use of existing Federal, State, tribal, and local infrastructure. Through the planning process existing Federal, State, tribal, and local infrastructure should be identified.

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: FirstNet as the lead in the procurement process should be the clearinghouse or one-stop shop. FirstNet could resolve issues through coordination and information requested from the States.

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

Response: If FirstNet requires support from the States to resolve issues or provide information, the costs incurred by the State should be eligible.

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: Modeling existing NTIA programs, such as the SBI program should be considered. SBI best practices include standards based data collection and reporting, one State agency grant recipient and grantee collaboration.

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

Response: All activities that are necessary and directly related to the State in developing and gathering the required data and information and to prepare the required plan.

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?

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: All costs incurred by the State directly related to developing and preparing the required plan should be eligible for reimbursement, including costs incurred in the gathering of data, planning meetings, development/upgrades of plans, or assessments. For States to obtain the necessary resources, human and other, the grant program should fund any appropriate new State positions.

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

Response: Montana is a large geographic state with a small population and tax base and is a small market for commercial providers so the costs for network deployment will be significantly higher on a per capita basis, but Montana is of national importance relative to national public safety concerns and strategies. Montana is a border state with multiple Canadian provinces and includes key transportation corridors (highway, rail, oil and gas pipelines, etc.), critical natural resources and subject to significant natural disasters. NTIA should consider these other factors in its investment priorities.

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: The U.S. Department of Agriculture, Rural Development is focused on rural programs and has been effective in ensuring investments in rural areas.

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: Yes, Montana is planning to utilize the data and information gathered under the SBI program. In order for the State to efficiently gather the required data and information in the future it is critical that NTIA and the commercial providers resolve the non-disclosure issues surrounding private data and information being released to the State, NTIA and FirstNet by the commercial providers.

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

Response: Due the organizational placement of the broadband and public safety programs and planning efforts, this isn't currently an issue in Montana. NTIA administers both programs so NTIA could direct SBI state designated entities to coordinate with the State Implementation grant designated entity.

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

Response: Successfully identify, plan and implement the most cost-effective network, which meets and exceeds end-user requirements.

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?

Response: As with any federal grant program, it is important that federal dollars be used most effectively to achieve demonstrable positive results. NTIA should benchmark the planning grant program against other NTIA and similar federal grant programs to develop comparable performance metrics and collect the necessary data and information. In the end, the success of the planning grant program will be reflected in the success of the implementation and use of the network(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: While NTIA is encouraged to implement “best practices” in federal grant programs and ensuring investment in rural areas, it should apply this process to U.S. DHS and the tools they have developed.

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?

Response: No, not on population only. Other criteria that should be considered include: geographic area, national importance (border state, critical infrastructure and resources, etc.). A minimum amount should be established to ensure that every state receives at least the minimum amount necessary to obtain the necessary resources to provide them with the opportunity to successfully meet the planning grant minimum requirements. Additional funding beyond the minimum could be distributed based on a formula to perform additional planning activities. Montana is comfortable with phasing the release of the awarded funds, but the total award of funds has to be made initially to enable each State’s budgeting process and receive approval from the executive and legislative branches to ensure that the states have the authority to receive and expend the federal funds and ensure that the States have the required matching funds.

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: The role of the CIO should be at the discretion of the State. In Montana, the CIO participates and leads the public safety communications efforts. The CIO is a member of the SIGB and the SWIC is located within the CIO’s organization.

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. 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?

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: Montana requests that the matching requirement be waived. State budgets are strained and the matching requirement could keep some states from participating and/or delay the critical planning and the deployment of the NPSBN.

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.

Response: No Comment.