

**Before the  
National Telecommunications  
and Information Administration**

Development of the State and Local )  
Implementation Grant Program for the ) Dkt. No. 120509050-1050-01  
Nationwide Public Safety Broadband )  
Network )

**COMMENTS OF THE STATE OF NEW JERSEY**

**I. Introduction**

The State of New Jersey (“New Jersey”) submits these comments in response to the National Telecommunications and Information Administration (“NTIA”) Request for Information regarding the development of the State and Local Implementation Grant Program (“Grant Program”) for the nationwide public safety broadband network.<sup>1</sup> NTIA is required by statute to establish the Grant Program to

assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, and other needs.<sup>2</sup>

In the above language, Congress seems to recognize that jurisdictions may differ both in their needs as well as the “most efficient and effective way” for them to use the nationwide network to meet those needs. New Jersey urges NTIA to accept and embrace those differences, allowing States where possible to use Grant Program funds for the necessary planning, data collection and assessment work in the “most efficient and effective” manner for that State.

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<sup>1</sup> *Development of the State and Local Implementation Grant Program for the Nationwide Public Safety Broadband Network*, Request for Information (“RFI”), 77 Fed. Reg. 28857 (May 16, 2012).

<sup>2</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Act”), § 6302(a).

As detailed below, New Jersey considers four areas of work most important in preparation for FirstNet, but none is more important than establishing a strong, active governance mechanism. The other areas are asset identification, asset evaluation, and coverage requirements analysis. New Jersey urges NTIA to ensure that States may use funds from the Grant Program to support this work.

## **II. Recommended Grant Activities**

Each State, based on its own particular situation and experience, may find it most beneficial to focus on a different set of activities in preparing to support FirstNet. In the State of New Jersey, activities in four particular areas will be the top priority. In order of importance to the State, they are: establishing governance, identifying assets, evaluating assets, and analyzing coverage requirements.

### **A. Governance: A New Jersey Top Priority**

A strong, engaged governance mechanism will be a State's most valuable asset in helping FirstNet develop and deploy the nationwide network. Even in States where governance for public safety communications is well developed, either through a Statewide Interoperability Executive Committee ("SIEC"), a Statewide Interoperability Governing Body ("SIGB"), or some other structure, there is much work to be done to prepare for the nationwide public safety LTE network, and it is the State-level governance mechanism that will be most critical in ensuring the successful completion of that work.

#### **1. Establishing the State's Governance Mechanism**

A State may elect to establish a governance mechanism in any of a number of forms, and the Grant Program ought to support the State's choice in this regard. Whether it be a formalized entity, with an appointed board and bylaws, or a chartered program within an existing agency, or a more informal agreement among participants to form a flexible consortium, the governance mechanism will be called on time and again by FirstNet to gather and share information, provide policy feedback, and

represent the consolidated views of its participants from State, local and tribal entities as well as non-governmental entities in the State.

In addition to being a source of information and feedback for FirstNet, the governance mechanism will create the focus and energy necessary to drive adoption and realize the myriad benefits of public safety wireless broadband services in the State. It will raise awareness among State and local executives of the benefits of LTE and associated applications, and it will provide guidance and direction for the increased usage of the network. In short, though the governance mechanism will serve a much-needed function for FirstNet, it will also provide a much broader array of services that will benefit public safety communications in the State well beyond the initial deployment and operation of the nationwide public safety broadband network.

Just as there is a variety of governance mechanisms from which a State may choose, there is also choice among methods for encouraging and receiving input from public safety entities at the State, local and tribal levels—including all public safety disciplines—into the governance process. The Grant Program should, in evaluating State requests for funding, consider a State’s explanation of the governance mechanism’s inclusion of such input. The Grant Program should also consider a State’s plan for accepting similar input from Federal entities as well as non-governmental entities.

## **2. Grant Program Coordinator**

The Act requires each State to designate a “single officer or governmental body” not only “to serve as the coordinator of implementation of the grant funds,” but also to serve as the State’s point of contact with FirstNet for the required consultation FirstNet must undertake with regard to expenditure of funds on critical aspects of the core network and radio access network.<sup>3</sup> In this important role, the coordinator will work very closely with the governance mechanism; indeed, one of the first tasks of the

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<sup>3</sup> Act, §§ 6302(d), 6206(c)(2)(B).

governance mechanism should be to identify and recommend to the State an individual or governmental body to serve in this statutory role.

NTIA should be clear that despite the importance of its role, the coordinator (whether an officer or a governmental body) is analytically distinct from the governance mechanism the State establishes to make critical decisions about the State's views on development and use of the network. The coordinator, as the State's point of contact with FirstNet for implementation of the Grant Program and for the statutory consultation process, will likely be deeply involved in the operation and work of the State governance mechanism, but as a single person or governmental body it likely will not embody the governance mechanism.<sup>4</sup>

### **3. Developing Site Use and Access Agreements**

Another critical task of the governance mechanism is the development and execution of agreements for local, regional, tribal and nongovernmental entities to use when they wish to provide the State or FirstNet use of and access to sites owned or controlled by such entities. These use and access agreements can be highly complex, and gaining approval among potential parties to such agreements can become an extremely drawn-out process. Accordingly, the governance mechanism would do well to begin this work early and in earnest; even a site that is optimally located and fully prepared for LTE is of little value without the owner's willingness to permit its use for the nationwide network.

#### **B. Identification of Assets**

State, regional, local and tribal entities, perhaps coordinated through the State's governance mechanism, can make great strides toward the identification of government-owned assets that may be

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<sup>4</sup> Question 2(b) of the RFI appears to conflate the coordinator's role with that of a representational governance mechanism. Because the Act asserts that "governmental body" serving as "coordinator" is an alternative to an "officer" serving as "coordinator," it seems misdirected to consider the types of individuals who "might serve on the governmental body."

leveraged to support the deployment of the nationwide network in the State. This asset *identification* effort is distinct from the asset *evaluation* work described below. Asset identification includes only the research necessary to determine the existence and basic identifying information of potential network assets; it does not typically require a site-visit and includes neither a detailed description of the asset nor an estimate of work necessary to prepare the asset for use in the nationwide network.

Much asset identification work can be accomplished via online research and surveys of State, regional, local and tribal government entities. The assets identified may include towers, fiber backhaul, shelters, microwave links, and even government locations that might be used as the sites of future towers. This basic information will provide a starting point for the more complex, time- and funding-intensive asset evaluation work described below.

### **C. Evaluation of Assets**

Perhaps of greatest value to FirstNet will be a detailed evaluation of the potentially usable assets within each State. This evaluation, which includes technical details about tower sites, backhaul capabilities, power supply, and a host of other factors, requires time and resources, including in-person site visits to confirm the details of the asset's condition. The evaluation data will be most useful to FirstNet if it is recorded on a specified template following a given methodology. The timing of the grant program and the establishment of FirstNet seem likely to work out in this regard: FirstNet may well be able to specify a template and methodology prior to NTIA's release of funds under the Grant Program. In any event, NTIA should urge FirstNet—or, in the alternative, a qualified public safety communications organization such as the National Public Safety Telecommunications Council ("NPSTC")—to specify a template and methodology for asset evaluation by State, regional, local and tribal entities.

Though the asset evaluation work will take substantial time to complete, it may be important to FirstNet that the information it generates be recent and fresh. NTIA should urge FirstNet to provide

guidance to States indicating, if possible, a preferred time during which the State should undertake to obtain the asset evaluation data.

#### **D. Coverage Requirements Analysis**

Using available, qualified government-owned assets as a starting point, the State governance mechanism should work to develop an initial coverage design to support FirstNet's deployment efforts. This design should be driven by the coverage requirements of State, regional, local and tribal entities.

The Grant Program should support the work necessary to collect and analyze these coverage requirements and to create the initial coverage design. This data will provide the basis for FirstNet's deployment plan in the State, taking into account both the requirements discovered by the governance mechanism and the funding available to FirstNet to accomplish the deployment. Combined with the asset identification and evaluation work, the coverage requirements analysis will help FirstNet determine the extent to which it leverages existing government-owned assets or leases commercial sites, a key decision in establishing a sustainable business model.

### **III. Allocation of Grant Funds**

Within the multi-phase approach for distribution of grant funds described above, there are a number of relevant factors the Grant Program may wish to consider in determining the amount of funds to award in each State. Given the importance of the governance mechanism described above and the need to obtain broad participation among State, regional, local and tribal entities, the Grant Program may take into account the number of such entities in a State when determining the amount of an award. The Grant Program may also take into account the number of public safety users and entities the network would potentially serve within the State, as well as the State's overall population.

Finally, because so much of the work under the Grant Program is likely to focus on identifying and evaluating potential network assets, the amount of funds awarded in each State may be driven in

part by the number of such assets in the State. The representation of that figure in the grant application will be an estimate—the actual identification work will not occur until Funding Phase One—but States should be able to provide a rough approximation to help guide the grant decision.

#### **IV. Conclusion**

For the reasons set forth above, NTIA should establish the Grant Program to support work to identify assets, evaluate assets, and analyze coverage requirements. The Grant Program should particularly support establishment of a State governance mechanism that, in the State's discretion, meets the needs of State, regional, local and tribal entities in the State.

Respectfully submitted,



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