TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N Lamar Blvd Austin, Texas 78752
(512) 424-2000
www.dps.texas.gov

June 15, 2012

Laura M. Pettus
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
Room 4878
Washington, D.C. 20230

Dear Ms. Pettus,

As requested by the Department's submission to the Federal Register docket 120509050-1050-1, please find the response compiled by the State of Texas. We greatly appreciate the opportunity to provide feedback on the many key issues and questions regarding the State and Local Implementation Grant Program for the Nationwide Public Safety Broadband Network.

Thank you for considering our recommendations.

Respectfully submitted,

/s/ Todd M. Early
Todd M. Early
Deputy Assistant Director
Law Enforcement Support Division
Public Safety Communications Service
Texas Department of Public Safety
5805 N. Lamar Blvd.
Austin, Texas 78752
(512) 424-2121

State of Texas Response to

DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
[Docket No: 120509050–1050–01]
RIN 0660–XC001Development 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
REQUEST FOR INFORMATION

Submission Date: June 15, 2012
V10.1

INTRODUCTION

The State of Texas appreciates that the Department of Commerce, National Telecommunications and Information Administration has opened a Request for Information process to facilitate an open dialog on extremely important issues. The following document provides response to the questions posed.

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?

In order to fully prepare for detailed interactions and consultation with FirstNet, the State of Texas will implement a series of outreach, information gathering and governance establishment. States should establish governance structures (or modify currently existing structures), create outreach and education programs, and information gathering mechanisms by which they will gather the information needed to

effectively consult with FirstNet. These mechanisms will need to work in concert, providing tangible, actionable and defendable implementation plans. These plans must cover: placement of eNodeBs and towers, coverage requirements, resiliency, local breakout, special requirement jurisdictions, priority management and access control, as noted.

State plans should incorporate a variety of strategies to generate the engagement and attention Public Safety Broadband will require to move it forward, under any plan.

1a) What data should States compile for the consultation process with FirstNet?

The States should provide a "clearinghouse" function in order to speed the planning and development of a detailed PS LTE design for the State. The selected network architecture should drive specific requirements for gathering required assets, including types of tower locations, equipment, facilities, backhaul, power and security. With these requirements, the State would be in the best position to identify the assets most useful for the FirstNet build-out.

The other major category of data which needs to be processed and managed is the User-specific data which will need to capture: function, operational capabilities, access privileges, home system, security clearances, and the like. Understanding the application needs, quantities of users, types of users and the traffic and business volumes these users will create will be of enormous value to effectively designing, sizing and deploying the network. Having a reference format for the data would aid consistency.

1b) Should this activity be covered by the State and Local Implementation grant program?

Absolutely.

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

In States where Statewide Interoperability Coordinators (SWICs) are well established, supported by additional staff, and have been tracking the broadband efforts to date, the SWIC should serve as the coordinator of implementation of grant funds. SWICs have formed the National Council of Statewide Interoperability Coordinators and regularly meet to discuss topics such as broadband. Many SWICs have been in place for several years and have developed strong relationships within their States as the coordinator for interoperable communications. These SWICs are ideally positioned and chartered to oversee the build out of the PSBN within their State.

In some States, the SWIC position is held by individuals who also hold one or more set of job duties in addition to being the SWIC. In other States, the SWIC position is under-funded or not funded at all and these individuals would defer oversight of the grant funds to another office within the State. In these States, it will be necessary to allow flexibility for the coordinator of implementation of the grant funds to be filled by someone other than the SWIC. Other possibilities for single officers include Chief Information Officers, Chief Technology Officers, State Administrative Agencies, or the Homeland Security Director.

The State should have the flexibility to name the LTE Grant POC.

2b) 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 governmental body should be representative of all key stakeholders involved in the build out of the PSBN. Discipline and geographical diversity must be incorporated into any governmental body in addition to technical, legal, and financial experts. The governmental body should be chaired by the single point of contact and specifically chartered by the governor of each State to be the governmental body responsible for the build out of the PSBN within that State.

The State should also have the flexibility to name the LTE Grant POC and governmental body, and/or utilize what was established for the Statewide Communications Interoperability Plans (SCIP) under the Public Safety Interoperable Communications (PSIC) program. In States where SWICs are well established, supported by additional staff, and have been tracking the broadband efforts to date, the SWIC should serve as the coordinator of implementation of grant funds and build-out of the public safety broadband network. Other possibilities for single officers include Chief Information Officers, Chief Technology Officers, State Administrative Agencies, or the Homeland Security Director.

2c) How should the States plan to involve the local entities in the State and Local Implementation grant program?

A requirement and guide for local stakeholder involvement was provided to the States for the development of the SCIPs in 2007, these criteria should be applied to PS LTE and serve as a proven mechanism to engage local entities. This is an on-going condition to meet grant and reporting obligations. States accomplished this with education and outreach through new and existing programs. Communications education is an on-going process due to the changing technologies. Strategic communications planning requires states to communicate to and educate emergency responders and policy makers in the state, as well as solicit expert opinions from stakeholders at the responder level. The process in place works well; it just needs to be updated for LTE.

Step one would be an education and outreach program; with 63% of State CIOs[1] in a national poll not knowing about PS LTE, this has to be the first step. Step two would be gathering an "Expression of Interest" assessment from local agencies and step three would cover the development of a planned and phased build-out strategy.

2d) How should the States plan to involve the tribal entities in the grant program?

Preliminary and on-going requirements of each SCIP included collaboration of emergency response agencies across all organizations; the SCIP criteria specified the inclusion of all non-governmental organizations (NGOs) such as Tribal Nations and volunteer fire departments. States enhanced or developed partnerships among local, state, tribal, and Federal emergency response organizations in the creation of their SCIPs. NGOs were and remain on membership and notification lists. Regional organizations such as COGs and SMEs periodically provide updates to the NGOs while requesting participation in the process. In some cases the NGOs actively participate, much the same as other agencies and organizations.

2e) 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?

[1] http://www.nascio.org/events/2012Midyear/documents/ARS-Results-for-Web.pdf

The states may want to use the same criterion that was provided in the SCIP Guide should be used. Each SCIP has been vetted by federal agencies and referred to in numerous federal grant programs and national reports. SCIPs are required to be dynamic and updated on a regular basis to identify new gaps in communications and review new technologies. SCIPSs should be updated to include LTE technology.

Additionally, since the lack of sufficient funding will probably be an issue, the advantage of Public-Private-Partnerships with secondary responder organizations, e.g. utility and transportation agencies, should be communicated. The State believes strongly that the inclusion of secondary responders, such as utility and transportation entities, are not only essential for comprehensive response but will also be essential for the long term financial sustainability of the nationwide PSBN.

The decision and oversight of this process should belong to the State.

2f) 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?

The grant should require the States to develop a process. The decision on "how" should be left to the State. Each state developed their own process to accomplish this when building their SCIPs and for the management of the resulting PSIC grant program. States may wish to mirror the SCIP/PSIC process.

In Texas, the Texas Interoperable Communications Coalition (TxICC) was created to develop the Texas SCIP. TxICC Technology Advisors provided oversight for the PSIC grant. Membership in the TxICC is open to representatives of federal, state, local, and tribal government agencies; public safety, health, and emergency management organizations; critical public utility and transportation entities; and other organizations which are or may become involved in critical incident responses, or government agency responses. All 24 Texas COGs are active participants in the TxICC and have maximized representation from all parts of the state. The SCIP process could be updated to include public safety LTE.

The final decision on the process should belong to the State.

2g) 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 the summer of 2011, the State of Texas initiated a series of open dialog meetings involving the vendors and federal FEMA Region VI. The State of Texas remains intrigued by the possibility of collaborating and consolidating regional resources and operations and highly supportive of regional-based entities. The grant programs should be incented to favor and encourage regionally-based governance structures because the consolidation provides the possibility of greatly simplifying nationwide governance and management.

2h) How should States plan to involve the Federal users and entities located within their States in the grant program?

Federal users should be treated like any other public safety agency and therefore included in the governance structures. The challenge is going to be for states with large numbers of agencies (Texas has more than 5,000), that having separate agreements will create numerous issues in management and equity. In order to manage and simplify interaction with Federal users and entities, coordination should

occur through the State rather than at the local level. This will ensure a consistent and resource effective approach.

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.

3a) 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?

The State and Local Implementation grant program should be structured to provide all types of support for gathering this information. These elements should include: requirements development, website design and management, IT infrastructures, personnel and professional services. As mentioned, states have a variety of options including the Communication Assets Survey and Mapping tool (CASM), Council of Governments (COGs), State information, county systems and metropolitan systems. In order to gather and organize relevant, accurate and useful information, the States may require funding a wide variety of areas.

3b) Should consistent standards and processes be used by all States to gather this information?

General guidelines need to be established, but every state will be different and will need flexibility. Common elements, particularly in the coverage and localized architecture, can provide savings by trying to stick to common implementations. Further, some states have specific statutory governance requirements they will need to follow.

If so, how should those policies and standards be established?

The states need to establish the policies and standards in cooperative meetings. Diversity in state statutes virtually requires that these policies and standards be driven by the states. FirstNet should engage with the SWICs or other State POCs in order to fully understand and take into account the needs of each State, regarding the use of specialized asset databases, however, the program should promote collaborative actions.

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). 4a) What is the current role of these existing governance structures in the planning and development of wireless public safety broadband networks?

SWIC's and related committees are currently the logical and most knowledgeable organizations for moving the PSBN forward. They understand operability and interoperability issues better than any other group. Their input cannot be understated. These existing governance structures could be expanded to incorporate "regional" membership and PS BB.

The SIEC, or in Texas aka the TxICC, consists of stakeholders from across the state which represent both urban and rural communications systems. Much of the TxICC membership is active in both LMR and LTE. The TxICC was created to develop the Texas SCIP. The TxICC charter states it is a voluntary association of Texas government entities and affected agencies and organizations, whose representatives have come together in a cooperative effort to facilitate the planning, developing, and implementation of a statewide interoperable public safety wireless communication system, consisting of existing and future local and regional wireless communication systems.

4b) 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?

Most existing PS BB implementations and planning programs are under the SWICs. Review of existing governance structure membership and responsibilities, and a plan to include PS BB would be appropriate. Actions could include: education, development of partnerships, identification of charter customer base, existing infrastructure and identification of match funds.

4c) 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, they should be used, and are the most logical, knowledgeable and consistent organizations to manage PSBN at the state level. Many members of the TxICC are actively involved in BTOP and preparing for LTE; some have invested in pilot systems. We should use this knowledge base to develop Lessons Learned and Best Practices. Education and outreach programs are in place to bring all up-to-date. If the LTE definition for "regional" is multiple states such as FEMA Regions, existing governance structures would take on additional membership and responsibilities, or may establish a sub-group for PS LTE. While existing governance structures are the right starting place, additional subject matter experts specific to LTE, IT governance and implementation, finance, etc., will likely be necessary in order to have access to the right group of stakeholders.

4d) 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?

SCIPs are an essential component for managing and planning statewide communications. As communications evolve for responders, they should be integrated into the state SCIP. This includes Pubic Safety LTE.

4e) What actions do the States need to take to update the SCIPs to include broadband?

SCIPs should be updated to include broadband across all lanes of the Interoperability Continuum to ensure that States and their stakeholders are taking a holistic approach to planning and preparing for broadband. This process should take place through normal SIEC/SIGB governance meetings with expanded membership to include the additional subject matter experts listed in Q4c.

Additionally, the SCIP Funding Plan should be updated to include possible funds from Public-Private-Partnerships with secondary responder organizations, e.g. utility and transportation agencies.

4f) Should the costs to change or evolve existing governance and Statewide Plans be eligible in the new program?

In a limited manner, yes. Changing a SCIP is not a complex task, and most states should not have significance governance changes to add LTE.

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?

The State of Texas believes establishing effective methods and approaches for leveraging existing State and Local (S&L) infrastructure assets is a Critical Success Factor for the nationwide Public Safety Broadband Network. Indeed the State believes the establishment of a nationally coordinated program developed in tight collaboration with State and Local entities would be important top-level objectives for the State & Local Implementation Grant Program as a whole.

The purpose of the funding would be to establish working teams with necessary resources and expertise who could investigate and gather data for the following general purposes:

- Work with FirstNet to understand requirements to understand suitability of assets (see below)
- Assess Health of Current S&L Asset Tracking Database and Tools
- Gather Existing Data
- Provide consolidated view of assets and resources, by category, with details, to FirstNet network designers
- Provide Operational and User information
- Understand availability of existing information assets
- Determine best method to compile, story, analyze and maintain statewide asset management

5a. 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?

The State believes determining the suitability or qualification of any asset will be difficult until detailed technical requirements are available. Still, much can be done to organize the assets into information that can be synthesized and considered by FirstNet network designers. Some of the projects and methodologies Texas would like to see explored include:

- Normalizing fixed assets based upon quantitative measures such as tower height, load capacity, bandwidth, square feet, miles, Watts, and so forth. This normalization should be based on an averaged, commercial fair market value. This will avoid case-by-case negotiations, while greatly simplify the cost modeling and design process.
- Equipment resources will also need to be assessed: mobile vehicles, portable towers, switches, routers, firewalls, MPLS clouds and fiber.
    - Special attention will need to be paid to determine location suitability because this will be highly dependent on the final RAN and EPC design.
- An analysis will be performed as to where assets are NOT available, for instance we would expect fewer infrastructure resources in rural and remote areas, these assessments will be important for planning on how to fund and service these areas.

- S&L agencies maintain thousands of facilities in desirable locations, requirements for office space, data centers, dispatch and command, and conference or meeting locations is also a category for consideration.
- Careful attention will need to be paid to how these resources are shared, owned and controlled in the context of a nationwide FirstNet deployment.

5b. What technical resources do States have available to assist with deployment of the nationwide public safety broadband network?

The State believes that a successful deployment of PSBN relies heavily on the ability for Public Safety to quickly come up to speed on PS LTE so that they can support implementation of the new services "on the ground" and among First Responders. Establishing the necessary depth of technical resources is an ongoing challenge for Texas and our partners throughout the State. The State is monitoring and prioritizing this issue for substantial resources in the coming year. Texas is pursuing a number of programs to begin addressing this problem. These include an education and outreach program, the identification of "PS LTE Champions" on the ground who can be further developed and an university outreach and job program to begin cultivating future PS LTE technical experts. Texas is also working with regional and academic entities, within and outside Texas, to develop strategies to address the vital issue of ensuring the State has access to necessary talent to enable the deployment and implementation of the PSBN.

5c. How will States include utilities or other interested third parties in their planning activities?

Secondary responder organizations, e.g. utility and transportation agencies should be included in the planning at the on-set of the process through Public-Private-Partnership (PPP) agreements. These PPPs could provide much needed funding for the network infrastructure build-out.

5d. Should NTIA encourage planning for the formation and use of public/ private partnerships in the deployment of the nationwide public safety broadband network?

Yes. Effectively managed Public/Private Partnerships with secondary responder agencies and commercial carriers is another critical area requiring careful planning and attention. As the State contemplates the scale and scope of building out a PS LTE network, just in the State of Texas, the prospect is daunting, indeed.

As part of the Texas PS LTE Strategic Plan, resources are planned to examine various Public/Private Partnership options. Among the options the State would like to explore is the possibility of managing deployments on a regional or market basis and by a formula. One early proposal is to mandate that all regional deployments must create a 50/50 split between commercial (private) and government (public) entities. This would ensure that both commercial and government stakeholders have equal "skin in the game," and importantly, would preserve the business case for commercial carriers. It is understandable that they would be very concerned about being undercut by government resources which could be provided at little or no cost to FirstNet. A number of intriguing issues present themselves: How to create healthy and appropriate competition between various options? How does FirstNet choose between equally qualified government options? Equally qualified commercial options?

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?

The State of Texas believes the following are opportunities for involving Federal, State, tribal and local entities involved:

- Incorporate S&L requirements into RFP
- Allow qualified S&L entities to bid on network build-out, operation and maintenance (at least parts, especially those they do today)
- Allow State office/PoC to substantively participate in the development of the RFP which pertains to their region. This will be key. Having States participate in the RFP development process is the most logical way to have the State, Local and Tribal infrastructure incorporated into the RFPs.

There are significant parallels between FirstNet and the construction of the Eisenhower Interstate Highway system in the US in the 1950's and 1960's. That most successful nationwide highway infrastructure development effort should be used as a guide, as it efficiently and intelligently utilized federal and state resources. The parallel is that contracts for RAN and related infrastructure would be similarly let through individual states, and specific guidelines, scheduling, performance measurements and goals would be required for continued funding by FirstNet in each state. State and Local will have a much better overview of how to get the infrastructure built in their jurisdiction than FirstNet.

6b. 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?

This is an idea the State of Texas has been considering since plans for managing a coordinated build-out began in 2011. It appears to the state that if the state entities could provide this clearinghouse function, then the management complexity for FirstNet is reduced by orders of magnitude. With 5300 agencies in the State of Texas, the value of state-level coordination in a clearinghouse function would be dramatic. The State has conceptualized some high level concepts around this idea, these include:

- As mentioned in Q5a, a normalization of the resources against a fair and quantitative criteria would be highly beneficial.
- A primary goal of a clearinghouse would be to provide a fair and transparent construct for incenting participation in the PS LTE build-out. It is rather obvious that one of the key methods for crediting and therefore incenting participating S&L agencies is to credit their contribution against their monthly subscriber fee. Finding a fair and manageable way of doing this is one possible objective of the granting funding.
- This information would be fed into the "State of Texas Asset Translator" which would quantify the available resources according to a standard format established by the Network Design team.
- If selected for deployment, the clearinghouse would issue the calculated number of "credits" (or similar) which would credit the "awarded" S&L agency with a qualified and activated resource.
- The managing and accounting of the layer beneath the State of Texas would be managed by the Texas PS LTE program, the interface to/from FirstNet Network Design would need to come from FirstNet.

- This approach has the distinct advantage of avoiding actual fund transfers between agencies, which is a time-consuming and problematic endeavor between government entities.

6c. Should setting up a clearinghouse be an eligible cost of the grant program?

Yes, the clearinghouse research, development and establishment should be an eligible cost and highlighted as a desirable outcome of the grant program itself. Allowing state, regional, tribal or perhaps even private entities, to consolidate, represent, collate and manage the thousands of public safety agencies in the US would have dramatic savings for FirstNet, while preserving or even increasing FirstNet's ability to manage and coordinate activities. Although one clearinghouse per State & Territory (57) is an obvious model, the State of Texas believes this powerful approach should be considered at multiple layers (Federal Region, tribal, metropolitan areas, etc), entities and for a variety of purposes because it is a powerful technique for reducing both operating costs and management complexity.

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?

(Presented in order of priority)

- **FEMA: Cost Match Requirement Best Practice:** "[in-kind] cost matching requirements in accordance with 44 CFR §13.24. To meet matching requirements, the grantee contributions must be reasonable, allowable, allocable, and necessary under the grant program and must comply with all Federal requirements and regulations."
- **FEMA: Emergency Management Program Grant (EMPG) Best Practice:** "…should foster the development of a community oriented approach to emergency management that emphasizes engagement at the community level, strengthens best practices, and provides a path toward building sustainable resilience."
- **DOJ Bureau of Justice Assistance Grant Performance Measurement (Accountability) Best Practice:** specifically 2011 JAG Programs…"applicants should discuss in their application their proposed methods for collecting data for performance measures."
- **FCC PSHSB: National Security Telecommunications Advisory Committee on Emergency Communications and Interoperability Best Practice:** "Identify mid- to long-term policy recommendations and technology solutions to enhance collaboration across organizational and jurisdictional boundaries to help our country better prevent, prepare for, respond to, and recover from disasters and emergencies..."
- **SAFECOM OEC: Regional Interoperable Communications Plan Best Practice:** "…assists States with regional strategic planning efforts by documenting regional strategies for achieving communications operability and interoperability…"
- **SAFECOM OEC:** Regional Intrastate Governance Guide for Interoperable Emergency Communications Efforts Best Practice: "Regional governance organizations support strong statewide governance and provide a way to unite stakeholder voices and ensure that local concerns are heard and addressed at the state level."

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

- Strategy and timeline development
- Governance planning, implementation, conference calls, in person meetings, and staff support
- Outreach and education efforts
- Inventory and evaluation of Assets
- Development of assets database
- Requirements gathering efforts
- Coverage planning/mapping
- Performance measurement and accountability
- Grant reporting and audits

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

- All costs associated with Q8 above.
- Personnel (State/local staff and contract support)
- Planning meetings (costs incurred from conference calls and in person meetings, travel for State and local stakeholders, and meeting space)
- Development of overall strategy, governance structure, outreach, education and communications plans.
- Upgrades of current Statewide Communications Interoperability Plans (SCIPs) to include broadband efforts
- Inventory assessments, user requirements gathering.
- Engineering and Project Management costs

The State would like to emphasize that in order for FirstNet to successfully deploy the network, substantial broadband planning and technical organizations and talent will need to be in place. Therefore, the grant program must cover the costs to develop and establish these resources at the local level.

9a. Should data gathering on current broadband and mobile data infrastructure be considered an allowable cost?

Yes, this could be a time consuming and costly aspect when identifying possible infrastructure for use and negotiating agreements for use, especially in major metropolitan areas and/or on a statewide basis.

9b. 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?

The positions need to be dedicated and accountable to FirstNet to avoid job shifting issues.

This could be an option, as is in the DHS State Homeland Security Grant Programs. The new grant funded position has specific duties and reporting requirements dedicated to the grant.

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, as waiting the 1-2 years to get these positions state funded will only delay FirstNet deployment. The criteria established in the DHS Homeland Security Grant Programs have worked well and are familiar to state and local agencies.

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

The areas established customer base and future customer base efforts in planning and participation in active or new LTE projects; build-out timeline; established infrastructure; ROI. NTIA needs to provide a clear and unambiguous definition of "Rural". There are more than a dozen current federal definitions which differ greatly.

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?

This may be dependent upon inviting non-public safety agencies to partner on the systems.

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. 12a) Do States envision SBI state designated entities participating or assisting this new State and Local Implementation grant program?

No.

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

Important outcomes would include successful implementation of a readiness plan, including outreach and education to all jurisdictions.

13a. Are there data that the States and local jurisdictions should deliver to document the outcomes of the grant program?

At a minimum, the various grant program updates and reports.

13b. If so, how should they be measured?

They should be measured individually, in the form of a performance matrix.

13c. Who should collect this information and in what format?

If not NTIA, then a State appointed auditor.

13d. What data already exists and what new data could be gathered as part of the program?

While the information that exists will be disparate between States and jurisdictions, States should be encouraged to gather engineering, design, an inventory of assets, and other relevant customer data. This would be used in a preliminary build-out timeline showing the estimated customer base and approximate ROI. Ultimately, the data needed for a preliminary design (commonly presented at a Preliminary Design Review) will be required.

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?

States should be encouraged to leverage all free resources made available through various Federal government offices. As part of the State and Local Implementation Grant program, States should be offered one additional broadband specific technical assistance engagement from OEC on top of the technical assistance requests already submitted for the FY12/FY13 years. Due to the impending Opt-In/Opt-Out decision that each State will face, these broadband specific technical assistance offerings should be prioritized over other, less time-bound offerings.

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?

The SWIC works closely with the SAA on various grants. This grant could probably be added with little problems.

15a. Should NTIA consider allocating the grant funds based on population? 15b. What other targeted allocation methods might be appropriate to use?

Funds should will not be based solely on a single factor, nor based on a single point in time, but more realistically look at the factors that will drive overall deployment of PS LTE such as: maturity of PS LTE programs, population, population growth rates, level of risk or probability of disaster, geography, and length of international border. Particular attention and priority should be given programs who demonstrate ability to successful address challenges associated with deploying the NPSBN into rural areas.

If only population is used, rural states and areas will be unduly penalized. Further, many states are experiencing rapid growth. By the time FirstNet is built out, several states will likely be significantly larger.

STATE FUNDING AND PERFORMANCE REQUIREMENTS

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?

Initially, NTIA needs to see how states do without waiving the 20% grant component. NTIA should see how the early adopters do, then reconsider waiving the 20%. In-kind services and use of existing infrastructure (within specific limits) should be considered as match. This will be critical for Public Safety agencies, including the State of Texas, who remain under severe budget constraints and will need the flexibility of in-kind match to meet matching requirements.

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.

NTIA should consider working with early adopters who are willing to help develop an effective template, process and implementation plan, in the implementation, outreach and education phase. This could help with consistency and potentially reduce overall costs.

For the $135M Implementation grant, States need a specific definition and guidance form NTIA on how to meet statutory "Rural" requirements, as the Federal Government provides more than a dozen conflicting definitions of "Rural". Failure to provide such guidance may result in inconsistent rural coverage across the nation.

Questions for NTIA to consider in the administration of the program:

- What guidance will be used to determine the order / priority of the nationwide rollout? How about Statewide guidance with respect metro / rural deployments?
- Can a jurisdiction that is ready to move forward move to the front of the timing / process? Or will FirstNet likely release all of the plans at the same time? Similarly, Texas will need to understand how the timelines for deployment within the State of Texas will be determined so that our stakeholder agencies can plan their resources. How will this be determined and what criteria will be used?
- The 80% federal matching funds are limited to $2 / 7 Billion. How/when can the State expect to receive these funds?

In summary, the State of Texas would like to emphasize the need to address the following aspects as part of the grant guidance:

- All States will need at least rough rollout timeframes in order to effectively manage and plan the organizational development and resource assessments needed to support it. Without guidance from FirstNet on this important aspect, the State risks wasting valuable time and resources.
- The grant program will need to facilitate the development of sustainable business models which will enable effective asset reuse and crediting of the contributing agency, in an approach that is manageable and consistent throughout the nationwide program.
    - Among the specific recommendations is to institute a normalized value for S&L assets which can be leveraged which reflects a Fair Market Value based upon averaged and equivalent commercial cost structures.

- The guidance should allow in-kind services and assets in lieu of monetary matching funds.
- That FirstNet create an effective program which enables state-level control and coordination. An example of an effective model is that used for the interstate highway system. The state recommends avoiding the outcome caused by alternate approaches such as that used by the recent SBI-Net border security program.
- That the grant program, and nationwide PSBN program as a whole, provide the states with necessary flexibility which empowers the states to proceed expeditiously while reflecting the diversity of state organizational structures, governance and situations.

The State of Texas greatly appreciates the opportunity to comment on this vitally important aspect of the nationwide Public Safety Broadband Network program.