



PSST – Operator Advisory Committee

June 15, 2012

National Telecommunications and Information Administration

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Request for Information

Introduction:

The Operator Advisory Committee (OAC) offers these comments to the NTIA to assist in the planning efforts in establishing the State and Local Implementation Grant Program (SLIGP). The OAC consists of entities seeking early deployment who received a Waiver from the Federal Communications Commission to deploy public safety broadband networks in the 700 MHz public safety broadband spectrum. The OAC established a Working Group to review and respond to the NTIA's Request for Information dated May 16, 2012. The Working Group prepared draft comments that were circulated to the full membership of the OAC. The OAC held a conference call on June 14, 2012 and approved these comments.¹

The OAC encourages NTIA to consider the variety of different situations experienced by States when developing the SLIGP since the needs and requirements for each State will vary in planning and preparing for a Nationwide Public Safety Broadband Network (NPSBN). The OAC proposes that NTIA determine each State's need based on their grant application and

¹ The following waiver recipients approved these comments on June 14, 2012: Bay Area Regional Interoperable Communications System, City of Boston, City of Charlotte, City of Chesapeake, State of Hawaii, State of Iowa, Los Angeles Regional Interoperable Communications System, Mesa-TOPAZ Regional Wireless Cooperative, State of New Jersey, State of New Mexico, State of Oregon, City of Pembroke Pines, City of San Antonio, City of Seattle, Foxcomm – Supporting the Wisconsin counties of Calumet, Outagamie and Winnebago, State of Texas.

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provide flexibility in the grant requirements to allocate grant funding based on a State's current status and priorities.

Additionally, the OAC believes that grant funds should be distributed to each State based on the allocation methodology determined by NTIA. States will then coordinate distribution of funds to regional, local and tribal entities based on priorities and particular needs, ensuring that emphasis is placed on both rural and urban areas, and that efforts are undertaken to include participation of Tribes in the planning process. We believe that States are in the best position to make this determination. States with Tribes may have special planning needs that should be addressed by NTIA through the grant application process.

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 OAC recommends that States undertake a series of outreach, information gathering and governance efforts. States should establish governance structures (or build on currently existing structures), create outreach and education programs, and develop information gathering mechanisms by which they will gather the information needed to effectively consult with FirstNet. In this regard, States will need a strong governance structure like those facilitated by DHS/OEC through the

program of support for Statewide Interoperability Governing Bodies (SIGBs). These structures, programs and mechanisms work best in concert, providing tangible, actionable and defensible implementation plans. These plans should cover: placement of eNodeBs and towers, coverage requirements, resiliency, priority management and access control, as noted.

Most of the areas for consultation identified above will require extensive collaboration with regional, tribal and local government entities. These entities own or control towers and backhaul assets, understand coverage needs, and employ the end users who will expect and require adequate hardening, security, priority and training. In most cases, the only way to ensure that States are able to collect the necessary information in these areas will be for States to consult directly with the local, Tribal and regional entities and to share grant funding available with local and Tribal entities to pay for eligible planning tasks.

In the majority of cases, States likely will consult directly with local and tribal entities to collect the required information. However, in some urban areas, a more efficient approach may be to develop regional authorities (within a given State, in this case, as opposed to multi-state regional consortia, which may also be helpful) with the ability to facilitate agreements with the State or with FirstNet for the access to and use of the assets; such regional authorities may also develop appropriate end user surveys and document end user requirements.

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

Many States are well positioned to 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 asset information, including types of tower locations, equipment, facilities, backhaul, power and security. These States, working closely with their local and tribal entities, would be in a good position to identify

the assets most useful for the FirstNet build-out.

Another major category of data to consider 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.

Additional useful data may include information related to governance planning, including the State's governance structure, selection of State, regional, tribal and local participants and identification of additional stakeholders that will ensure adequate representation of the interests of regional, tribal and local entities;

FirstNet should work with State Point of Contact, to determine the value of creating surveys, databases, outreach plans and other tools to help compile information of value to FirstNet, which may include the following, for example:

- Inventory of available sites (public safety and other government owned)
- Inventory of government owned backhaul (fiber and microwave)
- Inventory of additional sites and backhaul (fiber and microwave) resources, final mile, tower space and useable building sites – all of which may be suitable for sharing
- Inventory all Stakeholder agencies within the State and assure up-to-date point of contact information
- Inventory First and Secondary responders along with appropriate governmental and non-governmental support personnel to determine the number and category of prospective users to help with the cost model for the State
- Survey the Jurisdictions to assess the critical coverage/capacity requirements

- Determine the appropriate areas of coverage for adequate public safety service to metro and rural areas

In addition, depending upon the approach adopted by FirstNet, FirstNet or States may need to research State and local laws to develop standard agreements or MOUs to define the relationship between regional, tribal and local entities that control sites and other assets, (e.g. site and backhaul access and use agreements).

Finally, FirstNet should consult with State—and States in turn should consult with local and tribal entities—to develop plans to collect the following data:

- Estimated user counts
- User needs assessment (applications, devices, etc.)
- User agency back-office (e.g. PSAP or dispatch center) connectivity needs

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

Absolutely. This discovery activity should be covered under the grant program. Valuable activities and services covered by the SLIGP should include program management, program administration, and consultation for fiber route/design, microwave backhaul options and for 4G LTE wireless optimization. In addition, the grant should support funding for outreach and education on what the NPSBN means to the existing interoperable communications framework for State, Local and Tribal Public Safety entities so that they can supply accurate and appropriate input into the discovery efforts. This will also help establish buy-in and increase the adoption rate when we get to the roll-out phase.

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. 6

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

States will undoubtedly vary in choosing an individual or agency to serve as the coordinator of implementation of the grant funds. NTIA should accommodate and support such variance.

In States where SWICs are well established, supported by additional staff, and have been tracking the broadband efforts to date, the SWICs are well positioned to 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 sets of job duties in addition to being the SWIC. In other States, the SWIC position is under-funded or not funded at all. Given this variance among SWICs, NTIA should 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, but are not limited to, Chief Information Officers, Chief Technology Officers, State Administrative Agencies, or the Homeland Security Director. Each State is best positioned to identify the most appropriate coordinator in light of the State's own particular situation. Thus, the State should have the flexibility to name the LTE Grant POC.

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)?

If a State chooses to name a governmental body, rather than an individual, to be the coordinator for the grant program, the State should be free to create a new body or rely upon an existing one. The governmental body that serves as coordinator for the grant program need not

be the same body as the governance organization or structure described in response to Question 1 above. NTIA should permit States the discretion in identifying a governmental body to serve as coordinator for the grant program—NTIA should not impose requirements for such a body. For example, States should have the flexibility to utilize for this purpose any individuals or body involved in the State’s SCIP and PSIC work, if the State so chooses.

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

There are many ways to involve local entities. It should be decided by each individual State since State outreach programs will vary. In 2007, States received a guide for local and tribal stakeholder involvement in the development of the SCIPs; States may find this guide useful in involving local and tribal entities in the grant program.

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

The statute makes clear that tribal entities are to be involved in the consultation and deployment phases of the nationwide network. However, planning funding is to be provided to States. Accordingly, States with tribal entities should undertake efforts to involve tribal entities in the planning and governance structures. This can be accomplished through outreach with funding available to Tribal entities through the State as needed to facilitate information gathering and participation. The process for undertaking this may vary from State to State depending on existing circumstances and accordingly NTIA should allow each State to determine the best method for undertaking this effort and include a description and plan in its grant application.

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?

State’s should have flexibility in determining the best approach for outreach, therefore NTIA should evaluate such activities after reviewing information States submit in their grant

applications. The grant application could include an explanation of how local and tribal entities will be included. Possibly points of contact for each local and tribal entity could be established by each respective State to ensure that the planning process is successful.

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?

The grant should require the States to develop a process for public safety input but leave the States wide discretion as to the structure and details of that process. Many States developed similar processes when building their SCIPs and managing the PSIC grant program. States may wish to mirror the SCIP/PSIC process, although States should be allowed flexibility in this regard.

g. How should the State and Local Implementation grant program define regional (e.g., interstate or intrastate) and how might the grant program be structured to facilitate regional participation through the States?

Section 6302(a) of the Act directs NTIA to establish a grant program “to make grants to States to assist State, regional, tribal, and local jurisdictions ...”. NTIA should define “regional” to enable States to help both “regional” jurisdictions within a State (such as a multi-county authority) as well as those that cross State lines (such as the National Capital Region) or are comprised of two or more entire States (such as a collection of States from a given FEMA region, for example).

Several Waiver Recipients have a robust experience in developing regional governing bodies. For example, the San Francisco Bay Area has learned hard lessons about the consequences of attempting to pursue a project in a diverse urban area without the appropriate governing body in place. However, the BayRICS Joint Powers Authority, established in August 2011, has become a recognized model for fair and transparent representation, having since

executed a regional Build-Own-Operate-Maintain agreement with Motorola for the BayWEB project, hired a general manager and established by-laws, procedures, and a regular meeting schedule to oversee this complex project.

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.

In 2009, Los Angeles established a Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority. The Authority 17 member Board of Directors represents 88 member jurisdictions. The LA-RICS Joint Powers Authority has established regular meetings, bylaws and four standing committees (technical, operational, finance and legislative). These examples are only a sample of the many successful governance practices already developed by OAC members.

In determining their governance structures, States should be encouraged to recognize any existing regional organization which provides public safety communications services, e.g. regional public safety communication organizations or a communications district providing a 700 MHz or 800 MHz regional trunked public safety network.

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

States should consider treating Federal entities like any other governmental entities, at least for planning purposes. Though Section 6302(a) of the Act does not list Federal entities among those that the grant program is designed to assist, States should endeavor to include Federal entities in their grant planning processes in order to assess their needs. The direct cost to federal entities of their participation, however, would not be covered by the planning grants.

Typically State and local government agencies already have established relationships with Federal users, e.g. State emergency managers with the local FEMA region, local law enforcement and fusion centers or joint anti-terrorism task forces. States should be encouraged to collaborate with federal users and gather information about their needs and potential uses.

The OAC encourages NTIA to reach out to federal users to encourage their participation and cooperation with the States as States undertake their planning and preparation for participation in the consultation with FirstNet.

3. The Act contemplates that FirstNet will consult with States regarding existing infrastructure within their boundaries, tower placements, and network coverage, which FirstNet can use to develop the requests for proposals called for by the Act. The States, however, will need time and funding to collect the necessary information before they are ready to consult with FirstNet.

a. Given these interrelated activities, how should the State and Local Implementation grant program be used by States to assist in gathering the information to consult with FirstNet?

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, related tools to assist States in outreach efforts (i.e. survey tools, websites, databases, etc.), IT infrastructures, personnel and professional services. As mentioned, states have a variety of options including 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.

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

As the system builder, FirstNet should establish general guidelines, indicating what information it wants States to collect, and the format of such collected information. But every State will be different and will need flexibility in determining the best standards and process to gather this information.

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

As the network builder, FirstNet should specify, after consulting with the States, the information it wishes States to collect and the format of that information. State agreement will be critical; it will not benefit the initiative for FirstNet to request information that States cannot provide.

Potential policies and standards should include:

- Good outreach programs that take into account all stakeholders and accounts for public safety agencies, and their respective points of contact.
- Webinars, tools and templates to assist States in gathering data similar in form once the type of data is identified (for example, the DHS/OEC Technical Assistance Survey Tool).

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?

NTIA should provide time periods that address individual State needs, as some States will require additional time to gather information if they have a large population with more agencies and users. States should provide timelines in their grant application and NTIA can determine the appropriate time necessary to complete planning activities based on submitted grant application. Since the information is critical to FirstNet, the timeline should not exceed 24 months. States should have an opportunity to request extensions to 24 months if necessary to complete planning activities.

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?

SWIC's and related committees are currently the logical and most knowledgeable organization for moving the public safety broadband effort 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 public safety broadband. DHS/OEC, through their Technical Assistance Program, has been working with States to strengthen their SIECs in regards to the NPSBN. They should be consulted for additional offerings that would assist States in ensuring their governance structure are up to the task to address the NPSBN issues.

Current governance structures in each State vary, and the OAC encourages NTIA to consult with each State independently to obtain current status.

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?

This information will vary by State. NTIA will need to conduct outreach to each State to obtain this information.

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?

This information will vary by State. NTIA will need to conduct outreach to each State to obtain this information.

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?

This information will vary by State. NTIA will need to conduct outreach to each State to obtain this information.

e. 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 question 4c.

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

Yes. Such costs should be eligible and NTIA can determine these costs based on the State's grant application.

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

See 4f.

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?

This question cannot be answered fully without a better understanding of the business model for the network ultimately selected by the FirstNet Board of Directors. The manner in which FirstNet will obtain access to State and local infrastructure will depend on the network architecture adopted by the FirstNet Board.

For example, if FirstNet ultimately determines that it will own and maintain all aspects of the NPSBN, including the national core and fiber backbone as well as the radio access network (RAN) at State and local levels, then State and local governments would be simply customers of the NPSBN, paying user fees for access to the public safety network. Most jurisdictions would

consider requests to access State and local infrastructure no differently than similar requests from private providers for use of such infrastructure.

If, however, FirstNet controls and maintains only national fiber network for the NPSBN, while State and local governments own, operate and maintain State and local RAN interconnecting with the national fiber network (under a uniform set of standards adopted by FirstNet), then State and local governments would more likely become active participants with FirstNet in network development and implementation. Under this model, State and local infrastructure could be integrated into the NPSBN by way of in-kind contribution, thus reducing the cost of access to State and local infrastructure. FirstNet must establish network capacity load requirements to allow States to determine whether their assets can meet those requirements.

For this reason, the OAC has proposed that a portion of the planning grant funding be reserved until the FirstNet Board provides more information about the business model of the NPSBN, at which time the funds can be more appropriately allocated. Our comments to this series of questions will thus be limited to the context of the planning grant program and the potential uses of funding that may apply under any potential business model.

Potentially, planning grant funding might be used for any of the following purposes that would assist State, regional, tribal and local governments in planning for integrating existing infrastructure assets and resources into the NPSBN:

- Infrastructure inventory and cost analysis:
 - Inventory of available sites (public safety and other government owned)
 - Inventory of government owned backhaul (fiber and microwave)
 - Inventory of additional sites and backhaul
 - Evaluation of sites and backhaul to determine upgrade and remediation needs

- Costs of such upgrade and remediation
- Cost of site/backhaul acquisition (lease fees, permit fees, etc.)
- Cost of site/backhaul use and maintenance (electricity, staff time for site visits)
- Need to identify additional assets to complete coverage and backhaul
- Research of State and local laws to develop standard agreements or MOUs to define the relationship between regional, tribal and local entities that control local infrastructure (e.g. site and backhaul access and use agreements).
- Collection of the following data:
 - Estimated user counts
 - User needs assessment (applications, devices, etc.)
 - User agency back-office (e.g. PSAP or dispatch center) connectivity needs

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?

There must be nationwide standards for infrastructure, e.g. hardening of radio sites, space available for equipment in buildings, tower wind loading and maintenance standards. FirstNet must establish network capacity load requirements to allow States to determine whether their assets can meet those requirements.

FirstNet could create such standards in several different ways. Ideally it would contract with NPSTC or APCO (an ANSI standards-setting organization) to collect such standards and recommend them to the FirstNet Board. Such standards could be used in the evaluation of existing private and public infrastructure as well as setting maintenance standards for infrastructure used by FirstNet.

The cost for access to State and local infrastructure will likewise depend on the degree of collaboration with State and local governments dictated by the adopted network model and the capacity load requirements established by FirstNet. The OAC's lessons learned from its early build-out planning should be consulted. In this and many other areas, the first-hand experiences of these early builders could be used as an advisory group to FirstNet and prove invaluable on these issues. See above response.

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

Every State has an office/agency responsible for the deployment, management, and procurement of information technology resources. The grant program should make funds available for State technology agencies to contract with the survey of State, tribal and local infrastructure that may be available for incorporation into the NPSBN. In some States, regional, tribal or local authorities may be the more appropriate entity to conduct the survey.

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

Other parties, such as utilities, educational and medical institutions and transportation agencies will be critically important to the success of the NPSBN, both as infrastructure providers and end users. Such entities' needs are taken into account in governance and planning activities.

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?

The States should use every possible option to work with FirstNet to offset the costs of building and maintaining their portion of the NPSBN RAN. This includes State, Local and Tribal hardware, right of way and Public/Private partnerships (including partnerships with utilities and

private concerns). The “how” will be dependent on each State’s selective approach and their individual legal and regulatory position. We don’t believe the NTIA should weigh in on what is appropriate in this process.

The NTIA should encourage the participation of public/private partnerships (PPP) in the implementation of the NPSBN. However, as with the above responses, the degree of possible of PPP participation will depend on the network architecture model adopted by FirstNet. The adoption of a network architecture model that encourages active participation by State and local governments would open the door for these governmental entities to partner with private companies under PPP arrangements. For instance, a local government could access dark fiber from an MOU or electric cooperative and through a PPP arrangement contract with an equipment vendor to “light” the fiber and create a local or State regional fiber network dedicated to providing connectivity as part of the NPSBN. Such partnerships, if feasible under the model ultimately selected, should be encouraged and developed as part of the State governance process.

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?

Once again, this question cannot be answered fully without a better understanding of the ultimate business model for the network selected by the FirstNet Board of Directors. The manner in which Federal, State, tribal, and local infrastructure will be incorporated into FirstNet will depend on the network architecture adopted by the FirstNet Board. However, the lessons learned and experiences from the planning efforts of the OAC could be invaluable to FirstNet.

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?

Yes, the State should serve as the clearinghouse or one-stop shop. In some cases, the State's ability to serve as a state-wide clearinghouses or one-stop shop may be limited because most State governments cannot compel tribal and local governments to grant access to their infrastructure to private companies building the NPSBN without fair compensation. However, planning funds can be used to develop standard, models and standard MOUs to encourage participation.

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

Yes.

State and Local Implementation Grant Activities

7. What are some of the best practices, if any, from existing telecommunications or public safety grant programs that NTIA should consider adopting for the State and Local Implementation grant program?

The NTIA should consider taking into consideration the cooperative and supportive approach fostered by DHS and the OEC, as these organizations have shown a solid understanding of how to establish enduring and cooperative relationships.

The Broadband Technology Opportunities Program (BTOP) grant provides several best practices in terms of grant management procedures:

- Online grant management tools, such as grantsonline or PAM that provide a quick and uniform process to administer the grant.
- Uniform guides and templates for reporting, modifications, and other grant requests.
- Fact sheets that provide a quick glance and key issues.
- Seminars and webinars that detail critical aspects of the grant, i.e. match requirements, reporting requirements, etc.
- Match contributions from recipients that include both cash and in-kind match.

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

The SLIGP should allow for the following activities:

- Administrative expenses and legal services
- Consulting services
- Project management services
- Site acquisition services
- Environmental services
- Data gathering
- Engineering services

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 activities listed in item 8 above and all cost associated with gathering information required for consultation process with FirstNet:

Some examples include, but not limited to:

- Personnel costs required in the planning process (i.e. grant administrators, project managers, accountants, financial analysts, etc.)
- Planning meetings
- Costs associated to establishing local governance
- Development of plans and business models
- Environmental documentation and assessment of potential sites
- Training regarding grants and LTE technology
- Travel costs
- Grant application costs

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

Yes. Data gathering will require dedicated staff time to conduct outreach and make sure data is complete and accurate. With current budget cuts, State and local jurisdictions need funding to provide adequate staff to gather data. Such data will provide States with information in assessing existing infrastructure and projecting for future infrastructure.

b. Should the State and Local Implementation grant program fund any new positions at the State, local, or tribal level that may be needed to support the work to plan for the nationwide public safety broadband network? If so, what, if any, restrictions should NTIA consider placing on the scope of hiring and the type of positions that may be funded under the grant program?

Yes, State and local jurisdictions are experiencing unprecedented budget cuts and may not have the staff necessary to execute on the various tasks required. Appropriate staff positions should include, but are not limited to:

- Engineers
- Grant administrators
- Project staff members
- Environmental specialists
- Accountants
- Project managers
- Real estate specialists
- Attorneys

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

In the grant application, States should include detailed explanations on how it will ensure planning funds address rural areas. One factor to consider would be the representation of rural

areas in a State's governance structure.

Each State should provide equal emphasis on both urban and rural coverage especially when it comes to the SLIGP funds since rural areas do not have the resources or existing commercial services that urban areas possess. In addition, since there is less population in rural areas there may be creative approaches for sharing network resources, such as public-private partnership.

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?

The Dept. of Agriculture has various utility, facility and broadband grant and loan programs specifically for rural areas. These programs are based on population and population density.

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?

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

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

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

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

b. If so, how should they be measured?

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

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

At this time, it is difficult to determine documents that measure outcome. Until FirstNet

provides information regarding the duties and responsibilities of States, it is not clear what documents will be required to measure outcomes. However, NTIA can consider description of the following activities:

- Evidence of governance structure
- Evidence of outreach efforts, including rural and tribal
- Asset and site inventory lists

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?**

Yes, these tools are invaluable to assist states in planning for the NPSBN. Three of our members, the states of Oregon, Hawaii, and Iowa have used these services and found them to be very beneficial in their planning efforts.

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?**

NTIA can consider the following factors:

- Number of State, local and tribal entities
- Number of public safety agencies
- Number of public safety users

- Number of assets
- State's population
- Geographic area

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?

In many States, CIOs and CTOs offer a broad view of the current technology within the State. Ultimately, it should be left to the State to determine the role of the CIO and/or CTO. OAC recommends that State's consider this closely.

17. The Act requires that the Federal share of the cost of activities carried out under the State and Local Implementation grant program not exceed 80 percent and it gives the Assistant Secretary the authority to waive the matching requirement, in whole or in part, if good cause is shown and upon determining that the waiver is in the public interest.⁷ As NTIA develops the State and Local Implementation grant program, what are some of the factors it should consider regarding States' ability to secure matching funds?

It is critical for the success of FirstNet to encourage participation from all States since they are required to provide a large amount of data regarding sites, backhaul, users, etc. It is in FirstNet's interest and the public interest to set a low bar for this reason if a State is unable to meet match requirements.

Additionally, NTIA should allow States to meet match requirements with both in-kind contributions and cash contributions.

Furthermore, many States and local jurisdictions have committed resources and funding to early deployment and such activity should be given special consideration as they have demonstrated commitment to the program through early planning.

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?

FirstNet is required to build a nationwide public safety network which will need coordination from States. States in turn will need planning funds to provide FirstNet with accurate and adequate information.

If the match requirement impedes this coordination then it does not serve public interest. Therefore, any showing of financial hardship in contributing match funds should be considered if such match will prevent a State from participation.

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.

No response.

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