



**Texas Public Safety
Broadband Program**

SAPP Notice Comments

*In response to the
State Alternative Plan Program (SAPP) and the
First Responder Network Authority
Nationwide Public Safety Broadband Network*

NOTICE AND REQUEST FOR COMMENT

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*Submitted by the
Texas Department of Public Safety*

August 17, 2016

1. Introduction

The Texas Public Safety Broadband Program appreciates the opportunity to respectfully submit these comments in response to NTIA's Notice and Request for Comments entitled, "State Alternative Plan Program (SAPP) and the First Responder Network Authority Nationwide Public Safety Broadband Network."¹ The Notice elaborates on the five demonstrations² that an opt-out state must submit to NTIA under the Middle Class Tax Relief and Job Creation Act of 2012.

NTIA Demonstrations Required for Opt-Out

- I - Technical, Operational, and Funding Capability
- II – RAN Interoperability
- III – Comparable Timeline
- IV – Cost Effectiveness
- V – Comparable Security, Coverage and Quality of Service (QoS)

2. Comments

2.1 Timelines

2.1.1 *Timing of Applications to NTIA*

The Texas Public Safety Broadband Program agrees that a window of no more than 60 days³ between FCC approval of a State Alternative Plan and the submission of a state's request for Lease Authority to NTIA is sufficient.

2.1.2 *NTIA Approval Timeline*

Although NTIA's offer to review submissions on a "rolling basis"⁴ is appreciated, no commitments for turnaround are provided. Understandably, NTIA turn-around times will depend upon the number of SAPP submissions, an unknown at present. However, state submissions are subjected to additional unknowns while also being asked to adhere to rigid deadlines throughout the process.

2.1.3 *Federal Funding Opportunity Guidance*

Texas is one of only a handful of entities to successfully receive FCC approval for a technical broadband interoperability showing. The process took over 1500 pages of submissions and 15 months to achieve. Due to the effort and complexity that will no doubt be involved in creating a State Alternative Plan, any early guidance that NTIA can provide will help minimize delays to a successful opt-out RAN deployment. The Texas Public Safety Broadband Program recommends that NTIA release its Federal Funding Opportunity guidance no less than 90 days prior to release of the State Plans.⁵

¹ See 81 Fed. Reg. 46907 (July 19, 2016) ("SAPP Notice").

² See Section I, Paragraph 2.

³ See Section III-A, Paragraph 6

⁴ See Section III-A, Paragraph 6.

⁵ See Section IV-A, Paragraph 3.

2.1.4 Comparable Timeline Demonstration

Regarding the comparable timeline demonstration, an opt-out state's RAN deployment timeline will unavoidably be delayed by the federal review processes. Therefore, any NTIA comparison between the FirstNet State Plan and a State Alternative Plan must take this into account when making the comparable timeline determination.

2.2 Cost Effectiveness and Comparable Coverage

The Texas Public Safety Broadband Program is concerned that NTIA may attempt to make an objective comparison of the costs incurred and the excess revenues generated by the FirstNet State plan versus a State Alternative Plan without fully considering public safety coverage needs. Cost and coverage are inextricably linked, such that any comparison in cost effectiveness between the FirstNet State Plan and a State Alternative Plan must also consider how effectively the two plans meet public safety's coverage needs in that state.

2.3 Allowable Costs

The Notice emphasizes that a state will need to require proof that revenues collected under a Covered Leasing Agreement are only used for "RAN construction, maintenance, operations and improvements"⁶, with no further explanation. This invites the question of when states will receive a business plan and/or guidance relating to allowable costs and auditing procedures.

⁶ See Section III-C, Paragraph 4.