



June 15, 2012

VIA E-MAIL

National Telecommunications and Information Administration
U.S. Department of Commerce
HCHB Room 4812
1401 Constitution Avenue NW.
Washington, DC 20230

RE: National Telecommunications and Information Administration (NTIA) Request for Information (RFI) on the Development of the State and Local Implementation Grant Program for the Nationwide Public Safety Broadband Network [Docket No: 120509050-1050-01; RIN 0660-XC001]

To Whom It May Concern:

On behalf of the National Association of Counties (NACo), National League of Cities (NLC), United States Conference of Mayors (USCM), and National Association of Telecommunications Officers and Advisors (NATOA), we appreciate the opportunity to submit the following comments regarding the Development of the State and Local Implementation Grant Program for the Nationwide Public Safety Broadband Network (PSBN).

Introduction

It is imperative that when the NTIA develops the State and Local Implementation grant program, it keeps in mind that: 1) the majority of America's first responders are local government employees; 2) much of the infrastructure that may be leveraged in the construction of the network, such as streets, sidewalks, and towers, is the property of local governments and their residents; and 3) the vast majority of subscribers and end users of the network will be local government entities. Therefore, because local governments have such a vested interest in the deployment and success of the new network, the grant program must be crafted in such a manner to ensure that adequate funding is passed through to local jurisdictions to assist with "identifying, planning, and implementing the most efficient and effective means to use and integrate the infrastructure, equipment, and other architecture associated with the nationwide PSBN to satisfy the wireless and data services needs of their jurisdiction."¹

¹ Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, 126 Stat. 156, at § 6206(b)(1)

In the event the NTIA makes the determination to permit, as allowable costs under the program, the creation of any advisory boards or committees, it should condition such funding on the basis that the makeup of such boards or committees provides for equal state and local representation. Such a requirement will help to ensure local government input in the consultation process.

In addition, the grant process must be transparent, and steps must be taken to ensure against waste, fraud and abuse. With its on-going administration of the BTOP program, we are confident the NTIA can impose appropriate guidelines and requirements to protect public funds as this project progresses.

With these thoughts in mind, we offer the additional comments in response to the RFI.

The Consultation Process

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?

Establishing an effective and efficient consultation process, which must necessarily address each of the various areas listed above, will require each state to undertake aggressive outreach and educational efforts to ensure appropriate local and tribal officials are engaged in the consultation process. We strongly encourage states to make full use of national and state associations, such as NATOA, NLC, NACo, and the USCM. All of these associations have in place member outreach and educational programs that may be leveraged to help reach out to and educate local officials about the network and the consultation process. Grant funding should be made available to enable such efforts.

It is expected that states will consult directly with local and tribal entities to collect the information necessary for a complete inventory of available infrastructure, coverage areas, and so on. However, in some instances, it may be more efficient to develop regional authorities – both intra- and interstate – with the ability to facilitate agreements with the state or with FirstNet. The use of grant funds is appropriate to permit these authorities to develop appropriate end user surveys and document end user requirements.

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

Grant funding should enable comprehensive inventories of assets that could make FirstNet more cost-effective. This will be particularly complex and burdensome in densely-populated areas.

Allowable costs for infrastructure inventory and cost analysis should include, but not limited to:

- Identification of existing and potential infrastructure siting locations. (Many localities have developed assets at their own expense that could dramatically reduce the cost of constructing and operating a network, as well as interconnecting with neighboring jurisdictions--these include fiber, towers, and data centers.)
- Inventory of government owned backhaul.
- Cost analysis of site and backhaul acquisition and maintenance, including costs of upgrades and remediation needs. (Grant funding should be allowed to permit localities to create the business mechanisms for leasing assets to FirstNet bidders.)

Data collection should include, but not limited to:

- End user needs assessments.
- Estimated subscriber counts.
- Available technical resources.
- Public and private best practices.

In addition, grant funding should permit legal review and development of various standard agreements, MOUs, etc.

Who might serve on the governmental body (e.g., public partners, private partners, technical experts, Chief Information Officers, SWIC, finance officials, or legal experts)?

Grant funding should be available to help cover the costs to use state and local CTO/CIO offices as the coordinating entities along with fire, police, and EMS. CTO/CIO offices are uniquely qualified to offer technology expertise and business planning capabilities, while coordinating with public safety agencies. CIOs/CTOs in metropolitan areas have decades of experience working together on a regional basis to create public safety communications assets; such experience should be leveraged here.

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

A one-size-fits-all approach may not be the best means by which to ensure the involvement of local entities. Rather, we support a state-by-state approach.

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?

While states should have flexibility in developing procedures to encourage local participation, we believe the NTIA should require certain guidelines, including:

- Funding is contingent on the showing that a state has implemented a governance structure with adequate regional, local and tribal representation.
- Substantial funding allocations should be made to regional, tribal and local entities for planning purposes, as long as these entities meet certain standards and deadlines.
- A grievance process should be put in place to permit regional, local, and tribal entities the opportunity to protest lack of meaningful consultation with the state.
- The grant program should provide for direct grant funding to local entities if the state proves unwilling or unable to participate in the planning process.

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?

Grant funding should be available for any purposes that would assist state, regional, tribal, and local entities in planning and consulting activities, including infrastructure inventory and cost analysis.

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

We believe the following are examples of allowable costs:

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

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)?

Along with the costs to conduct the various activities listed above, the following should be among those costs available for grant funding:

- Personnel costs for grant administrators, project managers, accountants, financial analysts, etc.
- Planning meetings.
- Costs associated to establish local governance structures.
- Development of plans and business models.

- Environmental documentation and assessment of potential sites.
- Training costs.
- Grant application costs.

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?

In the current financial climate, local governments will find it difficult to undertake new responsibilities connected with the planning of the new network without additional staff funding. As such, allowable staff costs under the grant program should include, but not limited to, the following:

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

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?

State CIO/CTO offices, along with local CIO/CTO offices, are uniquely qualified to offer technology expertise and business planning capabilities, while coordinating with public safety agencies. CIOs/CTOs in metropolitan areas have decades of experience working together on a regional basis to create public safety communications assets; such experience should be leveraged here.

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?

Establishment of clearinghouses: Grant funds should be made available for state, tribal and local governments to explore the possibility of establishing one or more clearinghouses where entities building out the network may have access to resources such as towers and backhaul. In addition, on-going funding should be provided in the event such facilities are found to be an effective and efficient means by which to access such resources.

Thank you for your consideration. If you have questions regarding our submission, please contact Steve Traylor, Executive Director for the National Association of Telecommunications Officers and Advisors, by e-mail at straylor@natoa.org or by phone at (703) 519-8035.

Sincerely,

National Association of Counties

National League of Cities

The United States Conference of Mayors

National Association of Telecommunications Officers and Advisors