Before the
National Telecommunications and Information Administration
Washington, D.C.

In the Matter of	)	
	)	
Development of the State and Local	)	Docket No: 120509050-1050-01
Implementation Grant Program for the	)	
Nationwide Public Safety Broadband Network	)	

COMMENTS OF THE UTILITIES TELECOM COUNCIL

The Utilities Telecom Council (UTC) is pleased to provide the following comments in response to the NTIA's Request for Information (RFI) on the State and Local Implementation Grant Program under the provisions of the Spectrum Act. UTC commends NTIA for providing a very comprehensive RFI that takes up a wide variety of issues, including how states could work with third parties such as utilities. UTC confines its comments to respond to certain inquiries in two of the main subject areas in the RFI: The Consultation Process and Leveraging Existing Infrastructure.

As more fully described below, utilities and other critical infrastructure industries (CII) are very interested in participating in the state and local implementation of the 700 MHz nationwide public safety broadband network (NPSBN). Utilities and other CII have successfully worked with state and local authorities in the past to share public safety radio networks in various parts of the country, and they look forward to working with state and local authorities on the 700 MHz NPSBN in the future. UTC believes that states and localities have a critical role in the successful deployment of the NPSBN, and that FirstNet will benefit greatly from consulting with them on the issues outlined in the Spectrum Act, as well as other issues related to the construction, maintenance and operation of the NPSBN. Utilities stand ready to assist states and localities as well as FirstNet in the planning process, so that the NPSBN does actually provide the coverage, capacity, reliability and resiliency that public safety requires.

Introduction and Background

UTC is the international trade association for the telecom and information technology needs of electric, gas and water utilities, pipeline companies and other CII. Its members include large investor-owned utilities that serve millions of customers across multi-state service territories, municipal utilities that serve both large cities like Los Angeles and small towns across the country, and cooperative utilities that serve large parts of rural America. All these members have in common that they own, manage and operate extensive private internal communications networks, which they use to ensure the safe, reliable and efficient delivery of essential services to the public at large. Owing to the critical nature of the essential services that they support, these networks are designed, built and maintained to standards that often exceed those of public communications networks. They include wired and wireless networks for both fixed and mobile communications, and these networks have grown and evolved over decades, long before commercial wireless even existed and they reach many parts of the country where commercial services are still not available today. As such, utilities and CII have extensive communications infrastructure, experience and other resources which could greatly contribute towards the NPSBN.

Since 1948, UTC has advocated for policies that promote critical infrastructure communications systems. Utilities and CII are undergoing their own spectrum crisis. They are under increasing demands to provide better services to their customers, while at the same time their existing spectrum is under increasing constraints due to congestion, interference and reallocation. They need access to spectrum that can provide greater capacity, coverage and interoperability in order to address their needs to support smart grid, mobile workforce applications, and mutual aid in the aftermath of natural disasters, such as hurricanes, tornados and ice storms. However, they do not have access to any of their own licensed broadband spectrum. As such, utilities and CII are considering sharing spectrum as a way to meet their communications needs, and the NPSBN could provide the coverage, capacity and reliability that utilities need to ensure the safe, reliable and efficient delivery of essential electric, gas and water services to the public at large.

The FCC has recognized the public interest benefits that would result from sharing the NPSBN with utilities. It recognized that utilities and public safety have similar communications needs, including the need for highly reliable communications during emergencies. It also recognized that utilities and public safety could share infrastructure and resources, thereby creating synergies that would accelerate the deployment of the NPSBN and keep costs down. Finally, it recognized that sharing the NPSBN would promote interoperability between and among utilities and public safety during emergency response. Thus, the FCC recommended that Congress amend the Communications Act to permit utilities to share 700 MHz spectrum with public safety.

Congress included provisions within the Spectrum Act that enable utilities to share the 700 MHz NPSBN pursuant to covered leasing agreements. These covered leasing agreements provide for public-private partnerships and shared access to capacity and infrastructure by secondary users, subject to conditions and fees. Congress sought to promote public-private partnerships for the construction, operation and maintenance, and it understood from the FCC's recommendations that utilities could play an important role in the process through sharing the NPSBN with public safety.

Congress also included provisions for the State and Local Implementation Grant Program to help fund planning and consultation by the states and localities with FirstNet for the build out, operation and maintenance of the network. As NTIA notes, these provisions also outline the issues that the program will help the states and localities address. Some of these issues are of particular importance to utilities and CII, as well as to public safety. Specifically, utilities and CII share with public safety a substantial interest in the coverage, hardening, security, reliability and resiliency of the network, as well as the assignment of priority to local users and entities seeking access to or use of the NPSBN. Utilities and CII want to be able to access the network and gain priority access, particularly for mission critical communications. Moreover, they have a larger interest in maintaining high standards for coverage, security, reliability and resiliency of the network. Therefore, UTC is pleased to provide its comments in response to the RFI in order to promote the interests of utilities and CII in these issues.

The Consultation Process

I. States should establish a single office to prepare for consultation with FirstNet by collecting data and ensuring involvement by all stakeholders.

In the RFI, NTIA asks what steps should States take to prepare to consult with FirstNet regarding the issues listed under Section 6206(c)(2) of the Act. Specifically, it asks what data should States compile for the consultation process with FirstNet and whether activity should be covered by the State and Local Implementation grant program. Secondly, it asks a series of questions related to the provision of the Spectrum Act that 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. Among those questions, it asks who might serve as the single officer and whether it should vary for each State, and who might serve on the governmental body. Further, it asks how states should involve the localities and tribal entities, and what requirements should be included in the grant program to ensure they are able to participate in the planning program. Similarly, it asks how states should involve all public safety disciplines and Federal users and entities located in their States; as well as how the term "regional" should be defined and how the grant program should be structured to facilitate regional participation through the States.

UTC recommends that the states should start by establishing an office for the implementation of the 700 MHz NPSBN, which would serve as a clearinghouse for information and for providing opportunities for involvement with localities and tribal entities, as well as all disciplines of public safety and Federal users and entities in their States.[1] The office could be composed of various stakeholders, including private partners, technical experts, Chief Information Officers, SWIC, finance officials, or legal

[1] These offices would be similar to those that many states established immediately following the American Recovery and Reinvestment Act of 2008 (Recovery Act), overseeing the implementation of many of the ARRA grant programs at the state level. *See e.g.* Arizona Office of Economic Recovery (http://www.azrecovery.gov/); New Mexico Office of Recovery Act and Reinvestment (http://www.recovery.state.nm.us/); and Rhode Island Office of Recovery and Reinvestment (http://www.recovery.ri.gov/).

experts. That office would collect data regarding existing infrastructure that could be used for the 700 MHz NPSBN, and make that data available to interested third parties, such as utilities and CII, who may be interested in participating in a public-private partnership for the construction, operation and maintenance of the 700 MHz NPSBN. By providing a single office to provide information and manage activities would avoid confusion and administrative waste, and it would assist in the development of regional participation through coordination and collaboration between the states as they prepare to consult with FirstNet.[2]

II. States should be able to use the State and Local Implementation grant program to collect information about existing infrastructure, tower placements, and network coverage, using consistent standards and processes, and within reasonable time frames.

NTIA also asks how States should use the State and Local Implementation grant program to collect information about existing infrastructure, tower placements, and network coverage; whether the States should use consistent standards and processes in gathering the information; and what time period should States be allowed to gather the information to consult with FirstNet. UTC supports the use of the State and Local Implementation grant program to fund information collection about existing infrastructure, tower placements and network coverage. The process for collecting this information should be voluntary and should be consistent so that, for example, third parties that are interested in partnering can contribute information about existing infrastructure on a confidential basis and in a standard format, if they so choose. UTC believes that the NTIA should not prescribe a time limit to the states, but instead should regularly review the progress of the states to determine if it is reasonable.

Leveraging Existing Infrastructure

I. States and local jurisdictions should include utilities and other CII and their technology providers in planning to leverage existing infrastructure assets and resources for use and integration with the nationwide public safety broadband network.

[2] UTC defers on the definition of the term "regional". In UTC's opinion, the number of states for a given "region" would vary depending on a variety of factors. No set number of states would provide an accurate definition of a region.

NTIA asks how states and local jurisdictions should best leverage their existing infrastructure assets and resources for use and integration with the nationwide public safety broadband network. Specifically, it asks how States and local jurisdictions should plan to use and/or determine the suitability of their existing infrastructure and equipment for integration into the public safety broadband network. Further, it asks what technical resources do States have available to assist with deployment of the nationwide public safety broadband network. Finally, it asks how States will include utilities or other interested third parties in their planning activities.

UTC supports the need to include utilities and CII and their technology providers, as well as other third parties in State and local planning activities. As described above, utilities and CII have extensive infrastructure and other resources that could be integrated with the 700 MHz NPSBN. Planning the use and determining the suitability of infrastructure and equipment for integration into the NPSPN is a complex process that should be conducted carefully in close coordination with the parties. For example, placing an antenna on a pole or a tower is not a simple matter; it requires engineering review for loading and clearance. Similarly, collocation of facilities on towers or transmission structures must be coordinated so that safety is maintained and other attachments and services are not disrupted. Utilities and other CII and their technology providers look forward to engaging with States and local jurisdictions and providing any technical assistance that they may need in preparing for consultation with FirstNet. As noted above, utilities and other CII and their technology providers have extensive communications experience based on decades of operations in rural as well as urban environments. They have a wealth of knowledge and technical resources to contribute to the States, as needed.

II. NTIA should encourage planning for the formation and use of public/private partnerships in the deployment of the nationwide public safety broadband network.

NTIA also asks whether it should encourage planning for the formation and use of public/private partnerships in the deployment of the nationwide public safety broadband network. UTC believes that it would be extremely valuable for such planning to occur, which would help to coordinate the formation of

partnerships by raising awareness among potential partners and public safety. For example, public safety entities may not be aware that utilities could be good partners for the NPSBN, and conversely, utilities may not be aware that public safety entities in their service territories are interested in partnering with them. There are many ways that such planning could be encouraged, including by sharing information (e.g. notice to stakeholders) or by facilitating events (e.g. webinars, conferences and workshops) between potential partners. The benefits from encouraging such planning would justify the investment, because it would open up opportunities to partner with a wider variety of third parties, and it would create opportunities for third parties to contribute infrastructure and other resources as part of a larger partnership to construct, operate and maintain the NPSBN as a whole in a given area. Further, such planning may promote the development of regional partnerships, thereby creating economies of scale, wider coverage and greater interoperability. For all these reasons, UTC supports the need to encourage the formation and use of public/private partnerships with utilities and CII, as well as other third parties.

III. States should find cost-effective ways to incorporate Federal, State, tribal, and local infrastructure into the RFP process.

NTIA asks how Federal, State, tribal, and local infrastructure can get incorporated into the model whereby FirstNet is tasked with issuing RFPs under Section 6206(b)(1)(b) of the Spectrum Act. Specifically, it asks how states would plan for this integration, and suggests that States could 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. In that regard, NTIA asks what would be involved in setting up such clearinghouses and whether the costs should be covered under the State and Local Implementation grant program.

UTC supports the concept of creating a database of existing infrastructure, but cautions that the cost and time of developing a clearinghouse could outweigh the benefits, which is of particular concern considering that only $135 million is available under the program. For example, when the FCC was developing rules for pole attachments, it proposed developing a database that would provide third party

attachers information about each utility's poles, including the attachments on each pole. The FCC's well-intentioned goal was to facilitate access to information that would enable third parties to design their network deployments based in part on poles that would be available for attachments. The utility industry advised the Commission that developing such a database would be a massive undertaking that would provide marginal benefits over the existing processes. The Commission agreed and decided not to adopt the proposed rule. While UTC supports the concept of an infrastructure database for the NPSBN, UTC is concerned that many of the same issues may make a State database of information on existing infrastructure for the 700 MHz NPSBN cost-prohibitive. As such, while UTC supports the goal of promoting access to information about existing infrastructure, NTIA needs to carefully consider the costs and benefits of promoting such access.

Respectfully submitted,

Utilities Telecom Council

_ss_____
Brett Kilbourne, Deputy General Counsel
Utilities Telecom Council
1129 20th Street, NW
Suite 350
Washington, DC 20036
202-872-0030

June 15, 2012