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Request for Information

These comments are submitted by the State of New Mexico Department of Information Technology (NM DoIT) in response to NTIA's Request for Information released May 16, 2012, to assist in the planning efforts in establishing the State and Local Implementation Grant Program (SLIGP).

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?

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

States should compile information first and foremost about state-controlled resources, to include tower locations and compositional data, information about long-haul and back-haul capabilities (both at the link and at the logical level), information about the volume of use of these resources as specific to public-safety. Information that could also be useful, but perhaps optional, would include cost-allocation and cost-recovery information associated

with any related public-safety enterprise services. States should also be encouraged to provide and even highlight existing and potential initiatives (e.g., regional broadband partnerships, public-safety data systems), that may be of use in effecting a nationwide PSBN.

Additionally, privately-owned resources, particularly resources that may be utilized by smaller carriers and utilities/cooperatives in rural areas, that might be available for use by FirstNet, should be considered. Along these lines, States should consider potential public-private partnerships insofar as creative methods for financing and building out the network will be critical to FirstNet's success particularly in more rural, underserved and unserved areas. In the context of public-private partnerships, consideration of usage needs of potential secondary users would also be helpful.

Lastly, states should also provide information about the existing governance structures and partnerships as relevant to the PSBN. Existing agreements and relationships with Federal, local, and Tribal partners should be accounted for during the planning process.

This information should be collected and handled judiciously for security, proprietary, and operational reasons.

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

Yes, where appropriately scoped, and particularly where activities can be dual-use and/or matching funds may be leveraged.

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

As public-safety and broadband infrastructure governance models can vary state-by-state, it would seem that the single officer could vary. That being said, the designated officer needs to be someone with the authority and purview so as to execute the functions as specified in The Act. Consider that the PSBN will bridge domains that can in some cases be stove-piped (e.g., public-safety LMR, IP broadband infrastructure). Potential candidates could include, e.g., state CIO's or CTO's (particularly in cases where CIO's are responsible for statewide broadband infrastructure), as well as the Statewide Interoperability Coordinators (SWICs).

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)?

All of the examples listed in the question are very reasonable, particularly in cases where individuals have cross-domain experience and expertise in those areas. Additionally,

individuals should be considered that have operational and cybersecurity experience, as this will be critical to the success of the PSBN.

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

States should utilize existing mechanisms, structure, and governance for involving local entities (e.g., SWIC coordinated activities, IT and public-safety executive steering committees, municipal league and local government programs). While functions such as these may need some augmentation to accommodate the PSBN issues, states should avoid creating duplicative governance structures.

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

This will vary state-by-state in as much as state/tribe governmental interaction varies. Funding for outreach to the tribal entities should be made available to the states to facilitate participation by tribal groups in the planning process. New Mexico's Department of Indian Affairs employs a tribal liaison structure for ensuring coordination between the state and the numerous tribal and pueblo governments. Mechanisms such as this are ideal for managing this involvement.

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?

The high-level requirement for maximum participation must be balanced against what could become an unproductive burden if interaction to the individual anchor-tenant level is required. A potential approach could be for the state to provide a plan for ensuring inclusion of local and tribal entities via aggregate structures. Each state should be allowed to design an approach for reaching out to the tribal entities that best accommodates the needs of that state and the tribal entities located within that state.

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?

This again may vary state-by-state, though in terms of specific governance structures. States should thus be required to provide a narrative as to how they will utilize and embellish existing activities to ensure participation. Governance and recommendations established by DHS OEC, to include working group memberships and executive committees, are already in place. Where possible, leveraging this established structure and momentum could well save time and resources as specific to this question.

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?

To a degree, this is a bootstrapping issue, especially for intrastate issues. FirstNet may choose regional definitions that are logically based, or defined in a way so as to maximize regional economies of scale. However, it is likely that the most appropriate partitions may only become apparent after the states have responded. As a tentative approach, existing inter- and intra-state definitions should be considered (e.g., FEMA RECCWG regions, existing multi-state cooperative alliances, etc.)

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

This depends on what, if any, collaborative efforts at the Federal level are established by FirstNet, NTIA, FCC, etc. (see also the answer to 2(f) above). In general, these Federal users should be encouraged or even required to reach out to the states. Following consultation with Federal users states should be well positioned to provide a composite picture of cross-domain federal entities as part of the grant program.

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?

For one, lessons learned from the NTIA Broadband Mapping projects should be considered in constructing guidance in this regard, particularly as it pertains to public/private interactions. Certainly, states can discuss infrastructure under their direct control, but will need to be cautious in terms of even indirectly obligating privately controlled interests, especially ahead of the wider FirstNet RFP process.

Also, the grant program should be used cautiously and judiciously – indeed, aggregate information about critical broadband, wireless, and public-safety infrastructure becomes all the more sensitive as it is compiled regionally and federally.

b. Should consistent standards and processes be used by all States to gather this information? If so, how should those policies and standards be established? What should those policies and standards be?

Yes, standardization in data is a critical requirement. Given the complexity of the necessary infrastructure that will be required for the PSBN at all levels (micro, macro, system-wide), to the extent the data can be compiled in a machine-readable and marked-up fashion will ensure that statistical and analytical techniques can be used to rapidly characterize the data provided by the states.

To the extent possible, industry-standard units of measure, as well as common data formats should be leveraged. Again, the critical element is that all data standards are the same throughout the program.

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?

Certainly, it will take FirstNet several months (perhaps even quarters) to become operationally established. A phased approach (per 15(c) below) is recommended so as to provide the maximal planning time for states vis-à-vis FirstNet.

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?

There are two primary governance groups established in New Mexico. The Interoperability Policy Commission (IPC), which is the state equivalent of the SIGB/SIEC, is established through legislation and is logistically supported by the New Mexico Department of Homeland Security and Emergency Management. The second is the Statewide Interoperable Communications Working Group (SICWG), which is chartered to support the IPC. The SICWG has a well-established structure for dissemination of information and collection of data from all levels of government.

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?

In New Mexico, the Department of IT/Office of the State CIO is the consolidated enterprise service provider for state-level LMR and public-safety digital-microwave systems. As a BTOP recipient and initial D-block waiver recipient, this department has worked closely with such entities in planning for the PSBN, indeed for well over a year ahead of the passage of The Act.

As mentioned previously, the deputy state CIO / deputy IT secretary is also the SWIC for the state, resulting in a very strong planning capability in this regard.

Note that this interaction serves the purposes of the PSBN in both directions – as an aggregation point up to FirstNet, and down to the local, tribal, and municipal entities.

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?

Yes, they can and should be considered. Nevertheless, as LTE is an IP-fabric network on which the PSBN will be constructed, these entities will need to explicitly include the input and expertise of IT leadership, such as the state CIO or CTO. In counterpart fashion, entities such as the SWIC will be able to ensure the buy-in of the end-user community, which will only improve the ability of FirstNet to provide a true nationwide interoperable solution.

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?

In New Mexico, the SCIP is an established plan with support from multiple levels of government, as are the mechanisms for updating and reporting relative to the plan. While the portions of the document will certainly need updating to accommodate the PSBN, this document should serve as the foundational document for all such planning.

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

Given that the PSBN will be a single network, interoperability will be inherent in its conception and design, and hence the major concerns for multi-jurisdictional interoperability will be focused on operational protocols, shared applications, allocation of network resources and establishing user priorities, including as a function of incident management. At least some of this can be addressed in the SCIP, though the SCIP will need to be expanded to include measurable goals and initiatives specific to broadband needs and requirements. Additionally, the SCIP should be brought into better alignment with New Mexico's state-wide strategic IT plan.

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

Yes.

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

Yes, to the extent that those expenditures are related to activities specifically addressing PSBN.

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?

Where leveraging those assets will be mutually beneficial, and will not be at the expense of the states' abilities to remain operational for current systems, making these assets available for integration into the national network will be efficient and straight forward. However, where integration of these assets into the national network will result in loss of an asset to ongoing state/local operations, this issue becomes more problematic and certainly more costly.

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?

This is a complex and multifaceted issue that in part can be addressed as per 4(e) above. In New Mexico, this will depend on established cost-models, bandwidth availability, and also resiliency/robustness of the infrastructure (see 16 below). Additionally, the potential for a mixed public- and private-sector network fabric will have to be accommodated. Lastly, a specific answer to this question may only be clear once the specific intentions of FirstNet are established and messaged (cf. 3(c) above).

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

It will vary widely from state to state. New Mexico has significant expertise in the deployment, operation, and maintenance of a 100+ tower DMW network and regionalized public-safety LMR network.

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

Utilities have significant needs for use of the PSBN spectrum and should be included in the PSBN under appropriate conditions. Funds should be made available as part of the planning process for states to reach out to explore partnership opportunities with the utilities.

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?

Absolutely. This is especially true for rural areas where the cost to deploy and maintain the PSBN will outpace the potential revenue from public-safety consumers, and where the cost

for commercial entities to deploy as advanced a technology as LTE (to include requisite backhaul) is not feasible.

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?

This will ultimately depend on the paradigm chosen by FirstNet for the realization of the network.

a. How would States plan for this integration?

Initially, by maintaining situational awareness and involvement at critical juncture as the grant program and ultimately FirstNet are realized.

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?

Possibly, but not without a clear plan for how those activities would be managed and funded. For example, New Mexico has strict anti-donation laws that, in addition to telecommunication regulations, that must be considered in terms of how these clearinghouses are not only set up, but operated in a transparent fashion. Such a requirement should not be levied as an unfunded mandate.

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

Absolutely.

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?

As a lesson learned, the active participation of NTIA or another appropriate federal entity in the execution of environmental impact assessments would greatly streamline what was complicated and balkanized process. At the very least, a better accommodation of the environmental impact assessment process as part of PSBN planning would also help with timely deployment.

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

Certainly, activities as described in detail throughout this document.

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 of the above.

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

Yes, where this information is not already publicly available (e.g., via regulatory bodies), or not already being compiled as part of other federal initiatives. In cases where this data already exists, but would still require curation (note: what is curation?)to meet any standards (cf. 3(b) above), then such activities should be allowable within reason.

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?

Certainly, direct labor should be allowable under the grant program, and should be based on role instead of position for the most part. States should then be able to staff those roles per their own prerogative.

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

Interaction with the end-user community to assess needs and gather information about rural environments will help in the planning process. A phased approach to the implementation is the most reasonable approach, taking into consideration need based on risk and probability information. The potential for public/private build-out in rural areas (see 1(a) and 5(d) above) may also need to be considered.

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?

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?

In New Mexico, the SBI grant coordinator works under the State CIO as part of the planning and oversight division, and as such, direct involvement is anticipated.

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

Particularly, end-products and institutional knowledge of these entities could be very useful in compiling data as per 1(b) above.

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?

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, absolutely states should be encouraged to use existing tools.

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?

Yes. This will ensure that the money is paced strategically within the appropriate timeline for the establishment and execution of FirstNet.

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?

The state CIO or CTO as enterprise operators should have a significant role in the grant program. The PSBN will be a disruptive technology in several ways, all of which the state CIO or CTO should be involved in addressing. For one, there will be new paradigms for cost-recovery, operations and maintenance, and budgeting (cf. OMB A-87 compliance) that in particular the state CIO will be uniquely positioned to address; these issues will be both tactical and strategic. For another, as the PSBN will be an IP-based network dependent on long-haul and multiple network-layer operations, state CIOs and CTOs will be uniquely positioned to act as liaisons and 'translators' between public-safety officials, policy officials, and technology practitioners, at all of the federal, state, local, and tribal levels. Third, the PSBN will introduce a number of security issues, including but not limited to cyber, physical, and use-level ones, for which state CIOs and CTOs should necessarily be involved.

In the SONM, the state CIO has both an oversight role for all state IT activities, andis also the enterprise operator of current LMR and DMW public-safety networks. For these specific reasons, and for the reasons stated above, the CIO in the SONM is uniquely positioned. Moreover, the SONM CIO is responsible for managing broadband WAN fabric, to include numerous interactions with private sector entities for both long-haul and last-mile.
Lastly, acknowledging the value of the relationships with local and Tribal governments with respect to the PSBN is something that needs to be demonstrated at the State CIO level. Moreover, the State CIO and the SWIC can work together in this regard to achieve both technical excellence and successful outreach.

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. 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?

NTIA should at least consider what portion of the planning grant will directly benefit federal entities in specific states and/or regions. While perhaps not likely to exceed an 80/20 ratio in the majority of areas, states with a potentially large number of federal users (e.g., defense installations, national laboratories, BIA law enforcement, DOJ and DOH entities) may indeed have a large planning burden for the incorporation of those federal entities.

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?
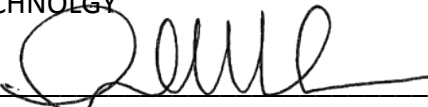
This will certainly depend on a number of circumstances on a case-by-case basis, but for many states matching funding will require legislative approval, which may not be guaranteed.

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.

Respectfully submitted,

NEW MEXICO DEPARTMENT OF INFORMATION TECHNOLGY

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