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BY ELECTRONIC DELIVERY

National Telecommunication and Information Administration
U.S. Department of Commerce
HCHB Room 4182
1401 Constitution Avenue, NW
Washington, DC 20230

Re: Comments of the State of Hawaii on Development of the State and Local
Implementation Grant Program for the Nationwide Public Safety Broadband Network

The State of Hawaii¹, through its counsel, hereby submits the attached comments in response to the National Telecommunication and Information Administration’s request for information about the State and Local Implementation Grant Program for the Nationwide Public Safety Broadband Network.

Thank you for the opportunity to comment on the development of a nationwide interoperable public safety network.

Sincerely,

Bruce A. Olcott

¹ These comments are prepared and filed by the Departments of Commerce and Consumer Affairs (DCCA) and Defense (DOD) on behalf of the State of Hawaii. The City and County of Honolulu, along with the Counties of Hawaii, Kauai, and Maui were also consulted and contributed to the content of this response.

**State of Hawaii
Response to NTIA Request for Information
State and Local Implementation Grant Program**

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Executive Summary

The State and Local Implementation Grant Program (SLIGP or Grant Program), Section 6302 of the Middle Class Tax Relief and Job Creation Act of 2012 (Act),² charges NTIA, in consultation with FirstNet, to “assist States, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way” for these jurisdictions to meet their wireless communications and data service needs.³ The Grant Program language recognizes that infrastructure is a highly local issue and includes provisions for alternative plans by states wishing to take charge of the deployment of their own radio access network, subject to basic interoperability requirements.⁴

Regardless of a state’s decision to participate in the nationwide deployment or construct its own network, NTIA must ensure that the grant process provides adequate discretion for states to implement their priorities and processes, and this Request for Information (RFI)⁵ is a positive step in that direction.

Below, the State of Hawaii outlines its responses to the three major areas of inquiry developed in the RFI.

First, the eventual Request for Proposals under the Grant Program should recognize and support the states’ existing broadband and public safety governance authorities. Effective organizations and planning processes will have many similarities across states, but NTIA should refrain from expecting or requiring all state programs to incorporate the same administrative structures or processes. Instead, NTIA should evaluate proposals generally for an adequate process without expecting or requiring uniformity in states’ processes.

Second, NTIA should permit the states flexibility in the showings contained in their proposals as well as in their use of program funds. In particular, Hawaii urges NTIA to accept a broad range of in-kind matching contributions to permit states and their partner organizations to efficiently secure matching funds and to most effectively use the resources already allocated to public safety communications and broadband deployment. Additionally, grant funds should be allocated based on demonstrated need and a clear plan for applying them, rather than a population-based method that does not

² Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 125 Stat. 402 (2012) (Act).

³ Act, § 6302(a).

⁴ Act, § 6302(e)(2)(c).

⁵ National Telecommunications and Information Administration, Docket No. 120509050-1050-01, RIN 0660-XC001, Development of the State and Local Grant Program for the Nationwide Public Safety Broadband Network (*Request for Information*).

account for vastly different local commitments to the program or costs of network buildout and maintenance.

Third, to best leverage existing infrastructure, Hawaii recommends that NTIA allow states latitude to focus their information gathering and funds allocation on those areas of particular relevance to each state. For many states, FirstNet and the Grant Program come as the next in a line of similar state and federal public safety communications and broadband deployment initiatives, and states are well positioned to determine which physical and organizational assets are best suited to this task.

I. State Internal Organization and Process

In developing its Request for Proposals, NTIA should recognize many states' significant experience in these areas by ensuring that the SLIGP program guidelines ultimately preserve the states' flexibility to use the programs that they have developed and tailored to their states' own needs, challenges, and priorities. Hawaii, like many states, has significant experience with multi-stakeholder processes for planning and implementing public safety and telecommunications programs, and with broadband in particular.

For instance, the Hawaii State Department of Defense coordinates all interoperable communications statewide. Under its auspices, the Hawaii Wireless Interoperability Network (HWIN) program fulfills many of the organizational and governance roles considered by the RFI. Created in 2005 to lead the development of statewide interoperable communications, HWIN is supported by a multidisciplinary team of state executive and managerial employees. HWIN's executive committee includes all local governments within the boundaries of the State, as well as officials and policymakers from federal government agencies, NGOs, and other local partners.⁶ This partnership produced the Statewide Communications Interoperability Plan (SCIP), adopted in 2007 and updated annually. As reflected in the programs and strategic directions documented in the SCIP framework, all participating partners have demonstrated their ability to meet interoperable communications goals as mandated by the Department of Homeland Security (DHS) Office of Emergency Communications (OEC) consistent with the National Incident Management System (NIMS), the Incident Command Structure (ICS), and the National Emergency Communications Plan (NECP). In 2010, the Statewide Communications Interoperability Coordinator (SWIC) was created to be the central coordination point for Hawaii's public safety communication programs. The SWIC and HWIN are therefore good examples of effective statewide multi-stakeholder processes, demonstrating that states are often in the best position to develop a tailored

⁶ *Id.*, 4(b).

process that considers their various organizational entities and jurisdictions as well as their local conditions and concerns.

In addition, Hawaii's Anuenue digital microwave system demonstrates the effectiveness of a state-federal public safety partnership. In close collaboration with the U.S. Coast Guard, the State has constructed a twenty-three million dollar public-safety grade microwave backhaul network. Designed to meet the unique topography and climate challenges of the Hawaiian Islands, Anuenue's towers can remain operational in 110 MPH winds and are built to survive the 155 MPH winds of a Category 4 hurricane. In addition to U.S. Coast Guard and State Department of Defense, the dozens of other users of the Anuenue system include the Hawaii Departments of Public Safety, Transportation, Health and Land and Natural Resources, as well as federal users from the National Oceanographic and Atmospheric Administration, the Federal Aviation Administration, and the U.S. Army. As local government partners, the four counties within the State contribute communications assets that provide backhaul and radio infrastructure used by many of those same federal, state, and non-governmental organizations.

The State, the City and County of Honolulu, and the Counties of Hawaii, Kauai, and Maui have long recognized the need for a system to support the data communication needs of its first responders, and have been proactive in planning and implementing such a system. In 2009, these entities collectively requested and obtained an FCC waiver to use the 700 MHz spectrum for its interoperable public safety network. The State and counties were prepared to build an LTE broadband system if they were granted Broadband Technology Opportunities Program (BTOP) funding. These recent initiatives, and ongoing collaborative programs like HWIN and Anuenue, demonstrate that states such as Hawaii can develop and sustain effective processes for public safety and multiuse broadband deployment.

Ultimately, however, these coordination efforts will vary among the states. Thus, NTIA should permit states to determine issues such as the SLIGP point of contact best suited to the state's existing organization.⁷ The HWIN group has generally been the central body for coordinating such matters in Hawaii, but the role of any given organization within the state remains under consideration as Hawaii develops its plans for FirstNet. For instance, DOD has extensive experience coordinating Homeland Security and NTIA grants, which may make it an appropriate leader in the implementation of the SLIGP grant funds. Other states may organize their efforts differently or modify them for FirstNet, and NTIA should ensure that the SLIGP rules permit them to do so.

⁷ *Id.*, 2(a,b).

The role of specific state positions, such as CTO and CIO, in SLIGP coordination should also be a matter for the state to determine based on its own process.⁸ In Hawaii, the lead proponents of the state's public safety communications efforts, as the present and past chairs and co-chairs of HWIN, have been the Director of the Department of Defense (State Adjutant General), State Chief information Officer, and Director of the Department of Accounting and General Services (State Comptroller). Moving forward, that team will continue to be strong, visible advocates of the broadband role in Hawaii's public safety communication program that support mission-critical needs of its first responders. Naturally, any effective process is likely to incorporate these important positions, but there is little to be gained by NTIA mandating a specific role for specific positions.

The RFI asks what steps states should take, and what data they should compile, for the consultation process with FirstNet.⁹ Broadly, states should be prepared to discuss their internal organizations and processes, as well as an inventory of existing and potential broadband infrastructure and discrete goals for the deployment of an interoperable broadband system. Hawaii is already well underway with these preparations. Hawaii's public safety entities have been active and long-term participants in the Public Safety Spectrum Trust (PSST) Operators Advisory Committee (OAC) as well as the National Public Safety Telecommunications Council (NPSTC) Broadband Working Group (BBWG). These groups are at the forefront of planning, requirements development, and operation of LTE broadband networks for public safety use. Hawaii's SCIP working group holds monthly video conferences and quarterly face-to-face meetings. Broadband vendors and consultants have presented proposals as the SCIP group develops plans to expand Hawaii's broadband public safety network.¹⁰

The HWIN, the SCIP group, and other partners have already conducted significant planning for broadband and public safety network deployment of the kind contemplated by SLIGP. Grant Program funds should be available to evolve these existing plans to incorporate the goals of the Act. This will maintain continuity, increase efficiency, and reward the states' investment in planning. Additional funding for planning activities will increase outreach to the county, tribal, and local entities that can provide the most accurate assessment of local needs and opportunities for investment. Indeed, Hawaii's expert working group approach has shown great flexibility in adapting and expanding to effectively manage increasingly complex and ambitious grant projects.¹¹ Existing public safety communications networks, HWIN, SCIP, and working groups within each of the counties are poised to accept and implement the SLIGP project. The resulting evolution

⁸ *Id.*, 16.

⁹ *Id.*, 1(a-b).

¹⁰ *Id.*, 4(a-b).

¹¹ *Id.*, 4(c).

and maintenance of these governance bodies and plans in response to the Act should be eligible for SLIGP funds.¹²

Similarly, the RFI asks how states should involve local, tribal, public safety, regional, and federal entities.¹³ Here, too, different states will have different working relationships with these entities and, like Hawaii, many of them will have already developed organizations, relationships, and processes that best fit their particular needs. In Hawaii, in addition to the statewide HWIN and SCIP working groups, each major island has established its own Regional Planning Zones (RPZ) to meet its specific needs. The State of Hawaii is somewhat unique in that there is no provision in state law or constitution for municipal government, with the exception of the City and County of Honolulu, which serves as both a municipal and county government on one island. Elsewhere in Hawaii, each major island is a separate county and nearly all public safety functions are provided by county government. Such potential for widely varying governmental relationships means that the Grant Program should refrain from prescribing a standard organizational structure across all states and instead require that each state include an explanation of the process it has used or will use to ensure that these entities can to participate.

Generally, Hawaii expects that most states will be very effective at organizing multi-stakeholder collaborations and incorporating interested parties, including utilities¹⁴ and public-private partnerships,¹⁵ as needed. Although NTIA should encourage public-private partnerships and consider them in evaluating states' capability to deploy their networks, NTIA should refrain from dictating their role in the deployment process.

II. Distribution and Use of Implementation Grant Funds

The second major area that the RFI asks about is the criteria for the distribution of SLIPG funds, and any limitations on their use.

Regarding eligible costs, the RFI asks what activities and costs should be allowable under the grant, including personnel, planning meetings, and upgrades of plans or assessments.¹⁶ Hawaii urges NTIA to permit maximum flexibility in the covered

¹² *Id.*, 4(f-g).

¹³ *Id.*, 2(c-h).

¹⁴ *Id.*, 5(c).

¹⁵ *Id.*, 5(d).

¹⁶ *Id.*, 8, 9(a,b).

activities and costs so as to permit the states to tailor the grant funding to their unique circumstances and programs.

That said, these same types of activities and costs (particularly administrative costs) are optimal areas for in-kind contributions by states and other entities that are assisting with the network deployment. In considering the states' ability to secure matching funds, NTIA should include the value of a range of in-kind contributions by state, local, tribal, and public safety entities.¹⁷ For example, for Hawaii's State Broadband Data and Development Grant Program, in-kind resources included the salary of selected state officials supporting the mapping work. State matching funds for the construction of Hawaii's Anuenue microwave system included both capital expenditures and in-kind provision of essential real estate.

States will have various methods of funding their share of the buildout programs, and the SLIGP rules should permit the states flexibility in the source and composition of the state-provided funds.¹⁸ In Hawaii, for example, state and local governments have funds set aside for broadband development in various programs, including Defense, individual county funds, the state legislature, and in-kind offers from various non-governmental partnerships. These should all be counted as part of the available resources for matching funds.

Just as important as recognizing the variety of sources for matching funds, NTIA should not impose rigid rules requiring that state funds used in the matching calculation be readily available or already allocated.¹⁹ Such an approach could undercount the total value committed and available to state broadband infrastructure projects, as well as penalizing those states, such as Hawaii, with legislatures that may not be in session during the pendency of the NTIA's evaluation of the SLIGP applications. Instead, NTIA should ensure that its process for examining matching funds takes into account the history of these states in reliably funding telecommunications projects and delivering matching funds.

When considering the public interest factors relevant to requests for a waiver of the matching requirement of the Grant Program, NTIA should consider the vast differences in population, resources, topography, and geographic location across all states.²⁰ For instance, in Hawaii, the existence of tribal lands and culturally, ethnically and geographically diverse local populations, as well as remote and insular areas, is an important factor in the broad consensus planning called for in the SLIGP process.

¹⁷ *Id.*, 17.

¹⁸ *Id.*, 17, 18.

¹⁹ *Id.*, 17.

²⁰ *Id.*, 18.

Similar circumstances may make it difficult for some states to provide a full matching contribution, and the NTIA should fully consider these circumstances when evaluating requests for waiver of the matching requirement.

Also due to the tremendous variability in geography between states, NTIA should not allocate grant funds based primarily on population.²¹ NTIA should adopt a holistic approach that incorporates a range of factors and is based on demonstrated need and a clear plan for applying grant funds effectively in the context of the states' particular circumstances. For instance, Hawaii is unique in the significant tourist population that public safety must provide service for but are not accounted for as part of the islands' population. Allocation based on population does not take into account widely varying terrain and costs of coverage, nor does it promote coverage to rural areas. NTIA should consider that network planning and deployment to rural and remote areas may be more expensive due to increased cost of materials and labor. In Hawaii, only the urban core of the island of Oahu has a dense urban population; the remainder of the state is rural, often with remote populations including many tourists. When determining the factors relevant to prioritizing grants to ensure coverage in rural areas, NTIA should consider not just the population, but also what access (or lack thereof) to telecommunications and emergency services rural residents have already, and if their remoteness or geographic isolation makes them more vulnerable to disasters than residents of nearby urban areas.²² Indeed, because the entire State of Hawaii is remotely located and isolated from the United States, it has an even greater need to be self-sufficient and able to sustain reliable long-term operations before any assistance arrives from outside the state in the event of a major incident, disaster, or acts of terrorism.

Further, a population-based approach also does not account for whether the state will take the lead in planning and implementing the deployment of communications networks in its state. Those states that take a more hands-off approach (requiring FirstNet to take the lead in network planning and implementation) are far less likely to require significant grant funds. In contrast, states that take an active role in managing FirstNet planning and construction may require, and be better prepared to use, additional funding.

This question of whether the state or NTIA will take the lead in implementing the program also bears on the question of "clearinghouses" for access to towers and backhaul networks.²³ The role of the state in setting up such a clearinghouse would seem to depend, for any given state, on whether that state has opted out of FirstNet deployment or not. For those states that have opted out, the state would be the natural

²¹ *Id.*, 15(a-c).

²² *Id.*, 10, 11.

²³ *Id.*, 6(a-d).

clearinghouse, and SLIGP funding should be available to equip state governance bodies to assume this role. Conversely, for those states that do not opt out, NTIA may take a larger role in the coordination and bidding management.

III. Leveraging Existing State Infrastructure

FirstNet's initial consultation with the states is an important first step in developing the requests for proposals called for by the Grant Program. An accurate inventory of the existing state infrastructure is crucial to effective consultations.²⁴ As indicated above, Hawaii has significant technological and organizational infrastructure and is well prepared to direct these resources at the state level in support of a national interoperable public safety network. Hawaii and its partners have already made a significant investment in inventorying and mapping existing broadband infrastructure through Hawaii's participation in the State Broadband Data and Development program. As part of this inventory and mapping process, the State, through the DCCA, oversaw the compilation of highly accurate broadband mapping information and identified areas in need of particular priority or further investigation.

For this reason, although Hawaii encourages NTIA to permit states latitude in how they use grant funds to develop the information most relevant to them,²⁵ Hawaii discourages NTIA from requiring rigid outputs to the extent that such requirements could penalize states that have already completed inventories or have chosen to focus on areas of unique relevance to their citizens.²⁶ States have existing standards and processes that they have developed as a result of their widely varying terrain and unique needs. Regardless of the format of the data, NTIA should ensure that states' submissions are sufficiently detailed and sufficiently recent to adequately support the FirstNet consultation.²⁷

The RFI asks for input on what technical resources states have and how they should use their existing infrastructure and technical resources to assist with deployment of the broadband network.²⁸ Through diligent efforts including the formation of a dedicated Broadband Assistance Advisory Council to facilitate and streamline the permitting and development process, Hawaii has significantly increased its public and private broadband coverage. Hawaii's public safety broadband infrastructure includes

²⁴ *Id.*, 3(a).

²⁵ *Id.*, 3(a).

²⁶ *Id.*, 3(b).

²⁷ *Id.*, 3(b).

²⁸ *Id.*, 5(a-d).

segments provided by commercial private carriers, and existing and planned government-owned networks using a variety of transport mechanisms such as microwave, free space optics, hardened (buried conduit) fiber optic systems, as well as fiber networks that were not originally built for public safety use (e.g., routine government operations, school and university infrastructure).²⁹ Public safety infrastructure also includes capacity on undersea telecommunications cables linking the major islands. Each of the four counties also has its own public safety voice communication system, microwave, fiber optic systems, radio equipment shelters, and potential radio access sites. These radio facilities and communication backhaul infrastructures are built to public safety grade with backup power, hardened facilities, and microwave and fiber backhaul, and would be potentially available to support the addition of broadband capabilities that could reduce the overall buildout and operating cost of the broadband network.

Including state and federal users, Hawaii has 14 major communications voice and/or data systems currently operational and providing some degree of interoperability. Many individual public safety agencies handle their own procurement and management of public safety wireless data services. Some counties, such as Kauai, administer these activities through their respective Offices of Information Technology. Although most state and local government agencies contract for wireless data services through commercial providers, the Kauai Information Technology Division and the County of Maui currently operate their own wireless data networks in addition to their use of commercial wireless providers.

In terms of technical and organizational expertise, Hawaii's HWIN Broadband Steering Committee Management Team is an example of the organizational leadership Hawaii has available to oversee the FirstNet project. The Steering Committee Management Team includes years of technical expertise, as well as access to public-private partnerships with major carriers. The executive committee of HWIN includes high level representatives from state government, its four counties and federal organizations. The HWIN executive committee serves as the advisory board to the Public Safety Broadband Network and, as such, allows all the partners in the system a voice in both the operation and management of the system. The State of Hawaii Department of Defense and the Department of Accounting and General Services have broad experience in operating and maintaining middle mile infrastructure and land mobile radio systems. They presently hold more than 300 FCC land mobile radio or microwave licenses, all in good standing.

The 2010 Legislature passed a bill, which the Governor signed into law, establishing the Statewide Communications Interoperability Coordinator (SWIC) in the State DOD as the

²⁹ *Id.*, 5(b).

central coordination point for the state's public safety communication programs. The SWIC works with emergency response leaders across all levels of government to implement a statewide strategic vision for emergency communications; build multi-jurisdictional collaborations and partnerships among the many federal, state, city, county, and private sector public safety agencies; develop plans, policies, procedures, technologies, and grants and other funding opportunities that support effective voice and data communications; and generally support the efforts of the HWIN and SCIP groups.

Naturally, Hawaii expects to take full advantage of its significant existing physical and organizational infrastructure, but notes that the decision of how to employ these assets is informed by local factors and urges NTIA to refrain from requiring uniformity with respect to the manner in which states incorporate existing assets.³⁰

Conclusion

As demonstrated above, Hawaii, with its local, state, and federal partners, has significant experience and a history of collaborative engagement in the deployment and operational maintenance of mission-critical broadband and public safety networks. Through this brief overview of the state's organizational processes and successful track record, Hawaii encourages NTIA to shape its requests for proposals to permit the states adequate flexibility to apply grant funds effectively and efficiently, recognizing local conditions and administrative processes. Hawaii is committed to the deployment of a state-of-the-art public safety broadband network, and the state looks forward to a collaborative and cooperative partnership with NTIA and FirstNet in realizing Congress' vision for a nationwide interoperable public safety broadband network.

³⁰ *Id.*, 5(a).