



PUBLIC NOTICE

Federal Communications Commission
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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES 90-DAY DEADLINE FOR GOVERNORS OF AMERICAN SAMOA, GUAM, AND THE NORTHERN MARIANA ISLANDS TO ELECT WHETHER TO OPT OUT OF THE FIRSTNET RADIO ACCESS NETWORK

Opt-Out Election Notification Due By March 12, 2018

PS Docket No. 16-269

On June 22, 2017, the Federal Communications Commission (Commission) adopted a Report and Order in this docket establishing Commission procedures for administering the state opt-out process as provided under the Public Safety Spectrum Act.¹ Under Section 6302(e)(2) of the Act, each state Governor has 90 days from the receipt of notice by the First Responder Network Authority (FirstNet) under Section 6302(e)(1) to choose whether to participate in the Nationwide Public Safety Broadband Network (NPSBN) or elect for the state to conduct its own state Radio Access Network (RAN) deployment.² In the *Report and Order* the Commission directed FirstNet to notify the Public Safety and Homeland Security Bureau (Bureau) when it had provided states the requisite “notice” under the Act.³ The Commission also directed the Bureau to issue a Public Notice announcing the commencement of the 90-day period and specifying the deadline for states to file opt-out notifications with the Commission, FirstNet, and the National Telecommunications and Information Administration (NTIA).⁴

On December 12, 2017, FirstNet notified the Commission that the Territory of American Samoa, the Territory of Guam, and the Commonwealth of the Northern Mariana Islands received FirstNet’s notice on December 12, 2017, commencing the 90-day clock.⁵

¹ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 §§ 6001-6303, 6413 (codified at 47 U.S.C. §§ 1401-1443, 1457) (“Public Safety Spectrum Act” or “Act”). See also *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network*, PS Docket No. 16-269, Report and Order, 32 FCC Rcd 5311 (2017) (*Report and Order*).

² Public Safety Spectrum Act, § 6203(e)(1-2).

³ *Report and Order*, 32 FCC Rcd 5315 at para.11.

⁴ *Id.*

⁵ See Letter from Patrick Donovan, Attorney, First Responder Network Authority, to Lisa Fowlkes, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission (Dec. 12, 2017) (PS Docket No. 16-269). FirstNet previously provided notice to the other 53 states and territories, such that their 90-day opt-out notices are due to the Commission on December 28, 2017. See also *Public Safety and Homeland Security Bureau Announces 90-Day Deadline For Governors To Elect Whether To Opt Out Of The FirstNet Radio Access Network*,

Based on this notice date, should the Governor of any of these territories elect to opt out they must submit such notice to the Commission no later than March 12, 2018.⁶ Opt-out notices must reference PS Docket No. 16-269 and must be filed via the dedicated email address: opt-out@fcc.gov, or via certified mail to the Office of the Secretary, 445 12th Street SW, Washington, DC 20554, ATTN: John Evanoff.

Further, we remind the notified territories that:

- Opt-out notices must certify concurrent notification to FirstNet and NTIA; and
- Notice must be made by the Governor or the Governor's duly authorized designee, and if made by the latter, evidence of such delegation must be included in the notice.⁷

For further information, contact Roberto Mussenden, Attorney Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or Roberto.Mussenden@fcc.gov; or John Evanoff, Attorney Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-0848, or John.Evanoff@fcc.gov.

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Public Notice, 32 FCC Rcd 7348 (PSHSB 2017); *Public Safety and Homeland Security Bureau Announces 90-Day Deadline For Governor of Puerto Rico To Elect Whether To Opt Out Of The FirstNet Radio Access Network*, DA 17-1077 (PSHSB Nov. 1, 2017).

⁶ Territories choosing not to opt out are not required to file any notification.

⁷ *Report and Order*, 32 FCC Rcd at 5315, paras. 11-12.