



PUBLIC NOTICE

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DA 17-625

June 28, 2017

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON FIRSTNET EX PARTE SUBMISSIONS PROPOSING INTEROPERABILITY REQUIREMENTS FOR STATE OPT-OUT REQUESTS FROM THE FIRSTNET RADIO ACCESS NETWORK

PS Docket No. 16-269

Comment Date: [10 days after FR publication]

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, as well as delineating the specific two-prong statutory standard by which the Commission will evaluate state alternative plans.¹ The Report and Order further directed the Public Safety and Homeland Security Bureau to issue a Public Notice establishing an expedited comment period to allow public comment on two *ex parte* filings and any related filings submitted by the First Responder Network Authority (FirstNet).² In the two *ex parte* filings, FirstNet proposes criteria for the Commission's review of alternative state plans under the second prong of the statutory test relating to "interoperability with the nationwide public safety broadband network" (NPSBN).³

In a June 5, 2017 *ex parte* filing, FirstNet submitted an "interoperability compliance matrix" listing proposed "FCC Evaluation Requirements" associated with specific elements of the anticipated state plan categories.⁴ FirstNet stated that the matrix "documents the technical standards that will be necessary to ensure a state or territory's R[adio] A[ccess] N[etwork] is interoperable with the NPSBN."⁵ In a subsequent *ex parte* filing on June 16, 2017, FirstNet submitted a "revised interoperability compliance matrix."⁶ In the revised matrix, FirstNet proposes that the Commission's review under the

¹ *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network*, PS Docket Nos. 16-269, Report and Order, FCC 17-75 (June 22, 2017) (Report and Order).

² *Id.* at para. 64.

³ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, 220 § 6302(e)(3)(C)(i)(II).

⁴ Letter from Patrick Donovan, First Responder Network Authority, to Marlene H. Dortch, Secretary, Federal Communications Commission, and attached spreadsheet entitled "State RAN Opt-Out Requirements_FCC_v1.0.xlsx" (filed June 5, 2017 in PS Docket 16-269) (FirstNet June 5 Ex Parte).

⁵ *Id.*

⁶ Letter from Patrick Donovan, First Responder Network Authority, to Marlene H. Dortch, Secretary, Federal Communications Commission, and attached spreadsheet entitled "State RAN Opt-Out Requirements_FCC_v2.0.xlsx" (filed June 16, 2017 in PS Docket 16-269) (FirstNet June 16 Ex Parte).

second statutory prong be limited to whether alternative state plans comply with recommended requirements [4] and [5] from the Interoperability Board Report.⁷ We seek comment on FirstNet's proposal, as reflected in its June 5 and June 16 *ex parte* filings and any related filings, and specifically on whether and to what extent the Commission should utilize the criteria proposed by FirstNet when evaluating the interoperability of a state's proposed RAN with the NPSBN under the second prong of the Commission's statutory interoperability analysis.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments in PS Docket No. 16-269 on or before the date indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

⁷ *Id.* Recommended requirement [4] states that hardware and software systems comprising the NPSBN SHALL support APNs defined for PSAN usage. Recommended requirement [5] states that hardware and software systems comprising the NPSBN SHALL support nationwide APNs for interoperability. *See Interoperability Board Report* at 1.3.1.

Commenters are reminded that this rulemaking has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁸

A summary of this Public Notice will be published in the Federal Register. Comments will be due on or before 10 days after Federal Register publication.

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.

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⁸ *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network et al.*, PS Docket 16-269 et al., Report and Order and Notice of Proposed Rulemaking, 31 FCC Rcd 10253, 10277, para. 74 (2016); see [47 CFR § 1.1200](#) *et seq.*