



# **MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012**

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## **TITLE VI – PUBLIC SAFETY COMMUNICATIONS AND ELECTROMAGNETIC SPECTRUM AUCTIONS**

# **MAKING GOOD ON AN OVERDUE PROMISE TO OUR NATION'S FIRST RESPONDERS**

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- The Act implements key Administration priorities
  - Public Law No. 112-96 (enacted February 22, 2012)
- The First Responder Network Authority (FirstNet) is to establish a nationwide, interoperable public safety broadband network (PSBN) based on a single, national network architecture
- Reallocates 700 MHz D Block spectrum for use by public safety entities
  - The Federal Communications Commission (FCC) reallocated and granted a single license to FirstNet for the use of both the 700 MHz D block and existing public safety broadband spectrum
- The initial cost of these programs will be recouped through spectrum auctions proceeds
  - Network is self-funded over long-term through fees

# FIRST RESPONDER NETWORK AUTHORITY

## “FIRSTNET”

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- The Act establishes FirstNet as an independent authority within NTIA
  - Exempt from requirements of the Paperwork Reduction Act (PRA), Administrative Procedures Act (APA), and Regulatory Flexibility Act (RFA)
- Headed by a 15-Member Board
- Holds a single public safety 700 MHz wireless broadband license
- Takes all actions necessary to ensure the design, construction, deployment, and operation of the nationwide PSBN, in consultation with Federal, state, tribal, and local public safety entities, Director of NIST, the FCC, and FirstNet’s public safety advisory committee
- Ensures deployment phases with substantial rural coverage milestones



# **FIRSTNET**

## **BOARD**

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- The FirstNet Board shall consist of:
  - Secretary of Homeland Security
  - Attorney General of United States
  - Director of Office of Management and Budget
  - 12 individuals appointed by the Secretary of Commerce, by August 20, 2012
  - The appointments shall have:
    - Not fewer than 3 individuals to represent collective interests of states, localities, tribes, and territories
    - Not fewer than 3 individuals who have served as public safety professionals
  - The appointments shall:
    - Seek to ensure geographical and regional representation
    - Seek to ensure rural and urban representation



- Each Board member shall have at least 1 of the following qualifications:
  - Public safety experience – Knowledge and experience in Federal, state, local, or tribal public safety or emergency response
  - Technical expertise – Technical expertise and fluency regarding broadband communications, including public safety communications
  - Network expertise – Expertise in building, deploying, and operating commercial telecommunications networks
  - Financial expertise – Expertise in financing and funding telecommunications networks





**Samuel “Sam” Ginn (Chairman)**

Telecommunications executive

Term: 2 years

**Tim Bryan**

CEO, National Rural Telecommunications  
Cooperative

Term: 3 years

**Charles “Chuck” Dowd**

Deputy Chief, New York City Police  
Department

Term: 2 years

**F. Craig Farrill**

Wireless telecommunications executive

Term: 3 years

**Paul Fitzgerald**

Sheriff, Story County, Iowa

Term: 2 years

**Jeffrey Johnson**

Fire Chief, retired; CEO Western Fire Chiefs  
Association; Former Chair, Oregon State  
Interoperability Council

Term: 1 year

**William Keever**

Retired telecommunications executive

Term: 1 year

**Kevin McGinnis**

Chief/CEO, North East Mobile Health  
Services

Term: 3 years

**Ed Reynolds**

Retired telecommunications executive

Term: 2 years

**Susan Swenson**

Telecommunications/technology executive

Term: 1 year

**Teri Takai**

Government information technology expert;  
former CIO, states of Michigan and California

Term: 1 year

**Wellington Webb**

Founder, Webb Group International; former  
Mayor, Denver, Colorado

Term: 3 years



# **FIRSTNET**

## **BOARD MEETINGS**

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# FIRSTNET BOARD

## FIRST MEETING – SEPT. 25, 2012



### At its September 25<sup>th</sup> meeting, the FirstNet Board:

- adopted a number of organizational and administrative resolutions, including:
  - tasking several Board members to plan FirstNet's consultations with state, local, regional, tribal and territorial jurisdictions
  - appointing its standing Public Safety Advisory Committee (PSAC)
    - the Board announced its PSAC Chair and Vice Chairs in November 2012
- heard conceptual presentations on a network design proposal and a process for developing applications for public safety use
  - the Board requested NTIA to issue a Notice of Inquiry (NOI) to solicit public comment and input on these concepts and alternative proposals
    - NTIA published the NOI in the Federal Register on October 4, 2012
    - in response, a wide range of FirstNet stakeholders, including state, local and tribal governments and federal entities, first responder representatives and national associations, commercial carriers, satellite providers, manufacturers and other vendors, and utilities, submitted more than 130 comments

[More information on Board actions and presentations, and its PSAC leadership appointments can be found at: <http://www.ntia.doc.gov/category/public-safety>]

# FIRSTNET BOARD

## SECOND MEETING – DEC. 11, 2012

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### At its December 11<sup>th</sup> meeting, the FirstNet Board:

- adopted additional organizational and administrative resolutions on matters that included:
  - approval of the development of a comprehensive business plan
  - refinement of the roles and responsibilities of its PSAC
  - appointment of two Board members as acting officers
    - Craig Farrill, as Acting General Manager and Chief Technical Officer
    - Jeff Johnson, as Acting User Advocacy Officer
- heard presentations on the status of ongoing activities, including:
  - responses to the NOI on the network architecture and applications concepts
  - stakeholder outreach and the PSAC structure and membership
  - outreach to BTOP jurisdictions
  - search for its General Manager
  - mobile applications

[More information on Board actions and presentations at this meeting, and the Board's 2013 meeting schedule, can be found at: <http://www.ntia.doc.gov/category/public-safety>]

# FIRSTNET BOARD

## THIRD MEETING – FEB. 12, 2013

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**At its February 12<sup>th</sup> meeting (in Boulder, CO), the FirstNet Board:**

- **adopted resolutions regarding:**
  - FirstNet's 1<sup>st</sup> Report to Congress
  - Recommendations on the 7 BTOP public safety projects
  - Delegated hiring authority
  - Procedures to obtain unanimous written consent of the Board
- **heard presentations on the status of ongoing activities, including:**
  - stakeholder outreach
  - NTIA's State and Local Implementation Grant Program

[More information on Board actions and presentations at this meeting, and the Board's 2013 meeting schedule, can be found at: <http://www.ntia.doc.gov/category/public-safety>]



# **FCC'S**

## **INTEROPERABILITY BOARD**

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# RECOMMENDED MINIMUM TECHNICAL REQUIREMENTS FOR INTEROPERABILITY



- The Act also established an Interoperability Board within the FCC
  - By May 22, 2012, the Interoperability Board, in consultation with NTIA, NIST, and OEC, was required to:
    - Develop minimum technical requirements to ensure a nationwide level of network interoperability
    - Submit them to the FCC for review
  - On June 21, 2012, the FCC transmitted the Interoperability Board's recommendations to NTIA on behalf of FirstNet
- These recommended minimum technical requirements are to be used:
  - By FirstNet, in developing its RFPs for building, operating, and maintaining the network
  - By the FCC, in evaluating the RAN deployment plans of states that wish to opt out of FirstNet's deployment plan

# **FIRSTNET**

## **STATE AND LOCAL CONSULTATION**

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# STATE AND LOCAL CONSULTATION



- FirstNet must consult with regional, state, tribal, and local jurisdictions regarding the distribution and expenditures of any amounts required to carry out its responsibilities, including:
  - Construction of a core network and any radio access network build out;
  - Placement of towers;
  - Coverage areas of the network, whether at the regional, state, tribal, or local level;
  - Adequacy of hardening, security, reliability, and resiliency requirements;
  - Assignment of priority to local users;
  - Assignment of priority and selection of entities seeking access to or use of the nationwide interoperable PSBN; and
  - Training needs of local users
- FirstNet consultation must occur through the single officer or governmental body designated by each state



# STATE AND LOCAL CONSULTATION

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- FirstNet is planning outreach to
  - States and Territories
  - Public safety users
  - Public Safety Advisory Committee (PSAC)
  - Tribes
  - Federal users and agencies
  - Congress
  - Media
  - BTOP 700 MHz public safety recipients
  - Applications development
  - Vendors
  - Technical community





# STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM

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- **NTIA is charged with establishing a grant program**
  - to assist state, regional, tribal, and local jurisdictions to identify, plan and implement the most efficient and effective way to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide PSBN
- **Each state shall certify a single officer or governmental body to serve as the coordinator of implementation of the grant funds**
  - Also serves as the point of contact for FirstNet consultation
- **NTIA released a Request for Information (RFI) on May 16, 2012**
  - Over 70 comments were submitted, which helped shape NTIA's program requirements
- **NTIA established program requirements on August 21, 2012**
- **NTIA issued a Federal Funding Opportunity (FFO) Notice on February 6, 2013 and is accepting applications through March 19, 2013**
  - FFO specifies the exact contents of the application package, program deadlines, and other details

# STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM

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## Program Requirements:

- **Funding Distribution:** will be a formula-based, matching grant program
- **Eligible Applicants:** all 56 states and territories are eligible
- **Match:** grant recipient must provide at least 20 percent non-federal matching funds toward the total eligible project cost
- **Allowable Grant Activities:** FFO details the full scope of allowable activities
  - Support planning and governance activities related to the establishment of the nationwide PSBN
  - Focus on strategy and timeline development, meetings, governance planning, and outreach and education efforts
  - Address states' needs in preparing for additional consultation with FirstNet and planning to undertake data collection activities



# STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM

## Program Requirements (cont'd):

- **Eligible and Ineligible Costs:**
  - Includes hiring staff; holding planning meetings; travel costs; developing or modifying state plans and governance structures; education, outreach, training, legal and administrative costs related to the planning process
  - does not include site preparation; broadband deployment or installation; construction; or acquisition costs for equipment used to provide wireless broadband services
- **Rural Coverage Prioritization:**
  - Comments to the RFI noted that “one size does not fit all”
  - Funding formula weights a state’s population (75%) and land mass (25%), with \$500k minimum and \$6M maximum
  - Provides states with flexibility to determine the most effective means by which FirstNet can provide adequate rural coverage

For more information on SLIGP, see: <http://www.ntia.doc.gov/category/public-safety>

# **FIRSTNET**

## **STATE DECISIONS**

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# STATE DECISIONS

## PROCESS



- FirstNet must complete the RFP process for the construction, operation, maintenance, and improvements of the nationwide PSBN
- Upon completion of the RFP process, FirstNet will notify the Governor of each state (or his/her designee) of:
  - Completion of the RFP process;
  - Details of the proposed plan for buildout of the nationwide, interoperable broadband network in the state; and
  - Funding levels for the state as determined by NTIA
- No later than 90 days after being notified by FirstNet, each Governor must choose whether his/her state will:
  - Participate in the deployment of the nationwide PSBN as proposed by FirstNet; or
  - Conduct its own deployment of the radio access network in the state



# STATE DECISIONS

## STATE NETWORK STEPS

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- If a state decides to opt-out, its Governor must notify FirstNet, NTIA, and the FCC
- The state then has 180 days to develop and complete RFPs for the construction, maintenance, and operation of the radio access network (RAN) within the state
- The state shall submit an alternate plan for the construction, maintenance, and operation of the RAN within the state to the FCC and the plan must demonstrate:
  - Compliance with the minimum technical interoperability requirements
  - Interoperability with the nationwide PSBN
- FCC shall review and either approve or disapprove the plan



# STATE DECISIONS

## NETWORK STEPS/POTENTIAL GRANTS

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- If the FCC approves the plan, the state:
  - may apply to NTIA for a grant to construct the RAN within the state
  - shall apply to NTIA to lease spectrum capacity from FirstNet
- In order to obtain a grant and lease, the state must demonstrate it has:
  - Technical capability to operate, and the funding to support, the state's RAN;
  - Ability to maintain ongoing interoperability with the nationwide PSBN;
  - Ability to complete the project within the specified comparable timelines specific to the state;
  - Cost-effectiveness; and
  - Comparable security, coverage, and quality of service to that of the nationwide PSBN



# STATE DECISIONS

## NETWORK STEPS/POTENTIAL GRANTS

- If the FCC disapproves the plan:
  - The construction, maintenance, operation, and improvement of the network within the state shall proceed in accordance with the plan proposed by FirstNet
- Additional factors for state RANs:
  - If a state chooses to build its own RAN, the state shall pay any user fees associated with the state use of core elements of the PSBN
  - Grants for construction of an opt-out state's RAN might not equal the state's funding levels under the FirstNet plan
    - Construction grant program specifics will depend on a number of factors, including nationwide progress in network deployment and the available funding
    - Such grants might cover only RAN construction costs, not operational, maintenance, and improvement costs
      - (Network construction, operational, maintenance and improvement costs are covered for states that participate in the FirstNet plan)
    - Match requirements might be imposed on state RAN construction grants







# **FIRSTNET**

## **FEDERAL FUNDING**

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# FUNDING

## NTIA BORROWING AUTHORITY

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- The Act grants NTIA borrowing authority not to exceed \$2B to implement Subtitle B – Governance of Public Safety Spectrum



- The Act grants NTIA borrowing authority not to exceed \$135M for the State and Local Implementation Grant Program
- In each case, NTIA borrows the initial funds from the general fund of the Treasury prior to the deposit of auction proceeds into the Public Safety Trust Fund (PSTF)

# FUNDING

## PUBLIC SAFETY TRUST FUND



- Amounts deposited in the PSTF are funds from future incentive auctions, or auctions pursuant to Section 6401
- Funds deposited in the PSTF are available on a cascading order of priority:
  - Repayment of amounts borrowed by NTIA for FirstNet - up to \$2B
  - Repayment of amounts borrowed by NTIA for State and Local Implementation Fund - up to \$135M
  - Buildout of PSBN in the amount of \$7B minus amount borrowed initially by NTIA (Section 6207 of the \$2B)
  - Public Safety Research and Development –\$100M
  - Deficit Reduction - \$20.4B
  - 911, E911, and NG911 - \$115M
  - Additional Public Safety Research - \$200M
  - Any additional deficit reduction
- *Note: PSTF may not be the first fund to receive auction proceeds*



# TIMELINE



- ☐ 2/22/12 – Statute Enacted ☒
- ☐ 3/23/12 - 30 days/FCC appoints Interoperability Board ☒
- ☐ 5/22/12 - 90 days/Interoperability Board submits recommendations to FCC ☒
- ☐ 6/21/12 - +30 days/ FCC approves recommendations with any necessary revisions ☒
- ☐ 8/20/12 - 180 days/Secretary of Commerce appoints FirstNet Board ☒
- ☐ 8/22/12 - 6 months/NTIA establishes requirements for state/local planning grants ☒
- ☐ FirstNet Board meetings - To date: 9/25/12, 12/11/2012, & 2/12/13; Ahead in 2013: 4/23 (DC), 6/11 (SF), 8/13 (DC), 10/15 (DC), 12/17 (Boulder)
- ☐ 2/6/13 – NTIA releases SLIGP FFO; applications due 3/19/13 ☒
- ☐ Beginning Q1 2013 – FirstNet consultation and outreach with state, regional, tribal and local jurisdictions, public safety, other stakeholders
- ☐ July 2013 (target) – SLIGP grants awarded



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# QUESTIONS AND COMMENTS