



MEETING NO. 1

FirstNet Subcommittee

**Thursday, June 23, 2016
10:00 a.m. – 11:30 a.m.**

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FirstNet Subcommittee *Members – June 2016*

- | | | | |
|----|---------------------------|-----------------------------|-----------------------|
| 1. | Hon. Cheryl Viegas-Walker | <i>El Centro</i> | Imperial County |
| 2. | Hon. Curt Hagman | | San Bernardino County |
| 3. | Hon. Frank Navarro | <i>Colton</i> | San Bernardino County |
| 4. | Hon. Clint Lorimore | <i>Eastvale</i> | Riverside County |
| 5. | Hon. Jon Curtis | <i>La Cañada Flintridge</i> | Los Angeles County |
| 6. | Hon. Steven Hofbauer | <i>Palmdale</i> | Los Angeles County |
| 7. | Hon. Margaret Clark | <i>Rosemead</i> | Los Angeles County |
| 8. | Hon. Carol Moore | <i>Laguna Woods</i> | Orange County |
| 9. | Hon. Jim Katapodis | <i>Huntington Beach</i> | Orange County |

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FIRSTNET SUBCOMMITTEE MEETING
Thursday, June 23, 2016
10AM – 11:30AM

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REPORT

DATE: June 23, 2016
TO: FirstNet Subcommittee
FROM: Supervisor Curt Hagman (San Bernardino County)
SUBJECT: First Responder Network Authority (FirstNet)

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Information Only – No Action Required

EXECUTIVE SUMMARY:

On May 5, 2016, the General Assembly adopted GA Resolution No. 2016-1, initiated by Supervisor Curt Hagman, San Bernardino County, which directs SCAG to work with the First Responder Network Authority (FirstNet) in developing the nation's first high-speed wireless broadband network dedicated to public safety. The resolution also authorized the creation of the FirstNet Subcommittee of the Regional Council, which was established to provide leadership and guidance on the project. The Single Point of Contact (SPOC) for FirstNet for the State of California, William D. Anderson, who serves as the 9-1-1 Emergency Communications Branch Manager in the Governor's Office of Emergency Services, will provide a presentation on FirstNet and give an update on current activities.

STRATEGIC PLAN:

This item supports SCAG's Strategic Plan: Goal 1: Improve Regional Decision Making by Providing Leadership and Consensus Building on Key Plans and Policies; Objective C: Provide practical solutions for moving new ideas forward.

BACKGROUND:

At the SCAG 2016 Regional Conference & General Assembly on May 5, 2016, the General Assembly adopted GA Resolution No. 2016-1, initiated by Supervisor Curt Hagman, San Bernardino County, which directs SCAG to work with the First Responder Network Authority (FirstNet) in developing the nation's first high-speed wireless broadband network dedicated to public safety. The resolution also authorized the creation of the FirstNet Subcommittee of the Regional Council, which was established to provide leadership and guidance on the project. Members of the subcommittee include:

1. Hon. Cheryl Viegas-Walker, El Centro (Imperial County)
2. Supervisor Curt Hagman (San Bernardino County)
3. Hon. Frank Navarro, Colton (San Bernardino County)
4. Hon. Clint Lorimore, Eastvale (Riverside County)
5. Hon. Jon Curtis, La Cañada Flintridge (Los Angeles County)
6. Hon. Steven Hofbauer (Palmdale, Los Angeles County)
7. Hon. Margaret Clark (Rosemead, Los Angeles County)
8. Hon. Carol Moore, Laguna Woods (Orange County)
9. Hon. Jim Katapodis, Huntington Beach (Orange County)

REPORT

The Middle Class Tax Relief and Job Creation Act of 2012 (signed into law on February 22, 2012) created FirstNet, which is an independent authority within the United States Department of Commerce's National Telecommunications and Information Administration (NTIA). The law gives FirstNet the mission to build, operate, and maintain the first high-speed, nationwide wireless broadband network dedicated to public safety.

FirstNet will provide a single interoperable platform for emergency and daily public safety communications. FirstNet will provide first responders with a reliable, dedicated, resilient broadband network to perform their life saving missions. FirstNet is responsible for building the core network while each state will have a Radio Access Network (RAN) that will connect to the FirstNet core network. Each state has the option to allow FirstNet to create the RAN, or if a state opts out, it must develop its own RAN that meets FirstNet requirements.

At the end of 2014, FirstNet selected five "Early Builder" projects. These jurisdictions have been granted spectrum leases by the Federal Communications Commission (FCC) and have systems that are either operational in test mode or under development using the public safety spectrum in the 700 MHz band (Band Class 14). The Early Builders are an important component of FirstNet's nationwide planning efforts as they will be instrumental in evaluating technical standards and capabilities, testing new equipment and end-user hardware, and developing lessons learned to be utilized by FirstNet and jurisdictions nationwide.

The Early Builders selected include four NTIA Broadband Technology Opportunities Program (BTOP) grantees (the State of New Jersey, the State of New Mexico, the County of Adams in the State of Colorado, and the Los Angeles Regional Interoperable Communication System in the County of Los Angeles), and a fifth grantee that is being funded through other grants and local contributions (the County of Harris in the State of Texas)

The Los Angeles Regional Interoperable Communications System (LA-RICS) is a county-level project that is actually composed of two different networks:

- A Public Safety Broadband Network (PSBN), which is an LTE network that will provide wireless broadband access for first responders (interoperable with FirstNet). This network was completed on October 1, 2015 and is currently undergoing testing.
- A Land Mobile Radio (LMR) system, which will replace the current patchwork of aging frequencies utilized in Los Angeles County. This network began construction in late 2015.

For the PSBN, the United States Department of Commerce paid for the bulk of the cost with a \$117 million grant. LA-RICS will own, operate, and maintain their network, which was completed in October 2015. LA-RICS members include both the City and County of Los Angeles, 63 independent cities, two school districts, and the University of California, Los Angeles (UCLA).

In early November 2015, FirstNet held an Initial Consultation Meeting, for the State of California, in Sacramento. Instead of the normal one-day event, the California meeting gathered more than 175 stakeholders and several FirstNet staff in Sacramento for two and a half days to share information and identify needs. According to Dave Buchanan, FirstNet Director of Consultation:

REPORT

California is practiced at responding to many types and sizes of disasters, which set the stage for the state's public safety community to convey a tremendous amount of information and best practices to FirstNet on the first day of the consultation. Mark Ghilarducci, the Director of the California Governor's Office of Emergency Services, emphasized the need for public safety to have a dedicated data network to obtain that common operating picture among all disciplines and allow for a timely and efficient response that will improve public safety and save lives. FirstNet Board member Kevin McGinnis shared FirstNet's progress and the opportunities it will create for public safety as a way to inspire the attendees to share their unique needs during the initial consultation (<http://goo.gl/aHR4cy>).

In December 2015, FirstNet officially launched its 2016 consultation program with state, regional, local, and tribal agencies requesting input on the construction of the core network, sending planning packages to the single points of contact (SPOCs) in all 56 states and territories. The package provides an overview of their consultation approach and includes a number of tools to assist the SPOCs with preparing for consultation, including a checklist and proposed agenda to help organize their kick-off meetings, as well as suggestions for executive-level consultation in their states and territories.

The SPOC for FirstNet for the State of California, William D. Anderson, who serves as the 9-1-1 Emergency Communications Branch Manager in the Governor's Office of Emergency Services, will provide a presentation on FirstNet and give an update on current activities.

ATTACHMENTS:

- 1) GA Resolution No. 2016-1
- 2) FirstNet Factsheet

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RESOLUTION NO. GA 2016-1

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Energy & Environment
Deborah Robertson, Rialto

Transportation
Alan Wapner, San Bernardino
Associated Governments

A RESOLUTION OF THE GENERAL ASSEMBLY OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) IN SUPPORT OF WORKING WITH THE FIRST RESPONDER NETWORK AUTHORITY (FirstNet) TO DEVELOP A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK

WHEREAS, Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) mandating creation of a nationwide interoperable wireless broadband network to enable police, firefighters, emergency medical service and other public safety professionals to more effectively communicate during emergencies and use emerging technologies to reduce response time, keep communities safe and save lives;

WHEREAS, the Federal Communications Commission (FCC) then granted a single license to the First Responder Network Authority (FirstNet), with the duty and responsibility to take actions to ensure the building, deployment and operation of a nationwide public safety broadband network (NPSBN) in consultation with federal, state, regional, local and tribal public policy entities;

WHEREAS, FirstNet officially launched its 2016 consultation program with state, regional, local and tribal agencies on December 21, 2015 requesting local input on construction of the core network, placement of towers, coverage areas, adequacy of hardening, security, reliability and resiliency requirements along with assignment of priority to local users; and

WHEREAS, it is imperative for the six county SCAG region to be at the forefront of this process to ensure adequate funding and prioritization for our region.

NOW, THEREFORE, THE GENERAL ASSEMBLY OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS DOES HEREBY RESOLVE that working with FirstNet be a 2016 priority for SCAG and that such priority be continued in future years until the build out of the system is complete.

BE IT FURTHER RESOLVED, that a Subcommittee of SCAG's Regional Council be appointed by the SCAG President to provide leadership and coordination between SCAG and FirstNet in furtherance of this vital infrastructure and communications project.

PASSED, APPROVED, AND ADOPTED at the Annual Meeting of the General Assembly of the Southern California Association of Governments held on the 5th day of May, 2016.



Cheryl Viegas-Walker
President, SCAG
Councilmember, City of El Centro

Attested by:



Hasan Ikhata, Executive Director

Approved as to Form:



Joann Africa, Chief Counsel



Background | Historical

The FirstNet Mission

In 2012, President Obama signed into law the Middle Class Tax Relief and Job Creation Act of 2012 (“Act”) to create FirstNet. FirstNet is tasked with ensuring the establishment of the Nationwide Public Safety Broadband Network (“network”). The Act mandates that FirstNet take all actions necessary to ensure the building, deployment, and operation of the network, provides \$7 billion in funding to support network deployment, and makes FirstNet the single license holder of 20 MHz of spectrum in the 700 MHz band.

The FirstNet Network

The FirstNet system will be a data-centric network at launch – providing responders with access to high-speed data, streaming video, as well as non-mission critical voice services.

FirstNet will be a game changer – FirstNet will provide first responders with sufficient bandwidth, throughput, and priority access on a reliable, resilient, and secure network. When first responders need access to communications the most, the network will be available for them. This is a key differentiator from using commercial networks, which often become congested and overloaded during emergency situations and large events.

FirstNet Legal Interpretations | Two Key Issue Areas

Final Legal Interpretations – 64 Decision Points

On October 20, 2015, FirstNet finalized its decision points on 64 legal interpretations in the first and second Public Notices that are critical to the Request for Proposals (“RFP”) and FirstNet’s operations going forward.

The table below outlines and briefly summarizes two key sections of FirstNet’s interpretations and sets out the differences between a Governor’s opt-in versus opt-out decision in the following areas:

- 1) the Governor’s decision process; and
- 2) the retention of revenues.

The table consists of summaries *only* and does not include FirstNet’s full legal interpretations, which can be accessed online at <http://firstnet.gov/newsroom/blog/firstnet-posts-final-legal-interpretations>.

Following the issuance of FirstNet’s RFP (intended to be released by the end of calendar year 2015), and the selection of FirstNet’s partner(s) (expected to be during calendar year 2016), FirstNet is required to deliver a state plan to the Governor of each state and territory (currently projected to begin early calendar year 2017).

Once FirstNet delivers the state plan, a 90-day clock begins where the Governor must decide whether to allow FirstNet to assume responsibility for deploying the state/territory’s RAN in accordance with the state plan or assume responsibility for deploying the state/territory’s radio access network (“RAN”). The Governor cannot make this decision prior to receiving the FirstNet state plan. Additionally, the Governor’s decision is binding on the entire state or territory, including all individual jurisdictions.

Opt-In <i>(i.e., FirstNet assumes responsibility for deploying the state/territory's RAN)</i>	Opt-Out <i>(i.e., The state assumes responsibility for deploying the state/territory's RAN)</i>
Decision notification process	
Opt-in	Opt-out
<ul style="list-style-type: none"> • The Governor may opt-in by sending actual (<i>i.e.</i>, written) notice to FirstNet within 90 days of receiving the state plan;ⁱ or • Allowing the allotted 90 day decision period to lapse without notifying FirstNet, the FCC, and NTIA of the state/territory's decision to opt-in or opt-out.ⁱⁱ 	<ul style="list-style-type: none"> • After receiving the state plan, and within the 90-day decision period, the Governor may opt-out by providing contemporaneous (<i>i.e.</i>, same day) notice to FirstNet, the FCC, and NTIA.ⁱⁱⁱ
Key activities post decision	
Opt-in	Opt-out
<ul style="list-style-type: none"> • FirstNet assumes responsibility for RAN deployment, including the building, operation, and maintenance of the state/territory's RAN. 	<ul style="list-style-type: none"> • Within 180 days after providing the state/territory's opt-out notice, the Governor must develop and complete RFPs for the construction, maintenance, and operation of the RAN within the state/territory^{iv} (<i>i.e.</i>, the state/territory must progress in the RFP process to the extent necessary to submit an alternative plan for the construction, maintenance, operation, and improvements of the RAN that demonstrates the technical and interoperability requirements per the Act^v). • The state/territory must then submit the alternative state plan to the FCC. The FCC will evaluate the state plan for compliance with (1) minimum technical interoperability requirements; and (2) interoperability with the nationwide network.^{vi} • If the FCC does not approve the alternative state plan, the state/territory forfeits the opportunity to conduct its own RAN deployment, and FirstNet proceeds in accordance with FirstNet's proposed plan for that state/territory.^{vii} • If the FCC approves the alternative state plan, the state/territory MAY apply to NTIA for a grant to construct the state/territory's RAN, and the state/territory MUST apply to NTIA to lease spectrum capacity with FirstNet.^{viii} • In order to obtain grant funds and spectrum capacity leasing rights, the state/territory shall demonstrate: (1) the technical capabilities to operate, and the funding to support, the RAN; (2) the ability to maintain ongoing interoperability with the nationwide network; and (3) comparable security, coverage, and quality of

	<p>service to that of the nationwide network.^{ix}</p> <ul style="list-style-type: none"> As part of FirstNet’s cost-effectiveness analysis in determining whether and under what terms to enter into a spectrum capacity lease, FirstNet will consider: (1) the impact of cost-inefficient alternative RAN plans, including inefficient use of scarce spectrum resources, on the nationwide network; and (2) may require that amounts generated within a state/territory in excess of those required to reasonably sustain the state/territory RAN, be utilized to support the Act’s requirement to deploy the network on a nationwide basis.^x If the FCC approves the state/territory’s alternative plan, FirstNet is not obligated to construct, operate, maintain, or improve the state/territory’s RAN.^{xi} If a state/territory, following FCC approval of its alternative plan, is unable or unwilling to implement its alternative plan in accordance with all applicable requirements (including receiving a NTIA grant to negotiate a spectrum lease and subsequently negotiating a spectrum lease with FirstNet), then FirstNet may assume, without obligation, RAN responsibilities in the state/territory.^{xii}
State costs to build, operate, and maintain the RAN within the state	
Opt-in	Opt-out
<ul style="list-style-type: none"> FirstNet assumes all deployment costs to include the build, operation, maintenance, and upgrade of the state/territory’s RAN. 	<ul style="list-style-type: none"> Costs associated with creating the state/territory’s plan. Costs associated with building and deploying the state/territory’s RAN. Costs associated with upgrading, operating, and maintaining the state/territory’s RAN. Fee to access/use FirstNet’s core.^{xiii}
Public safety entity costs post-deployment	
Opt-in	Opt-out
<ul style="list-style-type: none"> End-user devices End-user subscription fees 	<ul style="list-style-type: none"> End-user devices End-user subscription fees
Utilization of revenues generated within the state	
Opt-in	Opt-out
<ul style="list-style-type: none"> FirstNet will reinvest all revenues generated in the state/territory back into the nationwide network to construct, maintain, operate, and improve the network, including all operations, maintenance, and upgrades within the state/territory.^{xiv} 	<ul style="list-style-type: none"> States/territories assuming RAN deployment responsibilities and charging user or subscription fees to public safety entities must provide such fees that exceed the reasonable costs of deploying and maintaining the RAN in that state/territory to FirstNet for reinvestment in the nationwide network.^{xv} The state <u>must return to FirstNet all revenues</u>

	<p><u>generated from covered leasing agreements/public-private partnerships in excess of the amount reasonably necessary to build, operate, and maintain the state's RAN.</u>^{xvi} FirstNet will reinvest returned revenue in the nationwide network as required by the Act.</p> <ul style="list-style-type: none"> • FirstNet could impose a reinvestment of revenues restriction within the terms of a spectrum capacity lease agreement.^{xvii}
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ⁱ See 47 U.S.C. § 1442(e)(2).

ⁱⁱ See Final Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012, 80 Fed. Reg. 63504, 63506 (Oct. 20, 2015), <https://www.federalregister.gov/articles/2015/10/20/2015-26622/final-interpretations-of-parts-of-the-middle-class-tax-relief-and-job-creation-act-of-2012> ("Second Notice Interpretations").

ⁱⁱⁱ *Id.* at 63513.

^{iv} See 47 U.S.C. § 1442(e)(3)(B).

^v Second Notice Interpretations at 63516.

^{vi} See 47 U.S.C. § 1442(e)(3)(C).

^{vii} See *id.*

^{viii} See *id.*

^{ix} See *id.*

^x Second Notice Interpretations at 63519.

^{xi} *Id.* at 63506.

^{xii} *Id.*

^{xiii} See 47 U.S.C. § 1442(f).

^{xiv} See 47 U.S.C. § 1428(d).

^{xv} See Second Notice Interpretations at 63506.

^{xvi} See *id.*

^{xvii} *Id.* at 63521.