

FIRST RESPONDER NETWORK AUTHORITY
BOARD RESOLUTION 25
SPECTRUM LEASE NEGOTIATIONS WITH THE STATE OF TEXAS
APRIL 23, 2013

WHEREAS, Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012 (Act) which mandates the creation of a nationwide interoperable wireless broadband network that will enable police, firefighters, emergency medical service professionals, and other public safety officials to more effectively communicate and perform their missions;

WHEREAS, the Act creates the First Responder Network Authority (FirstNet), an independent authority within the Department of Commerce's National Telecommunications and Information Administration (NTIA), charged to take "all actions necessary" to build, deploy, and operate the network, in consultation with State, local, tribal, and territorial entities;

WHEREAS, on February 12, 2013, the FirstNet Board adopted a resolution (Board Resolution 18) to authorize its Member, Sue Swenson, to negotiate spectrum leases on its behalf with the seven public safety projects funded through the Broadband Technology Opportunities Program (BTOP), administered by NTIA, to install 700 MHz public safety Long Term Evolution (LTE) networks;

WHEREAS, Harris County in the State of Texas has used grant funds administered by the Department of Homeland Security (DHS) to develop a project to install 700 MHz public safety LTE networks;

WHEREAS, in the course of evaluating the progress of the seven BTOP public safety grant recipients and whether these projects could support the development of the nationwide, interoperable public safety network, several Board members also visited the Harris County project to conduct a similar evaluation;

WHEREAS, as a result of its examination of the Harris County project, the FirstNet Board has preliminarily concluded that the project could provide substantial benefits to the development of the nationwide, interoperable public safety broadband network;

WHEREAS, the Federal Communications Commission (FCC) granted FirstNet a license to use the 700 MHz public safety broadband spectrum on November 15, 2012;

WHEREAS, the Harris County project has been operating on the spectrum licensed to FirstNet under the terms and conditions of a Special Temporary Authorization granted by the FCC;

WHEREAS, the State of Texas has informed FirstNet that it wishes to enter into a lease agreement with FirstNet within Harris County, for its operations on the 700 MHz public safety broadband spectrum licensed to FirstNet;

NOW THEREFORE BE IT RESOLVED that the FirstNet Board hereby directs its Board member, Sue Swenson, to negotiate, on behalf of FirstNet, a spectrum lease agreement with the State of Texas to use the 700 MHz public safety broadband spectrum within Harris County to further the development of the nationwide interoperable public safety broadband network. Sue Swenson shall conduct such negotiations in consultation with DHS regarding any matters related to the Department's administration of grant funds that support the Harris County project. The negotiations with the State of Texas shall last no longer than 90 days after the date of this resolution; however, such negotiations may be extended for a brief period of time upon mutual consent of FirstNet and the State of Texas. The lease agreement will not be finalized until it is approved by the Board.