



August 18, 2016

Submitted Electronically

Ms. Carolyn Dunn
Office of Public Safety Communications
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

Dear Ms. Dunn,

Thank you for the opportunity to comment on the State Alternative Plan Program (SAPP) and the First Responder Network Authority Nationwide Public Safety Broadband Network.

NASCIO represents the state chief information officers and information technology executives and managers from the states, territories, and D.C. State CIOs are leaders of state information technology policy and implementation and continually look for opportunities to improve the operations, bring innovation, and transform state government through technological solutions.

State CIOs have been actively following FirstNet and its progress since it was authorized in the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96). Currently, many state CIOs are engaged with FirstNet as state single points of contact (SPOC) but all state CIOs have an interest in and seek to remain educated on the details of FirstNet's plan and progress so they can effectively serve in an advisory capacity within state government. It is important that state CIOs are aware of and can effectively communicate the steps necessary for submission of a state alternative plan so the risk and benefits of opting-out versus opting-in can be appropriately compared and evaluated.

We understand that details of the authority to lease spectrum and RAN Construction Grant are forthcoming in a soon-to-be released federal funding opportunity (FFO) announcement. In the FFO, we hope that NTIA can address, in detail, the evaluation factors against which state alternative plans will be judged especially those factors that will weigh heavily in the determination of the RAN Construction Grant. Additionally, we would seek answers to the following questions:

- The FCC's interoperability review is the first qualifying event that will enable an opt-out state to proceed with its alternative plan. What criteria will the FCC use in their interoperability review? When will these details be announced?



- The Notice states that “NTIA is developing a process for determining funding levels for each state that may apply for a RAN Construction Grant.” The Notice further states that the “NTIA may take into consideration cost increases FirstNet will incur should a state assume the responsibility to conduct its own RAN.” Does this process contemplate a scenario where the state’s alternative plan is *more* cost effective than the state plan presented by FirstNet? Will the construction grant take into account or award additional funds for the value of an opt-out state’s use of existing fixed assets as opposed to deployable or mobile assets?
- Both the authority to lease spectrum and the RAN Construction Grant are considered federal “grants.” Federal grants typically require adherence to federal policies relevant to that sector; will an opt-out state be required to observe other federal policies different from opt-in states? If so, which policies? How would this change if the state elects not to receive the RAN Construction Grant and only pursue the authority to lease spectrum?

The notice makes clear that should a state pursue the opt-out option, the state would have to submit an alternative plan that details staff allocations, funding resources, and the details of the partnership agreement that the state has made with its private sector partner, among other items. NTIA should note that some of the requested information is not within the purview of the state executive branch which would be leading the opt-out effort. For example, “state appropriations” is a legislative function and is outside the control of the state executive branch. Additionally, human resource decisions (e.g. staff resignation) can also be outside the control of the state executive branch. As such, NTIA’s state alternative plan evaluation factors should reflect these realities.

We understand that “opting-out” will be a challenging process and one that will require significant resources and technical ability. Though we do not anticipate a large number of states that would want to assume the responsibility of building a state RAN, we would still encourage the NTIA and FirstNet to share with states as much information as possible, as early as possible, especially information that could impact the amount of an opt-out state’s RAN Construction Grant.

Thank you for considering our comments. Please contact NASCIO director of government affairs, Yejin Cooke at 202.624.8477 or ycooke@NASCIO.org with any questions.

Sincerely,

Darryl Ackley,
NASCIO President &
Secretary of Information Technology, State of New Mexico

Doug Robinson,
NASCIO Executive Director