



FirstNet™



FirstNet's Second Public Notice Regarding Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012 ("Second Notice")

Frequently Asked Questions (FAQs)

WHERE CAN I FIND THE FULL TEXT OF THE ENABLING LEGISLATION FOR FIRSTNET?

The Middle Class Tax Relief and Job Creation Act of 2012 (the "Act") can be found at [47 U.S.C. 1401 et seq.](#)

WHAT IS THE PURPOSE OF THE ACT?

The Act requires FirstNet to ensure the establishment of a nationwide, interoperable public safety broadband network (NPSBN) based on a single national network architecture that evolves with technological advances and initially consists of a core and radio access network (RAN).

WHAT IS THE PURPOSE OF FIRSTNET ISSUING THIS SECOND NOTICE AND REQUESTING COMMENTS, AND HOW WILL THOSE COMMENTS BE LEVERAGED?

The primary purpose is to seek public comment on key interpretations of the Act that impact operational and economic issues regarding the planning, deployment, operation, and sustainability of NPSBN. Responses to the Second Notice will, among other things, inform FirstNet's development of requests for proposals (RFPs) and the plans to be presented by FirstNet for NPSBN build out in each State or territory, both of which are required under the Act. The Second Notice, like the First Notice, is an important element of FirstNet's consultations with a variety of parties under the Act.

DOES THE SECOND NOTICE ADDRESS ISSUES FROM THE FIRST PUBLIC NOTICE?

No, the Second Notice addresses new issues. It aims to provide more clarity around important customer, operational, and funding considerations regarding state/territory planning for the NPSBN. It also addresses technical requirements required under the act for the NPSBN and the user devices accessing the network. FirstNet plans to address the final conclusions resulting from reviewing comments on the First Notice in an upcoming release. Both notices are part of FirstNet's open and transparent approach to consulting with stakeholders on key decisions around the NPSBN.

ARE THE INTERPRETATIONS IN THE SECOND NOTICE FINAL?

No, the Second Notice seeks comments on preliminary interpretations. FirstNet will review those comments in making any final conclusions, and the preliminary interpretations could change as a result of such a review. For that reason, we encourage all stakeholders to review the Second Notice and provide comments within the comment period of 30 days after publication of the Second Notice in the Federal Register.

WHAT ISSUES DO YOU ADDRESS IN THE SECOND NOTICE?

In the Second Notice, FirstNet seeks comments regarding statutory interpretations of various terms and provisions, including, but not limited to:

- Technical requirements for equipment to be used on the network, including open standards for connectivity and device competition;
- The nature and application of FirstNet network policies, including those that aim to preserve interoperability in states and territories that assume responsibility for building and operation of the RAN;
- The state/territory decision regarding assumption of the responsibility to build and operate a RAN, related approval processes and standards, and the roles and responsibilities of states throughout the process; and
- Customer, operational, and funding considerations regarding state/territory assumption of the responsibility to build and operate a RAN.

DOES THE SECOND NOTICE ADDRESS HOW THE NETWORK COULD OPERATE IN STATES OR TERRITORIES THAT ASSUME RAN RESPONSIBILITY?

Yes, the Second Notice (and the First Notice) reach preliminary conclusions under the Act about how, both technically and operationally, the network will function in general in states or territories that assume RAN responsibility. FirstNet and such states or territories, however, will have to work closely together to address myriad operational issues to ensure that public safety entities receive the services they deserve.

HOW DOES THE SECOND NOTICE ADDRESS THE ISSUE OF WHO SERVES PUBLIC SAFETY ENTITY CUSTOMERS IN STATES THAT DECIDE TO ASSUME RAN RESPONSIBILITY?

We preliminarily conclude in the Second Notice that the Act provides enough flexibility to accommodate a wide variety of arrangements between FirstNet and a state or territory that wants to assume RAN responsibility. States and territories may want to approach their operation of the RAN, if they elect to operate it, in different ways, and under the preliminary interpretation of the Second Notice, FirstNet and such states or territories could agree on custom arrangements by state or territory.

HOW IS THE NATIONWIDE NETWORK FUNDED WHEN STATES OR TERRITORIES DECIDE TO ASSUME RAN RESPONSIBILITY?

Overall, funding for the network comes primarily from three sources: (1) \$7 billion in cash provided by the Federal government; (2) fees generated from commercial use of the network's capacity when not being used by public safety entities; and (3) subscriber fees from public safety entities. Our approach to funding issues in the Second Notice is informed by preliminary modeling and analyses indicating that a few states and territories will generate fees in the latter two funding sources in excess of the costs of building a robust RAN in the state or territory. However, our preliminary analysis also shows that the RAN in most states and territories, including rural states, will cost more than the fees generated in the state or territory. For those states and territories that ultimately fall in the first group, the Second Notice proposes a preliminary interpretation that would allow FirstNet and such states and territories to agree, in connection with a spectrum capacity lease for the state or territory, on both funding such states' or territories' RAN, and funding for other states and territories, including rural states and territories. We preliminary conclude in the Second Notice that this approach is consistent with Congress' intent to fund the network nationwide while providing states options for RAN deployment.

WHERE CAN I SUBMIT COMMENTS TO THE NOTICE?

Written comments may be submitted electronically within 30 days after publication of the Notice in the Federal Register through www.regulations.gov or by mail to FirstNet, 12201 Sunrise Valley Drive, Reston, VA 20192, Mail Stop 243, Attention: Responses to FirstNet's Second Public Notice and Comment. Written comments will be made part of the public record without change.

IS THERE A MAXIMUM LENGTH FOR COMMENTS?

There is no maximum length for comments to the Second Notice.

WILL THERE BE AN EX PARTE MEETING OR A REPLY COMMENT PERIOD?

In an effort to avoid any potential conflicts related to the acquisition process, we do not plan to schedule either an ex parte meeting or a reply comment period at this time.

