



[www.firstnet.gov](http://www.firstnet.gov)

# FirstNet<sup>®</sup>



# Second Notice Response Summary

**Jason Karp**  
Acting Chief Counsel

June 2, 2015

# Second Notice and Comment Process Overview



FirstNet initiated its second public notice and comment process seeking comments on certain legislative interpretations under the Act

- **Date of Release:** March 13, 2015
- **Who Could Comment:** Any individual or organization
- **Comment Deadline:** April 28, 2015
- **Comments Posted:** Publically available at [www.regulations.gov](http://www.regulations.gov)

# Second Public Notice



- The Second Public Notice sought comments on certain interpretations under the Act relating to key topics including:
  - Technical Requirements for Equipment Use on the Network
  - Network Policies
  - State Plan Implementation and Decision Process
  - Customer, Operational, and Funding Considerations Regarding State Assumption of Responsibility to Build and Operate a RAN
- Comments received inform the RFP process, interpretations of the Act, and network policies
- We have made no final interpretations
- Numbers and positions of commenters are approximations



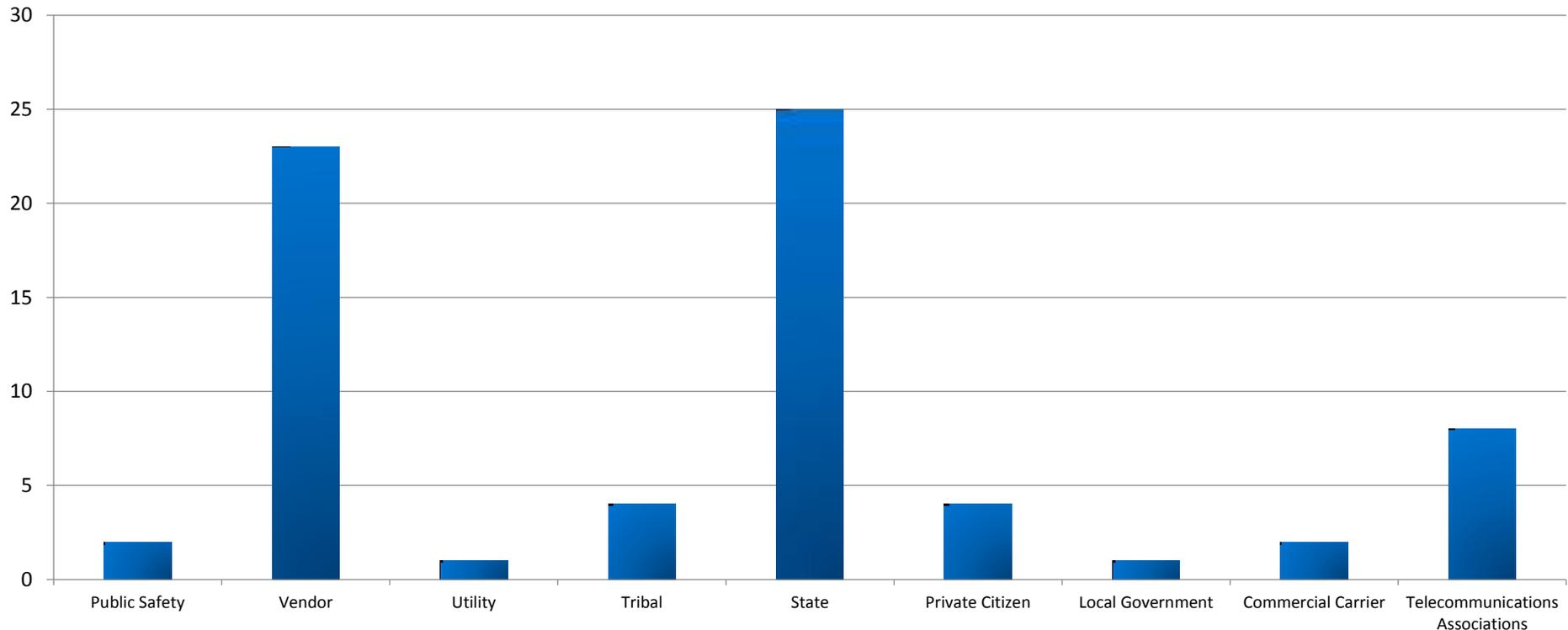
## Second Public Notice

March 2015

# Overview: Second Notice Responses



## Summary of Responses Totals by Organization Type



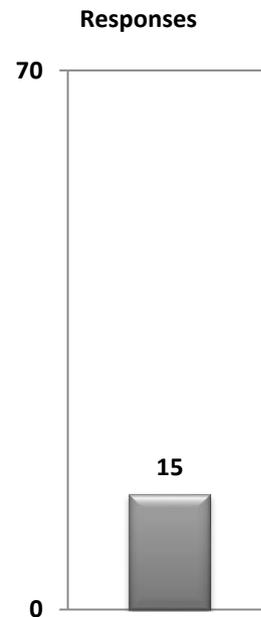
A total of **70** responses were received from various groups, including State, local and Tribal governments, commercial carriers and vendors, and associations.

**MAINTAIN FLEXIBILITY AS  
TO WHETHER FIRSTNET OR  
STATES ARE THE SERVICE  
PROVIDER TO AND RECEIVE  
FEES FROM PUBLIC SAFETY  
ENTITIES**

The Act does **not expressly define** which **customer-facing roles** are assumed by a State or FirstNet with respect to public safety



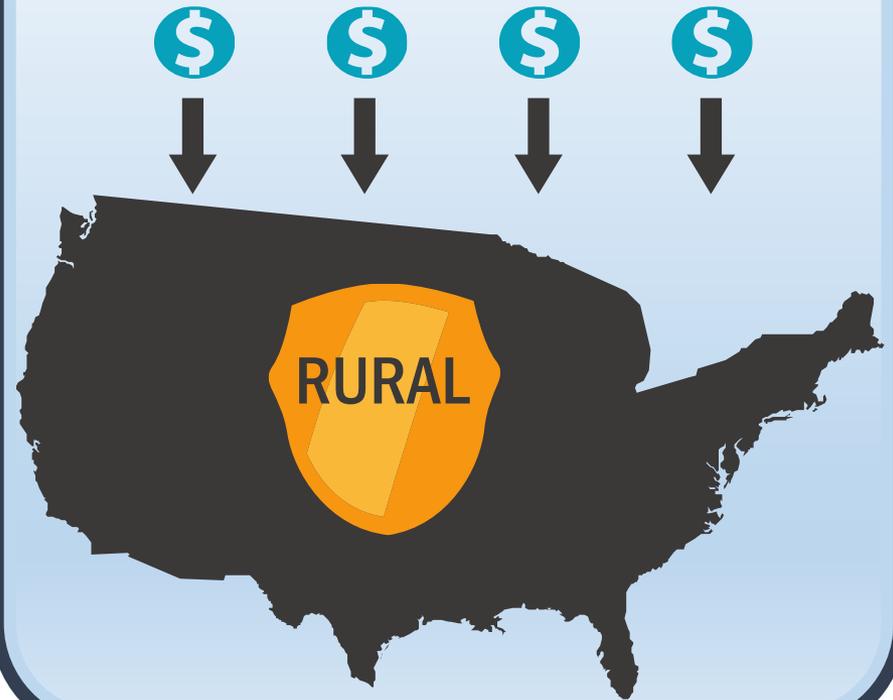
**Notice Interpretation:** The Act provides sufficient flexibility to accommodate a variety of different customer facing arrangements so long as the interoperability and self-sustainment goals of the Act are met



- **Agree:** Congress intended to promote flexibility with such customer-facing roles
- **Disagree:** no responses
- **Neutral:** no responses

## PROTECT DEPLOYMENT IN RURAL STATES WHILE PRESERVING THE RIGHT OF ALL STATES TO ASSUME RESPONSIBILITY FOR THE RAN

The Act **preserves** the **right of States** to construct and operate their own RAN, but **not** in a way that also allows them to **capture funding, beyond the reasonable costs** of such a RAN



- **FirstNet is a Zero-Sum Game**
  - Fees = Costs
  - All FirstNet fees are reinvested to construct, maintain, operate, or improve the nationwide network
- **Three Funding Sources**
  - \$7 billion
  - Excess spectrum capacity fees
  - Subscriber fees

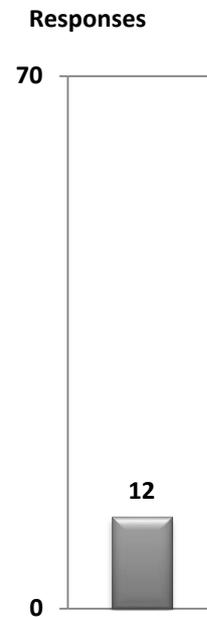
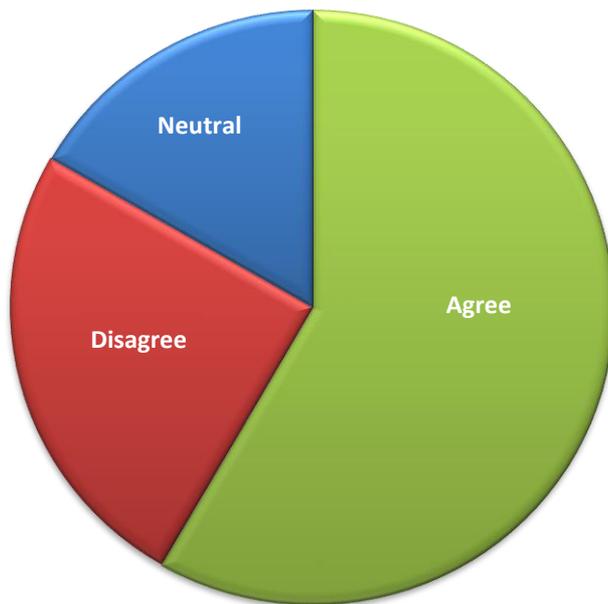




# Reinvestment of Revenues



**Notice Interpretation:** The Act preserves the right of States to construct and operate their own RAN, but not in a way that also allows them to capture funding, beyond the reasonable costs of such a RAN, that is essential to rural States and the viability of the FirstNet program

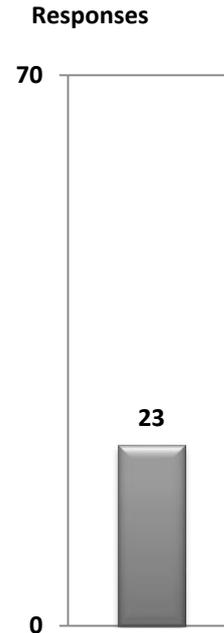
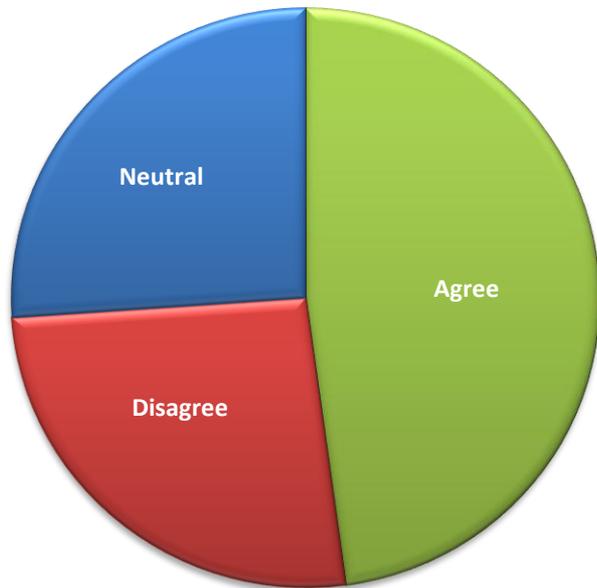


- **Agree:** the law was written to ensure that entire nationwide network is self-sustaining, including high-cost rural areas
- **Disagree:** this interpretation is unsupported by the Act's plain language
- **Neutral:** more documentation in support of this interpretation in necessary

# Reinvestment of Revenues



**Notice Interpretation:** FirstNet must take the various funding considerations, including cost-effectiveness, into account in negotiating a spectrum lease with States



- **Agree:** FirstNet must use the tools available – such as spectrum lease approval – to ensure that an opt-out state does not siphon-off a disproportionate amount of the funds available for network implementation
- **Disagree:** the Act does not permit FirstNet to leverage its control of the spectrum to deny States the benefits of exercising the statutory right to opt out
- **Neutral:** further clarification on the spectrum lease approval process is required to evaluate this interpretation

- We asked approximately 50 questions
- Aim of interpretations is to ensure certainty within boundaries of statutory language to ensure service to public safety is not delayed
- Response levels across constituent entity groups was strong notwithstanding absolute number of responses per question
  - Different groups tended to respond to issues most relevant to them
  - e.g., vendor focus on technical questions - state focus on requirements related to RAN and investment of revenues, etc.
- Constructive and helpful feedback
- Overwhelming agreement with the bulk of our preliminary conclusions
- Many of the disagrees were focused more on statutory language than FirstNet interpretation
- Neutrals often substantially agreed with interpretations, sought additional information, proposed alternatives, or raised different issues





[www.firstnet.gov](http://www.firstnet.gov)

# FirstNet<sup>®</sup>



# Thank You