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# Second Notice Response Summary

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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



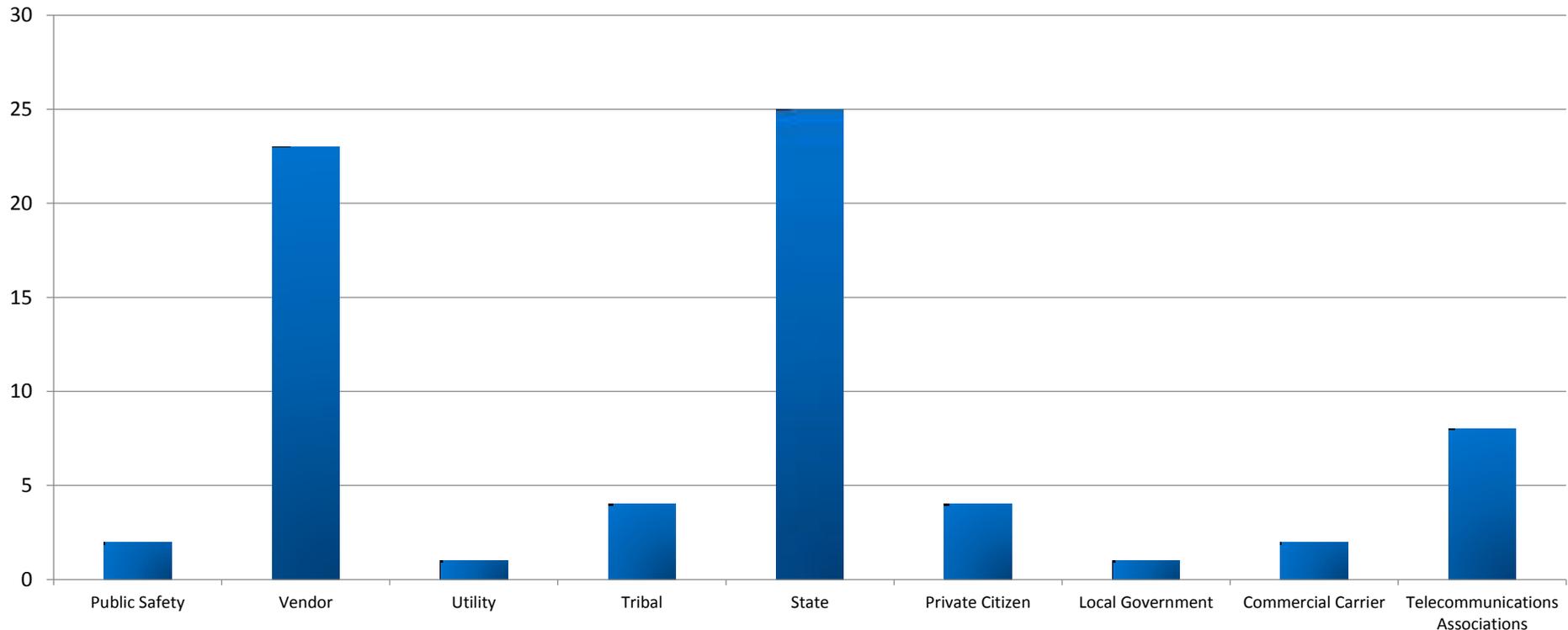
## Second Public Notice

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.

## TECHNICAL REQUIREMENTS ENSURE INTEROPERABILITY WHILE PRESERVING INNOVATION

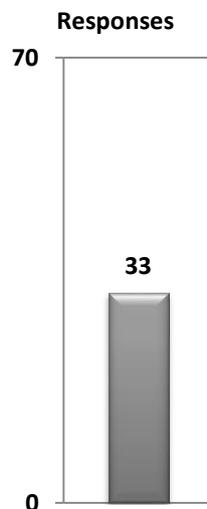
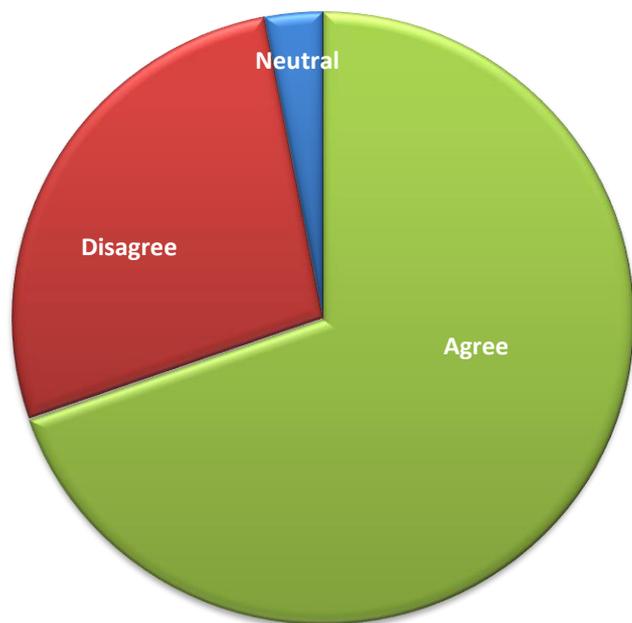
FirstNet must **promote competition in the equipment market place** by requiring, among other things, **devices used on the network** be built to open, non-proprietary, commercially available standards....



# Technical Requirements for Equipment Use on Network



**Notice Interpretation:** Section 6206(b)(2)(B) applies to any equipment, including end user devices, used “on” (i.e., to use or access) the network, but does not include any equipment that is used to constitute the network

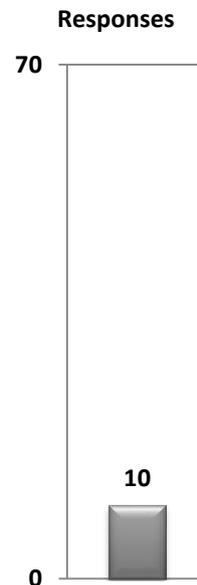
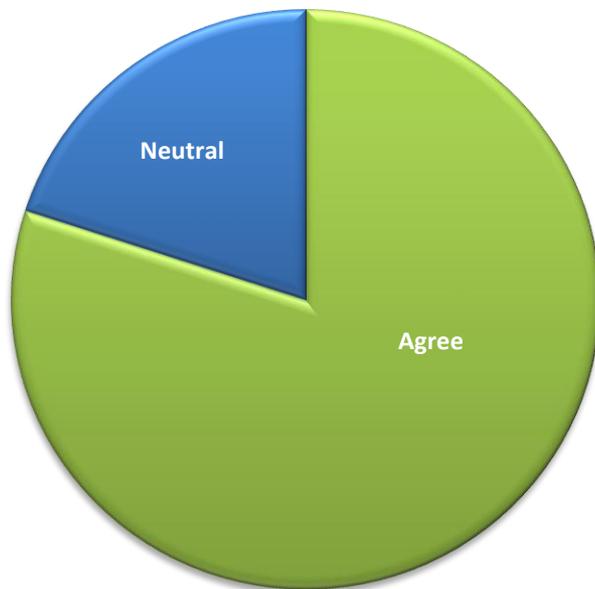


- **Agree:** the interpretation meets the standard established by the Act and should be supported by network policies
- **Disagree:** the requirement should apply more broadly to all network equipment and network elements to more fully ensure interoperability
- **Neutral:** discusses the characterization of satellite equipment under this provision

# Technical Requirements for Equipment Use on Network



**Notice Interpretation:** Technical requirements apply whether or not the equipment is to access or use the NPSBN via a RAN in a State that has chosen to assume responsibility for RAN deployment

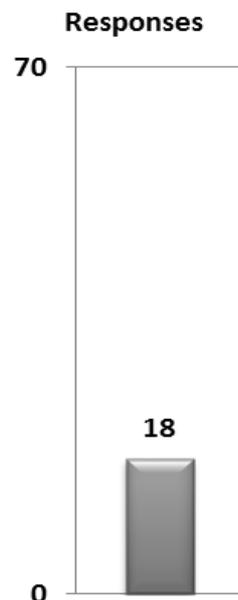
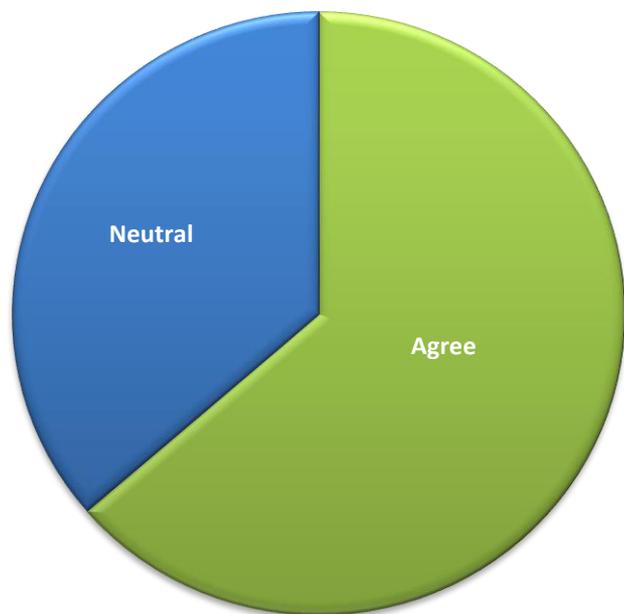


- **Agree:** meets the interoperability goals of the Act and ensures seamless operation across the network
- **Disagree:** no responses
- **Neutral:** suggested expanding the application of this provision beyond just equipment

# Technical Requirements for Equipment Use on Network



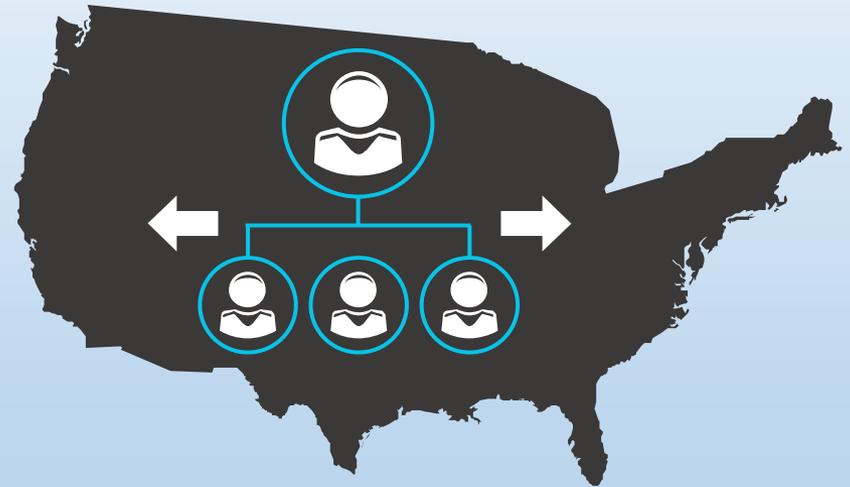
**Notice Interpretation:** the Act's goal of "promoting competition in the equipment market" would still be served by applying these requirements to only those parameters necessary to maintain interoperability or "with the NPSBN – that is, "connectivity" – and which are included in the Interoperability Board Report or otherwise in FirstNet network policies



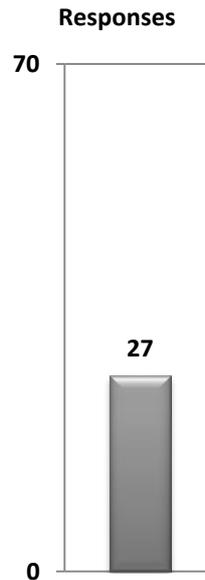
- **Agree:** "connectivity" is the key to maintaining interoperability with the NPSBN and "permitting" multiple operating systems will help promote competition
- **Disagree:** no responses
- **Neutral:** seeks more clarification on the meaning of "connectivity" so interested parties can better evaluate the scope of these requirements

## NETWORK POLICIES ENSURE THE INTEROPERABILITY OF THE NETWORK

FirstNet must **establish network policies** in carrying out its duties and responsibilities to deploy the network

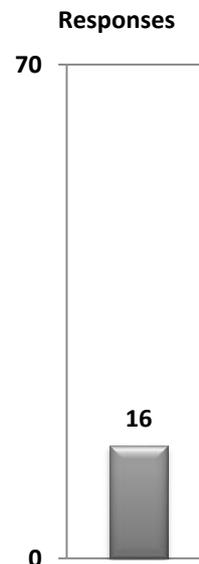
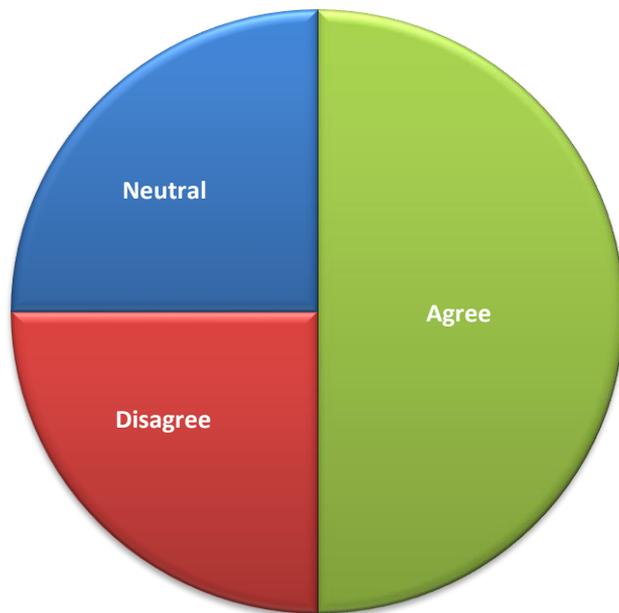


**Notice Interpretation:** Policies developed under Section 6206(c) apply either directly or indirectly to States that seek to conduct their own RAN deployment



- **Agree:** network policies are relevant to and must apply across all of the network to ensure network interoperability and security
- **Disagree:** the policies specifically apply to FirstNet and are not applicable to states conducting RAN deployment
- **Neutral:** no responses

**Notice Interpretation:** FirstNet could require compliance with network policies essential to the deployment and interoperable operation of the network for public safety in all States as a condition of entering into a spectrum capacity lease



- **Agree:** interoperability of the network must be as simple as possible for the users, and multiple sets of rules and technical requirements would cause inconsistencies with the operation of the network
- **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 build its own network
- **Neutral:** there is a certain ambiguity as to the definition of “essential” policy that could impinge upon the State decision in the absence of additional clarity

- 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 preliminarily 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





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# Thank You

**The Meeting  
Will Now Break  
For Lunch**

