STATEWIDE EMERGENCY COMMUNICATIONS BOARD

April 27, 2015
3:00 P.M.
Chair: Mark Dunaski
St. Cloud River's Edge Convention Center and Kelly Inn
10 Fourth Avenue South St. Cloud, MN 56301

Call in Number: 1-888-742-5095
Call in code: 2786437892#

MEETING AGENDA

Call to Order

Approval of Today's Agenda

Approval of Previous Meeting's Minutes

Announcements

Announcement of COML and COMT Certificates for

- **John Sheehan (COMT)**
- **Keith Polipnick (COML)**
- **Tina McPherson (COML)**
- **Andrew LeVenture (COML)**

Reports of Standing Committees:

Operations and Technical Committee (Glaccum)

- **Console Upgrade (Participation Plan Amendment) for Carver County** ***ACTION ITEM***
- **Console Addition and Upgrade (Participation Plan Amendment) for Regions Hospital/East MRCC** ***ACTION ITEM***
- **Crow Wing County Participation Plan Amendment** ***ACTION ITEM***
- **Sponsored Participation Plan for Two Harbors Towing submitted by Lake County** ***ACTION ITEM***

Interoperability Committee (Thomson)

Legislative & Government Affairs Committee (VACANT)

- **Membership** ***DISCUSSION ITEM***

Steering Committee (Hartog)

- **Recommended changes to the By-Laws** ***DISCUSSION ITEM***

IPAWS Committee (Seal)

NG911 (Pankonie)

- **Text-to-911 Resolution** ***ACTION ITEM***

Interoperable Data Committee (Risvold)

- **Draft MN Comments in Response to FirstNet Second Notice** ***ACTION ITEM***
- **MN SECB resolution language for fees collected from Public Safety Wireless Broadband Network** ***ACTION ITEM***

Finance Committee (Gerlicher)

Reports – Other

- ***Status Board Report (MnIT)***
- ***ARMER Project Status Report (MnDOT OSRC)***
- ***ECN Update (Mines, DPS ECN)***
    - ***SWIC Report***
    - ***911***

Old Business

New Business

- ***NG911 Presentation (Iten)***

Adjourn

STATEWIDE EMERGENCY COMMUNICATIONS BOARD

MEETING MINUTES

March 26, 2015

Attendance

Members:

PRESENT	MEMBER/ALTERNATE	REPRESENTING
X	Mark Dunaski (Chair)/Jackie Mines	DPS
X	Mukhtar Thakur/Tim Lee/Jim Mohn	MnDOT
X	Dave Van Thiel /vacant	MNIT
X	Rodmen Smith/Dan Kuntz	DNR
	VACANT	MN State Patrol
X	Vince Pellegrin/Thomas Humphrey	METC
X	Bill Droste/ Vacant	League of MN Cities, Metro
X	Eric Anderson/Pat Novacek	League of MN Cities, Greater MN
X	Liz Workman/vacant	Assoc. of MN Counties, Metro
X	Jim McMahon/Tom Kaase	Assoc. of MN Counties, Greater MN
X	Jim Bayer/Darlene Pankonie	MSA, Metro
X	Dan Hartog/Scott Turner /Jeff Marquart	MSA, Greater MN
X	Mike Gamache/Ted Bearth	MESB
X	Mike Risvold/vacant	MN Chiefs of Police Assoc., Metro
X	Cari Gerlicher/Dave Thomson	MN Chiefs of Police Assoc., Greater MN
X	Ulie Seal/Vacant	MN Fire Chiefs Assoc., Metro
X	T. John Cunningham	MN Fire Chiefs Assoc., Greater MN
X	Joe Glaccum/vacant	MN Ambulance Assoc., Metro
X	Brad Hanson/Paul McIntyre	MN Ambulance Assoc., Greater MN
X	Scott Camps/	NE MN Emergency Communications Board

Also in attendance:
Cathy Anderson DPS-ECN
Carol-Linnea Salmon, DPS-ECN
Adam Iten, MN.IT/DPS-ECN
Rubin Walker, DPS-ECN
Rick Juth, DPS-ECN
Mike Fink, Motorola
Kathy Hughes, Hennepin County Sheriff's Office
Jay Sliwinski, Ramsey County 911
Jon Eckl, Chisago

DRAFT

Jill Rohret, MESB
Jake Thompson, MESB

CALL TO ORDER

Commissioner Dunaski calls the meeting to order at 12:36 p.m.

APPROVAL OF AGENDA

Humphrey moves to approve the agenda as amended.
Droste seconds the motion.
Motion carries.

APPROVAL OF PREVIOUS MEETING MINUTES

Liz Workman moves to approve the January meeting's minutes.
Jim McMahon seconds the motion.
Motion carries to approve the January minutes.

CHAIR AWARDS COML CERTIFICATION

Chair Dunaski announces the completion of COML Certification by Michael Peterson, Winona County Sheriff's Office and Jay Sliwinski, Ramsey County 911, and congratulates them.

REPORTS OF STANDING COMMITTEES

Operations and Technical Committee Report (Glaccum)

Chair Glaccum introduces a request to approve radio testing results as submitted in the meeting materials. The Tait Mobile TM 9400. Motorola APX1000 and the BK Radio KNG M800 radios were tested and passed.

On behalf of the OTC, Glaccum moves to approve the subscriber radio testing results.
Bill Droste seconds.
Motion carries.

Chair Glaccum introduces a request to amend the Wisconsin ARMER participation plan to include the Wisconsin DNR for interoperability on the border.

On behalf of the OTC, Glaccum moves to approve the WI Participation Plan amendment.
Rodman Smith seconds.
Motion carries.

Glaccum introduces a request to amend Bloomington's participation plan. The City of Bloomington

requests to upgrade from four Gold Elite consoles to five MCC 7500s. The request is for one full CCGW.

On behalf of the OTC, Chair Glaccum moves to approve the Bloomington Participation Plan amendment.
Uli Seal seconds.
Motion carries.

Glaccum introduces Mower County's request to amend its participation plan. To address some roaming issues and issues with building penetration, Mower County requests approval of one ASR site on the Water Tower in Austin.

On behalf of the OTC, Glaccum moves to approve the Mower County Participation Plan amendment.
Thomas Humphrey seconds.
Motion carries.

Glaccum introduces a request to approve Standard 2.9.0 Statewide Area Talk Group Access.
He reports that the purpose of this standard is to help minimize roaming and excessive system loading. He says inappropriate roaming was hard to define and that the pain tolerance is different depending on the resources available. This is an imperfect solution. We allowed for people to bring cases forward when roaming seems unacceptable because we were not able to determine a set level of what is acceptable.

On behalf of the OTC, Glaccum moves to approve Standard 2.9.0 as amended.
McMahon seconds.

Jill Rohret reports that the Metro does not stand behind some of the changes in this standard. It used to be that people would have to get permission for roaming and you could only go on sites that were adjacent to you; this standard changes that. The Metro Region has a more restrictive standard and will enact it. Rohret says that part of the problem is that a lot of Greater MN did not create infrastructure but clearly needed to in some of these cases. Some roaming is fine but when you look at some of the usage –it starts to not be comfortable for people who invested in the system and built it for the specifications.

Dave Thomson says we came up with something less restrictive than the previous standard but necessary for Greater MN. We had a line about regional standards can make this more restrictive if necessary. The big issue in outstate is that certain counties rely on towers outside their county for their day-to-day operations. That's not necessarily true in the Metro. We loosened this up for outstate without the intention of changing anything for the Metro area. There are agreements right now between MnDot and Hennepin and Minneapolis. This will not impact or nullify what they have in place. This is not going to change what you see in the Metro.

Workman asks if there could be different tiers—one for the Metro and one for Greater MN. Glaccum responds that we try not to do that for statewide standards. The regions can make more restrictive standards.

Workman asks if the Metro has a different standard is there any way to guarantee that there won't be roaming.

Glaccum responds that on a practical level how it would work is that somebody would notice a problem and bring it up. The hope is that the entities would work it out. If they can't, then they would need to bring it up regionally for resolution. We have a standard for conflict resolution.

Thomson says section six does talk about the resolution process.

Seal points out that the state does approve all these regional and county participation plans with the thought process that these are working together. If somebody submits a plan that says it really requires all the other systems around it to work, who better to enforce that than the state. Mediation works some time but if somebody's abusing the system it's our responsibility to help sort it out.

Rick Juth says he is familiar with the issues and he believes that one of the things that has been missing in the process has been a healthy collaborative outreach to the agencies that have been impacting the Metro system. He suggests that the Metro Region reach out to the agencies that they believe are impacting their system. This may just be a radio programming issue and a site preference issue. Some of this might be taken care of with outreach to the places/counties identified using more of the system than they should be.

Seal says the MESB is just saying the standard as revised is not meeting their needs. We are going to enact a standard that is stricter.

Dunaski says the Metro Region has been told by this board that it can have a more stringent standard and it will be supported. He thinks this board should communicate the requirements of the Metro Standard as well. He adds that what he is hearing is that the Metro would like support in enforcing their more stringent standard.

Mines says we have a conflict resolution standard. Our experience has been that if there is an issue, with help from the committee chair or ECN staff, we can get people to sit down and work it out. I think we have demonstrated that over time and it can escalate to the Commissioner's office if it doesn't work.

Rubin Walker adds that he hopes that the ECN staff can volunteer its technical expertise to resolve some of these issues.

Seals says we realize that it is difficult to write a standard that will work for the whole state so we are just going to adjust. Standards will continue to change. This whole governance model has been that we have been standards-based. We are adjusting in the Metro Region.

Seal moves the question.

Motion carries with one opposition.

Glaccum introduces a request to approve a participation plan by MetroBus to be sponsored by the City of St. Cloud. The request is to increase the ability to communicate with the MetroBus fleet and to interact with Metro Transit in case of a mutual aid event. The City of St. Cloud will provide training and will monitor use of the system for undo loading.

On behalf of the OTC, Glaccum moves to approve the Metro Bus Participation Plan.
Humphrey seconds.

Discussion about when entities that are not public safety are approved because of a public safety supporting role.

Motion carries.

Glaccum introduces a Participation Plan request from Ridgeview Medical Center. Ridgeview Medical Center currently operates four Gold Elite consoles and would like to upgrade to four MCC7500 consoles and one patch console.

On behalf of the OTC, Glaccum moves to approve Ridgeview Medical Center's Participation Plan amendment.
Droste seconds.
Motion carries.

Interoperability Committee (Thomson)
The committee did not meet in March due to scheduling with the IDC and lack of agenda items.

Legislative & Government Affairs Committee (VACANT)
Jackie Mines reports that the committee did meet but without a chair and with a lack of a quorum. She would like to open a discussion about the best way to proceed with this committee.

Mines says she thinks we may need to change the makeup of the Legislative Committee. She has concerns about times when the governor's office might not support our budget. Then this committee would need to have more engagement. She suggests having the Steering Committee consider the makeup of the Legislative Committee and what might be more effective.

Chair Dunaski says we are in the middle of a legislative session and are talking about increasing 9-1-1 fees and about FirstNet. Other committee members would carry more weight with the legislature than he and Director Mines because they are state employees.

Mukhtar Thakur concurs with Chair Dunaski. He stressed that it is vitally important for everyone to be engaged, especially from the rural areas. This committee has a role in maintaining its history and sharing its vision with the legislators. The only way to do that is to have effective representation at the legislature.

Dunaski says raising the 911 fee is a perfect example. It comes across as the commissioner is raising the fee, not really that this comes from this board. The next big thing that is going to be on the horizon is going to be FirstNet. This board is going to make a recommendation to the Governor. While the Governor is going to be the one to ultimately make the decision, you can bet there is going be a lot of feedback on this. We need to try to get four or five legislators that are really educated on ARMER and on FirstNet.

Chair Dunaski says we will move this to the Steering Committee for further discussion about the make-up of the Legislative Committee.

DRAFT

Steering Committee (Hartog)
No report.

IPAWS Committee (Seal*)*
Chair Seal reports that the IPAWS committee would like to hold an Alert Warning Workshop and will be requesting about $850 for that workshop. The workshop will be for those that have or are in the process of becoming a COG.

NG911 (Pankonie)

- **GIS Survey and Project Update (Adam Iten)**

Adam Iten reports on a survey that will go to the PSAPS in the state and mapping community. A draft is included in the meeting materials. The survey will ask about all of the various maps that are out there and the mapping systems. We started with a national survey that was put together by a 911 group and modified it to meet the needs of MN and vetted with MnDot, MESB, the Metro GIS group and the NextGen GIS subcommittee, which has at least one mapping member from each of the seven regions. We've put in in front of a lot of people to see if we are asking the appropriate questions and capturing the appropriate information. Questions and input and feedback are welcomed.

When the data is returned it will be complied and standardized to make sure it meets the needs of NextGen 911. That map data will be used in the background to show where a 911 call should be routed and where the responder should go.

Interoperable Data Committee (Risvold)
Chair Risvold reports that the committee met last week and with strong attendance. There were about 40 people. It reviewed the MN Governance Assessment which is one of the requirements in the SLIGPY grant program. The bottom line is the report determined that our public safety communications structure is highly mature and robust. The report also listed some perception issues. The recommendation is that the perception issues be considered by the Steering Committee.

Since the meeting we had some input from Metro on some smaller items that could be added to the report—some minor language changes—nothing substantive. Chair Risvold recommends that the SECB move the report today with the caveat that the committee could make those minor changes which involve clarifying language.

On behalf of the Interoperable Data Committee, Chair Risvold moves to approve the MN Governance Assessment report.
Gerlicher seconds.
Motion carries.

Chair Risvold introduces the MN Launch Requirements for FirstNet.

Risvold reports that the committee received an update on three of the subcommittees and those reports were also published. We would like to get those reports out to the regions for input and would like to give formal presentations as requested by the regions. We are looking for feedback which will need to be in by July 31st.

Mines says we are willing to do in person meetings and would like grammatical or substantive changes to be submitted as soon as possible. We might not be able to meet with every group before July 31st but we do want to get out to every region.

Mines says the Phase II requirements for FirstNet were released about a week ago and the formal requirements of what we can spend the SLIGPY grant on and also a public notice. We did respond to their first public notice. This particular public notice is a very short turnaround time for comments. The most interesting part and the part we need to respond to is that they are asking for feedback on how they are interpreting states' rights if they choose to opt out of FirstNet. We feel strongly that it's important that states' rights to opt out is meaningful. It seems that FirstNet is taking liberty in interpreting the law so they can encourage all states to opt-in by making opting out very difficult or taking away any incentive for opting out. We appreciate your responses and feedback as quickly as possible to meet the short turn-around time.

Chair Dunaski adds that we are trying to be very cautious about getting down on paper the concerns we have about this. Particular for those in rural MN; you are the ones that are going to be most affected by this.

Mines adds that Senate Klobuchar is very active on this at the federal level and her office reached out to us. We gave feedback that if this does not include a viable option for rural MN that it would not be good for us.

Finance Committee (Gerlicher)

No report.

Chair Gerlicher says that she will go to the legislature representing the Finance Committee and also as a member of the Chiefs' Association. It is concerning to her that the Legislative Committee does not have a chair.

Reports – Other

- ***ARMER Project Status Report (MnDOT OEC)***

Mukhtar Thakur reports on the ARMER Project Status. There are 317 sites on the air. A number are on are temporary sites. We are making progress on acquiring land but it is a slow process particularly in the NE region. We are substantially complete on budget and schedule. We are transferring from construction effort to operations effort. We are looking at replacing back up batteries, what happens to the old batteries. The redundant system seems to be operating much better. Last year in the spring time there were a large number of outages but this spring we are seeing minimal outages anecdotally. The redundant router is helping so far. At some point we will need to find out how to make the system even more redundant and resilient.

He adds his concern about rural MN's capacity to benefit from FirstNet. It is critical for those in rural MN to stay involved.

- ***ECN Update***

Jackie Mines proposes that in the interest of time we move the GIS presentation to next month's meeting. She introduces Adam Iten who is the new GIS Program Manager and says that he comes with a lot of experience. He has put together a very precise and well thought through project plan and has been working in the Metro area first. Mines also introduces Rubin Walker, the new First Net Program Manager and Deputy SWIC. He has a great deal of experience in the LTE network and also from the radio side.

Mines reports that ECN behind the scenes staff Carol Schmidt and Sharon Lewerer, under the direction of Dana Wahlberg, have been working diligently to identify and remove old legacy network to the PSAPs. This work has resulted in a substantial amount of money saved. We've never increased the 911 fees and are very good stewards of money and have done hard work with all these telephone companies.

Mines says we have recently been able to kick off the New Core Energy and LTE network pilot project.

Old Business
None.

New Business
None.

NG911 Presentation (Wahlberg)
Moved to next month's meeting.

Other Business/discussion
Chair Gerlicher asks if Mines has talking points for meeting with legislators so board members have a similar voice and consistent message. Mines will send an email with information.

Meeting Adjourns at 2:18 p.m.

DRAFT

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Updated
Technical Plan

for ARMER

800 MHz Trunked Radio System Participation

by

Carver County Sheriff's Office

Submitted to:
Metropolitan Emergency Services Board

March, 2015

Allied Radio Matrix for Emergency Response

ARMER

This document has been prepared under contract by PSC Alliance Inc. for the benefit of Carver County. Questions concerning content of the plan may be directed to: Jeff Nelson, PSC Alliance Inc. at the address shown above or via email: jeff.nelson@pscalliance.com.
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TABLE OF CONTENTS

Section	Description	Page Number
	EXECUTIVE SUMMARY & OVERVIEW	3
1	BACKGROUND	4
	Introduction	4
	Project Funding	4
2	ELEMENTS OF PRELIMINARY TECHNICAL PLAN	4
	PSAP Locations and Resources	4
	PSAP Connectivity	4
	Figure 1 – T1 Connectivity	5
	PSAP Audio Logging	5
	ATIA Data Requirement	6
	PSAP Backup & Redundancy	6
	Subscriber Radio Fleet	6
	Table 1 - Radio Equipment Census	6
	Interoperability	6
	Fleet Map	7
	Schedule	7
	Training	7
	System Maintenance	7
	System Administration	7
SUMMARY		7

Executive Summary & Overview of Carver County's Updated Participation Plan

Below is a high level synopsis of the plan being proposed by Carver County to update their consoles from the existing Gold Elite model to the MCC 7500 series at their Public Safety Answering Point (PSAP) in Chaska. Further narrative is contained later in this document describing the topics which are summarized below. Carver County and local communities have been been users of the ARMER system since the system's original deployment. Carver County now seeks approval to replace its Motorola Gold Elite Consoles with seven (7) MCC 7500 consoles plus a patch position. This plan update only modifies aspects of previously approved plans relating to dispatch consoles.

The primary PSAP site in Chaska will be equipped with a Conventional Site Controller, two 8 port CCGW's interfaced to existing control stations, a simulcast fire paging system, and selected legacy VHF resources (sirens controls and backup VHF repeaters) in the event of a network failure.

Two (2) DS1 circuits will be needed to support the console connection at the Chaska PSAP location. A combination of Fiber and Microwave links with diverse paths will be used between the PSAP and the Shakopee ARMER site and the Norwood/Young Amercia ARMER site. The Motorola console architecture would be integrated with the ARMER Zone 1 controller at Waters Edge.

Radio ID loading on the ARMER would significantly decrease based upon efficiencies available from the MCC 7500 console architecture.

The target in-service date for the MCC7500 console equipment is May 2015.

SECTION 1 - BACKGROUND

Introduction

This document is prepared as the technical plan for Carver County's console upgrade initiative for use in conjunction with the Minnesota ARMER 800 MHz trunked radio system. The primary audience for this plan is the Metropolitan Emergency Services Board (MESB) Technical Operations Committee (TOC) and the Statewide Emergency Communications Board Operations and Technical Committee (SECB-OTC).

Project Funding

Carver County has identified local funding to accomplish the construction and system upgrade objectives identified in this document.

SECTION 2 – ELEMENTS OF THE TECHNICAL PLAN

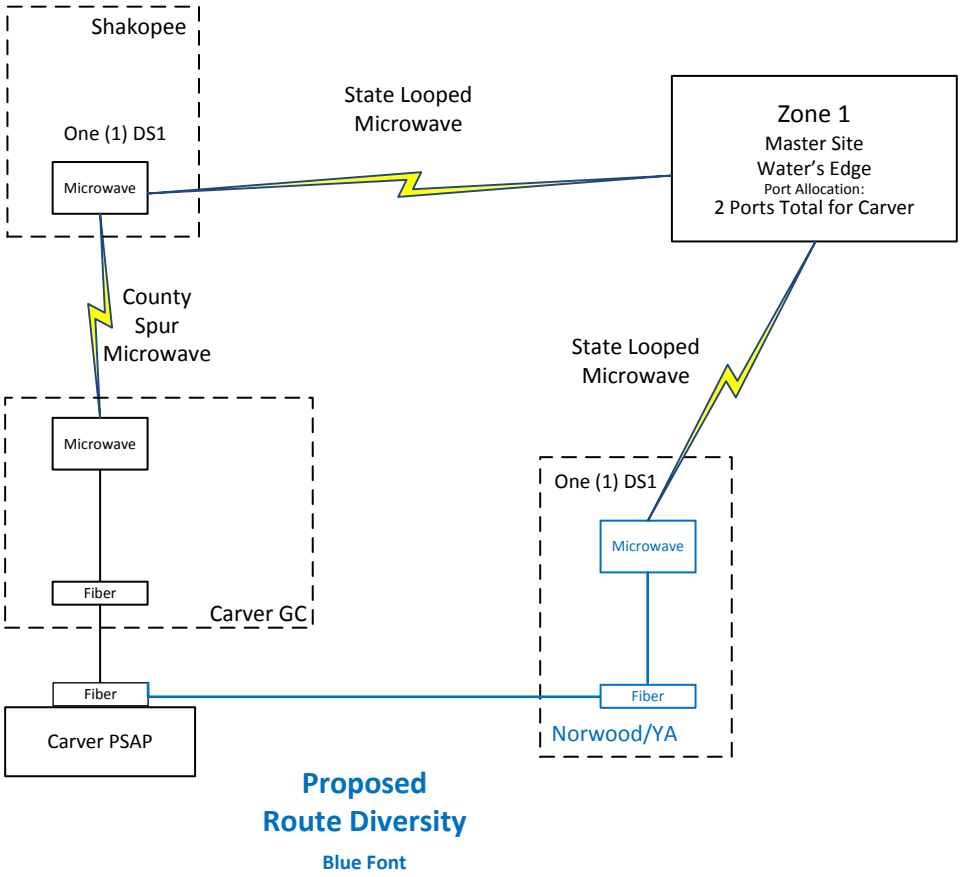
Carver County PSAP Location & Resources

Carver County's PSAP is located in the Carver County Sheriff's Office located at 606 E. Fourth Street, Chaska, MN 55318. The PSAP is currently equipped with existing Motorola Gold Elite consoles which are connected through a local Central Electronic Bank with LORI/LOMI recording. This plan includes the replacement of the existing consoles with MCC 7500 workstations. Two (2) DS1 ports are requested to connect the center to the Water's Edge Zone 1 controller.

Carver PSAP Connectivity

Carver County currently operates an 11 gHz microwave link from the PSAP to the Shakopee ARMER site. Failure of this link interrupts primary console capabilities for Carver County and causes local control stations to be used. In a prior improvement project, Carver County installed optical fiber into several ARMER trunked radio sites including the Chanhassen simulcast site, the Hollywood site, and the Norwood/Young America site. By approval of this plan, one (1) DS 1 circuit for PSAP connectivity would link through to Shakopee via microwave and one (1) DS 1 circuit for PSAP route redundancy would link through to the Norwood/Young America site via County's fiber. A total of two (2) DS 1 circuits (and ports at Water's Edge) are requested on the MnDOT microwave loop that connects Shakopee and Norwood/YA to Zone 1. A future request will be brought forward to enhance site connectivity route diversity at the Chanhassen ARMER site.

Figure 1 – T1 Connectivity



PSAP Logging

Audio logging at the Carver PSAP is presently accomplished via local LORI/LOMI presentation from the Gold Elite CEB. Carver County will be implementing a new logging system not later than the second quarter (Q2) of 2016 but presently does not have full funding to entirely replace its existing logging system. Therefore, Carver County requests that certain legacy logging available via the Gold Elite CEB be preserved until the first quarter (1Q) of 2016. At that time the Carver Gold Elite CEB would be decommissioned and removed.

PSAP Backup & Redundancy

Local control stations are already installed at the Carver PSAP and will be interfaced to the new MCC 7500 CCGWs. These backup control stations will permit access to the ARMER system in the event that the dual DS1 links to the Zone 1 controller are lost. Each of the MCC 7500 console positions will have access to the backup control stations.

Carver County also maintains a backup PSAP arrangement with Ridgeview Medical Center (RMC) in Waconia. Certain Carver County dispatch resources will appear on the recently approved RMC consoles in the event that staff need to abandon the PSAP in Chaska.

Subscriber Radio Fleet/Radio ID's

The table below depicts the County's current subscriber radio population and radio ID allocations. Since each talk group at every console will no longer require a separate ID in the MCC 7500 environment, it is estimated that approximately system 500 IDs can be relinquished when this migration is ultimately complete.

Carver County	Total County	Active Count	TG Approved	TG Found	Radios
Existing	832	771	75	74	1262
Radios Approved					1373
Estimated IDs Returned	500				

Table 1: Carver Talk Group and System ID Census
Note: Information based on data supplied by MnDOT OEC on February 9, 2015.

Interoperability

Primary interoperability will be achieved via shared use of the common 800 MHz digital trunked infrastructure. Carver County intends to preserve its VHF paging, siren activation, backup control stations, and backup repeaters.

Fleet Map

Carver County will incorporate statewide, regional and neighboring talk groups in console and subscriber radios consistent with requirements established for use of the ARMER system and as agreed to by the County.

Schedule

Carver County seeks to migrate to the MCC 7500 consoles in May 2015 with decommissioning of the existing Central Electronics Bank after the logging conversion completes as identified above. The County has been working steadily toward that goal for several months.

Training

The Carver County staff received initial ARMER training when they went live on the system. The Supervisor and staff strive to remain current on ARMER policies and practices through policy review and informal training.

System Maintenance

Carver County intends to coordinate the maintenance and support of the console equipment, link equipment, VHF equipment, and other specialty systems through suitable agreement(s) with a qualified service provider(s).

System Administration

No change to the existing County network management client is contemplated via this plan.

SUMMARY

Carver County looks forward to approval of this plan with expected preliminary migration to the MCC 7500 consoles in May, 2015.

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Technical Plan

for ARMER

800 MHz Trunked Radio System Participation

by

Regions Hospital
East Metro Medical Resource Control Center (EMRCC)

Submitted to:
Metropolitan Emergency Services Board

March, 2015

Allied Radio Matrix for Emergency Response

ARMER

This document has been prepared under contract by PSC Alliance Inc. for the benefit of Regions Hospital/MRCC - East. Questions concerning content of the plan may be directed to: Jeff Nelson, PSC Alliance Inc. at the address shown above or via email: jeff.nelson@pscalliance.com.
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TABLE OF CONTENTS

Section	Description	Page Number
	EXECUTIVE SUMMARY & OVERVIEW	3
1	BACKGROUND	4
	Introduction	4
	Project Funding	4
2	ELEMENTS OF PRELIMINARY TECHNICAL PLAN	4
	EMRCC Locations and Resources	4
	EMRCC Connectivity	4
	Figure 1 – T1 Connectivity	5
	EMRCC Audio Logging	5
	ATIA Data Requirement	6
	EMRCC Backup & Redundancy	6
	Subscriber Radio Fleet	6
	Table 1 - Radio Equipment Census	6
	Interoperability	6
	Fleet Map	7
	Schedule	7
	Training	7
	System Maintenance	7
	System Administration	7
SUMMARY		7

Executive Summary & Overview of Regions Hospital/East Metro MRCC 800 MHz Plan

Below is a high level synopsis of the plan being proposed by Regions Hospital/East Metro Medical Resource Control Center for use of the ARMER 800 MHz system. Further narrative is contained later in this document describing the topics which are summarized below. Regions Hospital and East Metro MRCC have been users of the ARMER system since 2008. In 2011, Regions Hospital received approval to operate up to 15 radios to support their operations related to Emergency Medical Services. East Metro MRCC has been operating 2 Gold Elite dispatch console positions, as remote positions connected to the Ramsey County CEB. MRCC has also been given authorization for radios used for console backup and adjuncts for the provision of emergency medical control. To date, Regions Hospital and East Metro MRCC have operated under authority of the Ramsey County Participation Plan. Regions Hospital/East Metro MRCC and Ramsey County intend to continue their business relationship for some technical support and resource sharing, but the migration to MCC7500 consoles removes the dependence East Metro MRCC had on Ramsey County for CEB resources, making it a good time to submit an independent Participation Plan.

Via this plan, Regions Hospital/East Metro MRCC proposes to replace their two existing Gold Elite Consoles with four MCC7500 consoles at their primary facility within the Regions Hospital building in St. Paul, as well as adding two MCC7500 consoles at their backup communications facility located in Mendota Heights. The primary site will be equipped with a Conventional Site Controller, three 4 port CCGW's, eight 800 MHz APX consolettes, and a VHF station operating on the VMED channel, in the event of a network failure.

Two (2) DS1 circuits will be needed to support the console connection at the Regions Hospital location. A combination of Fiber and Microwave links with diverse paths will be used between the Regions Hospital/East Metro MRCC communications center and the Zone Controller. The Motorola console architecture would be integrated with the ARMER Zone 1 controller at Waters Edge.

The MCC7500 consoles at the Mendota Heights backup location will be connected to the system via a single DS1 connection to the Zone Controller. The site will not be equipped with a Conventional Site Controller, nor will it have any CCGW's. In the event of a network failure, the backup site will operate using two stand alone 800 MHz APX consolettes, and a VHF control station.

Subscriber loading onto the ARMER system resulting from Regions Hospital/East Metro MRCC's upgrade will be 31 radio ID's. Projected future additions could result in an additional 20 radios on the ARMER 800 MHz network.

The target in-service date for the MCC7500 console equipment is July 2015.

SECTION 1 - BACKGROUND

Introduction

This document is prepared as the technical plan for Regions Hospital/East Metro MRCC's (EMRCC) full participation on the Minnesota ARMER 800 MHz trunked radio system. The primary audience for this plan is the Metropolitan Emergency Services Board (MESB) Technical Operations Committee (TOC) and the Statewide Emergency Communications Board Operations and Technical Committee (SECB-OTC).

Project Funding

Regions Hospital/East Metro MRCC has identified local funding to accomplish the construction objectives identified in this document.

SECTION 2 – ELEMENTS OF THE TECHNICAL PLAN

EMRCC Location & Resources

East Metro MRCC's Communications Center is located in the Regions Hospital building located at 640 Jackson Street, St. Paul, MN 55101. The communications center is currently equipped with existing Motorola Gold Elite consoles which are connected as remote operator positions on the Ramsey County CEB. This plan includes the replacement of the existing consoles with MCC 7500 workstations. Two (2) DS1 ports are requested to connect the center to the Water's Edge Zone 1 controller.

EMRCC Connectivity

East Metro MRCC currently has a link to the Ramsey County Dispatch Facility, which connects the consoles to the Ramsey County CEB. East Metro MRCC does not have an independent connection to the Zone Controller, but with the installation of the MCC7500 equipment, they are requesting dedicated DS1 connections to the Zone Controller. Based on prior conversations with MnDOT and Ramsey County, one of the connections will be established using new 11 GHz microwave from the Regions Hospital building to the John Ireland MnDOT site. That DS1 connection will utilize available MnDOT capacity from John Ireland to Waters Edge. The other DS1 connection will be made through the Ramsey County Dispatch Center. A new 11 GHz connection will be established from the Regions Hospital building to Ramsey County to achieve route diversity. From Regions it will utilize the established fiber utilizing Ramsey County and MnDOT Traffic Management fiber. See Figure 1 on the following page for more detail.

The backup East Metro MRCC will be connected to the system utilizing a temporary connection to the HealthPartners ARMER site in Bloomington, utilizing a leased T1 circuit or a low capacity microwave link. When the replacement tower is built at the Dakota County Sperry site, a permanent connection to the system will be established utilizing a suitable microwave link.

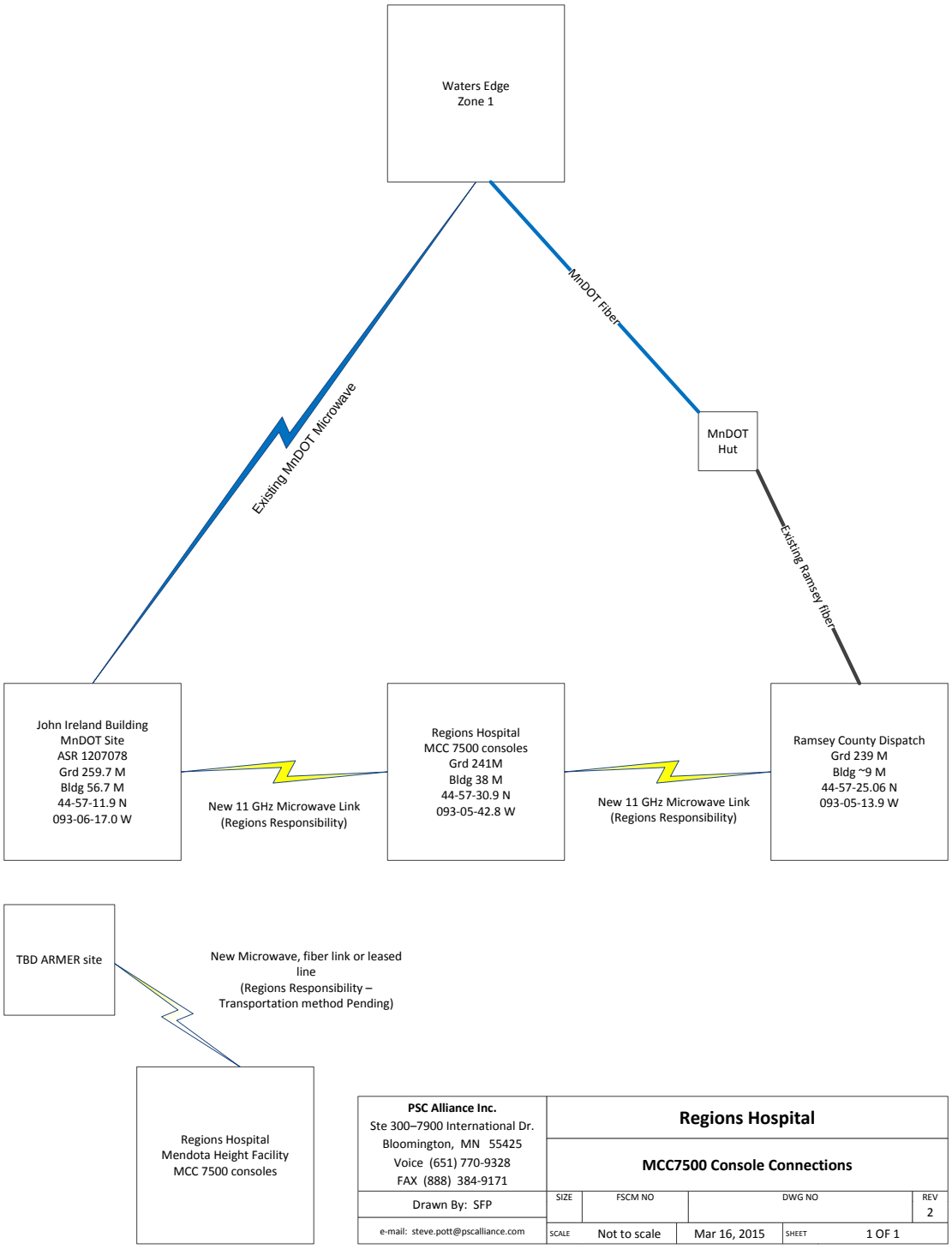


Figure 1 – T1 Connectivity

EMRCC Audio Logging

Audio logging at the East Metro MRCC will be accomplished via local, analog recording using control stations. East Metro MRCC has also made arrangements with Ramsey

County to access recordings to talk groups not recorded by EMRCC, particularly regional and statewide interop talkgroups, when needed.

ATIA Data Requirement

No ATIA data taps are contemplated if this plan is approved.

EMRCC Backup & Redundancy

Eight (8) backup ARMER control stations will be installed at the Regions Hospital/East Metro MRCC. These backup control stations will permit access to the ARMER system in the event that the dual DS1 links to the Zone 1 controller are lost or the communications center at Regions Hospital is inoperable or inaccessible. Each of the console positions will have access to the backup control stations. EMRCC will also be equipped with a VMED base station which can be accessed by each of the console positions.

East Metro MRCC will also equip their existing backup location in Mendota Heights with two MCC7500 consoles. These consoles will be connected to Zone 1 via a single DS1 connection. The backup site will also be equipped with two stand-alone ARMER control stations that will be utilized in the event the DS1 link to the Zone 1 controller is lost. The site is also equipped with a stand-alone VHF control station on the VMED channel.

Subscriber Radio Fleet/Radio ID's

The table below depicts the current Regions Hospital/East Metro MRCC subscriber radio population. The additional radios identified in the "Growth Projections" row will be needed incrementally over the next few years, and the allocation of those additional 20 ID's, for a total of 51, is requested as part of this plan submission.

Regions Hospital/EMRCC	**Mobiles**	**Portables**	**Stationary**	**Totals**
Existing	7	14	10	31
Growth Projections	5	15	0	20
Existing & Growth	**12**	**29**	**10**	**51**

Table 1: Regions Hospital/East Metro MRCC Voice Radio Equipment Census

The two existing Gold Elite consoles are each configured with 73 radio resources, resulting in nearly 150 radio ID's needed to support their operation. The MCC7500 consoles each only need one radio ID, for a total of 6, which will reduce the number of active radio ID's by about 140.

Interoperability

Primary interoperability will be achieved via shared use of the common 800 MHz digital trunked infrastructure. Regions Hospital/East Metro MRCC intends to preserve its

VMED fixed radio capabilities to supplement the regional VMED channel supported by the system.

Fleet Map

Regions Hospital/East Metro MRCC will incorporate statewide, regional and neighboring talk groups in appropriate zones of its subscriber radios and console equipment. Regions Hospital/EMRCC is requesting one talk group for use in coordinating its' EMS Medical Direction tasks.

Schedule

East Metro MRCC needs to migrate to the MCC7500 consoles prior to Ramsey de-commissioning the CEB that controls the existing MRCC consoles. The goal is to have the MCC7500 consoles commissioned by July 1, 2015 in Mendota Heights. East Metro MRCC has been working steadily toward that goal for several months.

Training

The East Metro MRCC staff received initial ARMER training when they went live on the system. The Supervisor and staff strive to remain current on ARMER policies and practices through policy review and informal training. As part of the console upgrade project, MRCC is planning to utilize an outside trainer to become familiar with the MCC7500 consoles, as well as provide a refresher on State Emergency Communications Board policies. End user training will utilize methods of classroom explanation/demonstration with both visual aids and functioning radio equipment.

System Maintenance

Regions Hospital/East Metro MRCC intends to coordinate the maintenance and support of the console equipment, link equipment, VHF equipment, and other specialty systems through suitable agreement(s) with a qualified service provider(s).

System Administration

No network management client is contemplated for installation within Regions Hospital/East Metro MRCC. System administration, including ongoing fleet map modifications and network performance monitoring is expected to be performed through a collaborative agreement established between Regions Hospital/East Metro MRCC and Ramsey County.

SUMMARY

Regions Hospital/East Metro MRCC looks forward to approval of this plan with expected preliminary migration to the MCC7500 consoles in July, 2015.

CROW WING COUNTY
SHERIFF'S OFFICE

304 Laurel Street • Brainerd, MN 56401
Phone: (218) 829-4749 • Fax: (218) 829-9459 • www.crowwing.us

Office of
Todd Dahl, Sheriff

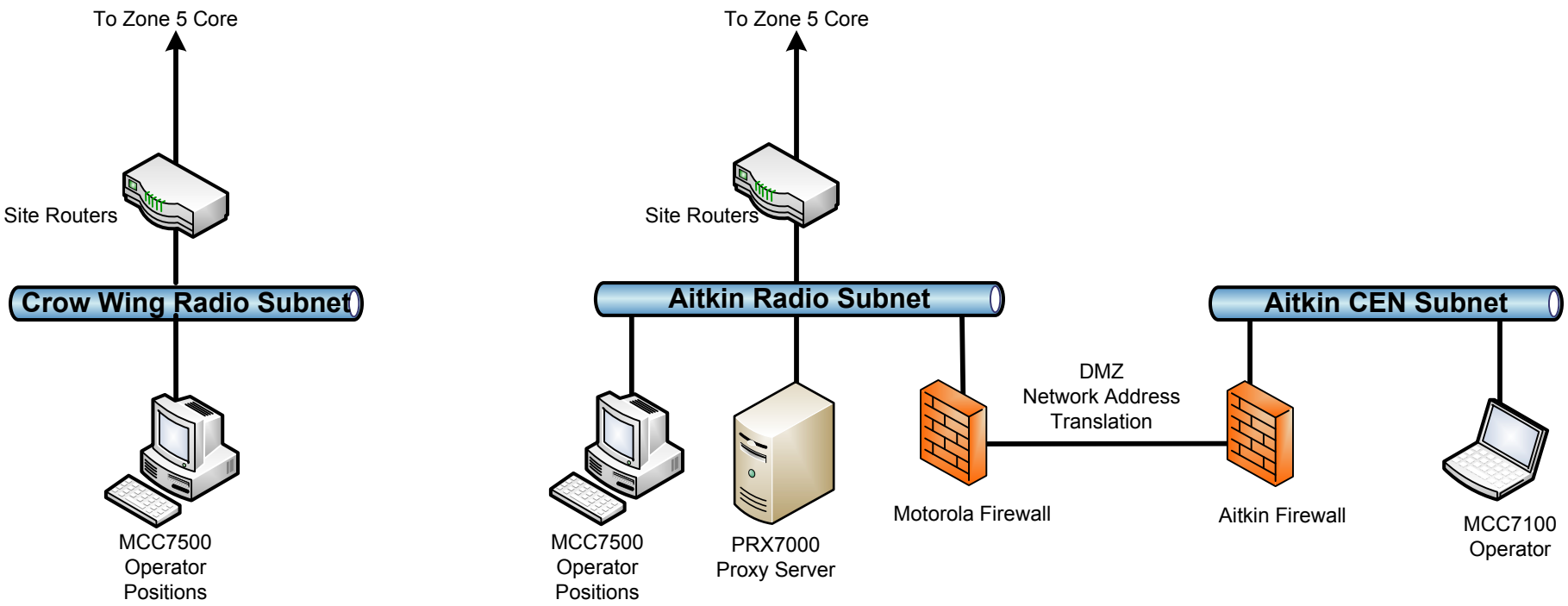
Northeast Regional Radio Board

Crow Wing County is requesting a change in our participation plan with the following provisions:

1. **Migration from Motorola Gold-Elite Radio Consoles to Motorola MCC 7500 Radio Consoles. There will be 4 positions in dispatch, 1 in the EOC and a patch position. The current 346 console ID's will be replaced with 6 MCC 7500 console ID's.**
2. **Acquisition of one MCC 7100 remote capable radio console configured in a laptop. This laptop will access the ARMER system through a proxy server that will be placed at the Aitkin County dispatch site. This will be done using a VPN connection to the Aitkin County firewall and then to the Motorola firewall to gain access to the Zone Controller. The MCC 7100 remote console will provide access to our VHF paging capabilities in the event our dispatch center would need to be abandoned or extended loss of power. Aitkin County was chosen as it is our backup PSAP and we are theirs.**
3. **Access to our VHF paging will be accomplished by utilizing an unused and open CCGW port at the Baxter tower site. Approval for this was acquired from ARMER Radio Engineer Nicholas Schatz.**

Installation of this project is scheduled to begin on April 13, 2015.

Scott Heide
PSAP Supervisor



CROW WING COUNTY RADIO NETWORK (RNI)

AITKIN COUNTY RADIO NETWORK (RNI)

AITKIN COUNTY CUSTOMER NETWORK (CEN)

MOTOROLA SOLUTIONS

CROW WING COUNTY, MN
MCC7100 GENERIC NETWORK

ENGINEER: RICHARD HOFFMAN

MCC7100_NETWORK_V1.VSD | DATE: 01-13-2015

SPONSORED PARTICIPATION PLAN

(Refer to Standard 1.10.2 for Full Requirements)

Whereas, Lake County (Sponsoring Entity) is a member of the Northeast Regional Emergency Communications Board (NERECB).

Whereas, the NERECB, as the governing body of Lake County, has or will enter into a Sponsored Participation Plan with the RECB and the State of Minnesota, Department of Transportation, permitting the operation of ARMER radio equipment by non-public safety/non-public service organizations within the County.

Whereas, a Sponsored Participation Plan must be approved by the Sponsoring Entity and submitted to the Northeast Regional Emergency Communications Board (NERECB) for approval.

Now, therefore, the NERECB, as the governing body of Lake County, approves the following Sponsored Participation Plan applicable to the use of ARMER radios by non-public safety/non-public service organizations.

Any non-public safety/non-public service organization must provide a completed, sponsored participation plan and a letter of support by a sponsoring agency stating their roles and responsibilities. Required information includes the following 5 Criteria:

Criteria 1 – Background Information

- Lake County
- Interoperability communication with public safety
- 3 mobiles (and possibly a portable in the future)
- At the time of deployment of the tow truck(s)
- Attached in accompanying documentation in accordance with standard 1.11.4
- Fleet Map:

Proposed Fleet Map for Two Harbors Towing

Zone 1	Zone 2	Zone 3	Zone 4
LC Interop 1	NE Regional TG	Statewide TG	800 MHZ Conventional
LC Interop 2			
LC Event 1			
LC Event 2			
LC 911			
LC Roam			
LC F/E Main			
MSP Call			

Criteria 2– Value of Participant Being on ARMER

- Lake County has limited cell coverage in most areas. When dispatched by the local PSAP or MN State Patrol, communication is lost for the duration of the call.
- The tow company would like to outfit each truck with a radio and also have a base radio within the shop so the mechanic would be able to hear the radio traffic and know whether the second truck is needed.
- Emergent law enforcement and EMS response.
- Lake County has no other radio communication with any tow service.
- The business practice most likely to be used would be to have the tow service transmit on the LC Interop 1 talk group and have Lake County dispatch patch via MCC 7500 to a working EMS or Law Enforcement talk group.
- Due to the possibility of receiving Good Samaritan assistance prior to tow service arrival and the lack of communication with the tow company once they are dispatch, we are already seeing a reluctance from tow services to respond to remote areas of the county.
- The risk of limiting the amount of radios requested is moderate.

Criteria 3 – Sponsorship (long-term support)

- Lake County
- Sponsor's commitment:
  - Lake County will be offering no budgetary support.
  - The Lake County Sheriff's Office periodically provides end user training within our county in which anyone is welcome to attend. In order to remain compliant, it is anticipated that any tow service or other NGO operating within Lake County would attend according to standard 1.11.4.
  - Usage will be monitored and enforced by the Lake County Sheriff's Office.
  - Letter from sponsor stating roles and responsibilities assumed (attached).

Criteria 4 – Technical Consideration

- The tow service would operate using 3 mobile radios and two end users.
- There is a minimal expected load to the system.
- Capacity for additional users in the area, if applicable

Criteria 5 – Cost/Feasibility

- Long-term funding is the responsibility of the tow service.
- Upkeep and maintenance of equipment is the responsibility of the tow service, radio programming and talk group permissions are at the discretion of the Lake County Sheriff's Office.
- Any future expenses such as radio upgrades will be the responsibility of the tow service.

Sponsor

The following person is designated as the Sponsoring entity's contact for any issues related to operation and maintenance of ARMER subscriber equipment:

Steve Olson, PSAP Manager

218-834-8355

Steve.Olson@co.lake.mn.us

The Sponsoring Entity's request that upon qualification, in accordance with State Standard 1.10.2, any RECB, Statewide Emergency Communications Board (SECB), etc., Standards and requirements of the Minnesota Department of Transportation, the non-public safety/non-

public service organization's contracted vendor will be provided with the system key and subscriber programming orientation necessary to allow the non-public safety/non-public service organization's contracted vendor to program and maintain ARMER subscriber radios.

Approved and adopted by the Sponsoring Entity on the 21st of January, 2015.

1/21/15

1/21/15

Carey G. Johnson
SHERIFF

Steve Van Kekerix
UNDERSHERIFF

OFFICE OF
LAKE COUNTY SHERIFF
613 THIRD AVENUE
TWO HARBORS, MN 55616

(218) 834-8385 VOICE/TDD
OFFICE FAX (218) 834-8445
JAIL FAX (218) 834-8362

To: Chairman Glaccum and the OTC
From: Carey Johnson, Lake County Sheriff

I am requesting that Two Harbors Towing be allowed access to the ARMER network. This company would be acting under the Lake County Participation Plan and I have attached a letter of agreement from them in which they have acknowledged their responsibility as a user on the system. Lake County will still be under our allotment of subscriber units on the system and this proposal has passed the Northeast Regional User, Owners and Operators, RAC and Emergency Services boards. I have also attached a list of talk groups that I anticipate programming into their radio.

Sincerely,

Carey Johnson
Lake County Sheriff

Proposed Fleet Map for Two Harbors Towing

Zone 1

LC Interop 1

LC Interop 2

LC Event 1

LC Event 2

LC 911

LC Roam

LC F/E Main

MSP Call

Zone 2

NE Regional Talk Groups

Zone 3

Statewide Talk Groups

Zone 4

800 MHZ Conventional Channels

To: Lake County Sheriff's Office/Northeast Regional Emergency Services Board

From: Two Harbors Towing, Travis Johnson, Owner

To whom it may concern, I'm writing to you requesting permission to access the ARMER radio system in a limited capacity. My request for access to the system is specifically related to emergency and non-emergency law enforcement calls in which the service of my tow company is requested. The agencies I would like to have communication with include but are not limited to Lake County Dispatch, Lake County Sheriff's Office, Minnesota State Patrol, Minnesota Department of Natural Resources and local law enforcement agencies.

There have been instances in the past where the ability to communicate with officers on the scene of crashes would have enhanced safety for myself (or one of my drivers) as well as the public. There are also remote locations within Lake County where we have no cell coverage. When requested to respond to these areas, I would like to have some means of communication with Lake County Dispatch or Minnesota State Patrol Dispatch so that I can be advised if I'm no longer needed. These remote areas are normally a considerable distance from my place of business and can be of considerable travel expense.

I realize that I would be accessing the ARMER system under the Lake County Sheriff's Office sponsorship and would conform to all training and system programming requirements as directed by the Lake County Sheriff's Office system administrator. Furthermore, I intend to assume all expenses related to ARMER end user equipment owned by my company. This equipment would possibly include as many as 3 portable radios.

I have included a proposed fleet map attached to this letter.

Sincerely,

Travis Johnson

Travis Johnson, Owner

Two Harbors Towing

IC changes 4-21-15 - - Yellow

Allied Radio Matrix for Emergency Response (ARMER)
Standards, Protocols, Procedures

Document Section 1	**Management of System**	**Status:** Complete
State Standard Number	**1.11.1**	
Standard Title	**Training System Administrators**	
Date Established	**10/01/2003**	**SRB Approval**: 09/01/2005
Replaces Document Dated	**2/17/2005**	
Date Revised	**~~02/17/2005~~ 3-30-2015**	

1. Purpose or Objective

The purpose of this standard is to establish the minimum training standards for system administration staff. This is to ensure that system functionality and integrity are maintained because qualified personnel are performing system administration functions.

2. Technical Background

- **Capabilities**
- **Constraints**

3. Operational Context

System functionality and integrity must be maintained by ensuring that only qualified personnel perform system ~~system~~ administration functions.

4. Recommended Protocol/ Standard

Local System Administrators are responsible for maintaining system configuration databases for local infrastructure, subscriber databases, and console configuration databases. Therefore, they shall have successfully completed the appropriate training on the system management functions.

Appropriate training shall, at a minimum, include ARMER infrastructure ~~-~~ formal factory training, either at the factory or in the field ~~, conducted by a qualified instructor.~~

Local System Administrators shall be familiar with the ARMER State Standards.

In addition, local system administrators~~personnel~~ responsible for day-to-day database administration (i.e., moves, changes, or additions to a system or subsystem subscriber database) shall receive formal vendor/factory training from the equipment manufacturer.

If necessary, MNDOT will provide additional ARMER system administrator best practices training.

, ~~be trained either at formal factory training or by the previously trained, appropriate local System Administrator.~~

The appropriate Local System Administrator shall certify that:

- Personnel acting as system administrators are properly trained .
- A ~~and maintain a~~ current record of personnel who are ~~that are~~ trained and acting ~~certified~~ as system administrators will be maintained. The Local System Administrator shall forward this list to the Statewide System Administrator as changes are made. This list will also be included as part of the annual report sent to the Statewide System Administrator each December.
- System access rights shall not be given to personnel who have not had proper training.
- ~~The Statewide System Administrator shall maintain a list of training completed by local System Administrators.~~

5. Recommended Procedure

This Standard~~manual~~ does not contain specific training procedures or training modules; however, it is highly recommended that System Administrators read and familiarize themselves with all Minnesota Communications Best Practice Guides as part of their training. The Best Practice Guides are available at https://dps.mn.gov/divisions/ecn/programs/armer/Pages/Guide-Books.aspx.

Additionally, online training for the ARMER system should be completed. These courses, created on behalf of the Statewide Emergency Communications Board (SECB) and reviewed and approved by subject matter experts, are hosted through the Alexandria Technical & Community College online website. They can be accessed from the Emergency Communication Network's (ECN) website under ARMER Standards.

A user name and password will be needed for these training modules, and instructions for obtaining these are posted on ECN's website under ARMER Standards or under the Refresher Training Plan section in all Best Practice Guides except Fire. While web-based training is supplemental, except for the Minimum Training Requirements, all users must attend formal classroom training for the ARMER system.

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6. Management

Local System Administrators are responsible for ensuring that:

- An appropriate training plan has been developed for their agency that includes statewide interoperability training.
- Minimum training requirements are met, as listed in #4, Recommended Protocol/Standard.
- Only qualified personnel perform system administration functions.

- Local System Administrators are familiar with all applicable sections of the system standards manual.
- The annual MNDOT report is compiled and submitted.

BYLAWS of the Statewide Emergency Communications Board

Established October 2005

ARTICLE I: Name

In accordance with Minn. Stat. §403.36 this board shall be herein named the Statewide Emergency Communications Board (ECB) as a successor to the Statewide Radio Board (SRB).

ARTICLE II: Purpose

1. In accordance with Minn. Stat. §403.36 1(e) The Statewide Emergency Communications Board exists to develop a project plan for a statewide, shared, trunked public safety radio communication system in Minnesota, to develop and apply statewide standards and guidelines for interoperability and to initiate an education plan to stakeholders.

2

2. The statewide radio system may be referred to as Allied Radio Matrix for Emergency Response or ARMER.
3. Pursuant to Minn. Stat. §403.36 Subd. 1g: The Statewide Emergency Communications Board shall act as Minnesota's Statewide Interoperability Executive Committee (SIEC).
4. Pursuant to Minn.Stat.403.382 Subd. 1b: As a Statewide Emergency Communication Board, the board shall be responsible for the statewide coordination of 911 service in addition to existing responsibilities for the ARMER system provided for in sections 403.21 to 403.37

ARTICLE III: Members

1. Membership

In accordance with Minn. Stat. §403.36 Subd. 1, the membership of the Statewide Emergency Communications Board shall consist of the following members or their designees:

(a) The commissioner of public safety
(b) The commissioner of transportation
(c) The state chief information officer
(d) The commissioner of natural resources
(e) The chief of the Minnesota State Patrol
(f) The commissioner of management and budget
(g) The chair of the Metropolitan Council
(h) Two elected city officials, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the League of Minnesota Cities
(i) Two elected county officials, one from the nine-county metropolitan area and one from Greater Minnesota appointed by the governing body of the Association of Minnesota Counties
(j) Two sheriffs, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Minnesota Sheriff's Association
(k) Two chiefs of police, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Police Chief's Association
(l) Two fire chiefs, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Fire Chiefs' Association
(m) Two representatives of emergency medical service providers, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Ambulance Association
(n) The chair of the regional radio board for the metropolitan area
(o) A representative of Greater Minnesota regional radio boards selected in accordance with ARMER Standard 8.1.0 adopted on January 24, 2011

Each member or designee shall be allowed to choose an alternate and all members shall annually identify in writing to the Chair of the Statewide Emergency Communications Board the name and contact information of members and alternates.

2. Attendance

The membership of the SRB and any standing committees shall maintain an attendance record of either the designee or the alternate of 75% of all official meetings across a twelve month rolling calendar. If a member or the alternate fails to meet the attendance requirement, the Chair of the committee shall notify the member's organization in writing of the attendance record and request a replacement designee. At the discretion of the Chair of the committee, the member's appointment may be omitted in determining the presense of a quorum until the attendance record is in compliance as outlined in the article. A member that is not in compliance of the attendance requirement will not be able to vote on any action items until the attendance record is in compliance as outlined in this article.

ARTICLE IV: Officers

Per Minn. Stat. §403.36 Subdivision 1(a), the commissioner of public safety shall convene and chair the Statewide Emergency Communications Board.

1. The officers of the Board shall consist of the Vice Chair and the Executive Secretary.
2. The Vice-Chair and Executive Secretary must be members of the Board.
3. The Vice-Chair and Executive Secretary shall be elected annually.
4. Officers shall serve a one-year term or until their successors are chosen. The term of office shall be effective at the close of the meeting at which the officers are installed. No member may hold more than one office at a time. In the event of a vacancy in one of the officer positions, the Chair may appoint a member to serve the remaining portion of the term.
5. The Chair's duties and responsibilities include representing the Board as its principal spokesperson; presiding at Board meetings; directing the preparation of the agenda for all Board meetings; and appointing members to standing and special committees.
6. The Vice-Chair shall exercise the duties and responsibilities of the Chair whenever the Chair is unable to serve.
7. The Executive Secretary shall exercise the duties and responsibilities of the Chair whenever both the Chair and Vice Chair are unable to serve.
8. The Vice-Chair and Executive Secretary must equally represent the State of Minnesota Metro Area and Greater Minnesota.

ARTICLE V: Board Meetings

1. Regular meetings of the full Statewide Emergency Communications Board shall be held at the call of the Chair but not less than quarterly. Regular meetings may be cancelled by the Chair upon agreement by a majority of the members. Notice of such cancellation shall be provided as far in advance of the scheduled meeting as possible.
2. A simple majority of the membership shall constitute a quorum.
3. The agenda for each Board meeting shall be established and published by the Chair and be sent to the Board members five business days prior to the meeting. At the beginning of a regular meeting any member may move to amend the published meeting agenda.
4. Regular meetings of the Board will be conducted in the following order:
    (a) Call to order
    (b) Motions, if any, by members to amend the published agenda;
    (c) Approval of the minutes of prior meeting(s);
    (d) Reports by standing committees;
    (e) Special reports;
    (f) Old business;
    (g) New business;
    (h) Other business;

(i) Motion to adjourn.

5. Upon the request of any Board member, immediately preceding a vote by the Board, the Recording Secretary shall repeat the motion, name of the person making the motion and the name of the person who has seconded the motion. Any Board member may request to have their vote entered in the minutes.
6. Special meetings of the Board may be called by the Chair or as indicated by Minn. Statute 403.36, Subd. 1d providing that any six members may call a meeting. Notice of special meetings shall include the date, time, place and agenda and be sent to Board members at least three calendar days prior to the meeting. Business at special meetings shall be limited to the subjects listed in the published agenda.
7. When a member/designee and their alternate are present at a regular meeting or committee meeting, only the member may cast votes and be recorded in proceedings.

ARTICLE VI: Committees

The Statewide Emergency Communications Board Chair may recommend to the Board for its approval the establishment of special or standing committees to assist the Board in performing its duties and responsibilities. The Chair's recommendation shall include the duties and responsibilities of the special committee, task force or work group, its chair and members, and any other matters necessary for the efficient operation of the committee. Committees operate under the same by-laws as Statewide Emergency Communications Board.

Standing Committees

The following standing committees are established:

Finance:

- To advise the Statewide Emergency Communications Board upon all matters that have a financial impact upon the Statewide Emergency Communications Board and its members.
- Membership is comprised of one primary and alternate from each of the following: Minnesota Department of Finance, Minnesota Department of Transportation, the regional radio board for the metropolitan area, and one regional radio board from Greater Minnesota.

Legislative/Government Affairs:

- To advise the Statewide Emergency Communications Board upon all matters related to legislation and government affairs that have the potential to impact the Statewide Emergency Communications Board and its members.
- Membership is comprised of one primary and alternate from each of the following: regional radio board from Greater Minnesota, the regional radio board for the metropolitan area, Minnesota Department of Transportation, Minnesota Ambulance Association, Minnesota Sheriff's Association, Minnesota Fire Chiefs Association, and Minnesota Chiefs of Police Association.

Operations and Technical:

- As directed by Minn. Statute 403.40.
- To advise the Statewide Emergency Communications Board upon all matters operational and technical as they pertain to use of the ARMER system.
- Membership is comprised of one primary and one alternate from each of the following: Minnesota Ambulance Association, Minnesota Chiefs of Police Association, Minnesota Fire Chief's Association, Minnesota Sheriff's Association, Minnesota Department of Transportation, Minnesota State Patrol, and each regional radio board.

Steering:

- To advise the Statewide Emergency Communications Board upon all policy decisions.
- Membership is comprised of one primary and alternate from each of the following: regional radio board from Greater Minnesota, the regional radio board for the metropolitan area,

Minnesota Department of Transportation; Minnesota Ambulance Association; Minnesota Sheriff's Association, Fire Chiefs Association; Minnesota Chiefs of Police Association, and Office of Enterprise Technology (MN.IT Services).

Interoperability:
Shall seek to represent regions within the state whose membership includes federal, local, and tribal public safety officials, including emergency management officials from all regions of the state.

The responsibilities of the Interoperability Committee shall be:

- To advise the Statewide Emergency Communications Board upon all matters related to public safety communications interoperability. To address the responsibilities provided for in Minn. Stat. 403.36 Sub. 1e.
- To coordinate and establish standards and protocols as needed for the use of the Statewide Interoperable Frequencies, such as, but not limited to:
    - VLAW 31 (155.475 MHz) (Formerly MINSEF)
    - VFIRE23 (154.295 MHz) (Formerly SWFIREMA)
    - VMED28 (155.340 MHz) (Formerly EMS HEAR)
    - MNCOMM (155.370 MHz) (formerly MIMS)
    - Any other identified state interoperable in VHF, UHF, and/or 700-800 MHZ bands.

  Membership is comprised of one primary and one alternate from each of the following: two members of Minnesota Ambulance Association—one member from the metropolitan area and one from Greater Minnesota, Minnesota Department of Natural Resources, Minnesota Department of Transportation, a representative from each regional radio board, Minnesota State Patrol, two Minnesota Sheriffs appointed by the Sheriff's Association—one from the Metropolitan area and one from Greater Minnesota, two chiefs of police—one from the metropolitan area and one from Greater Minnesota from the Police Chief's Association, two fire chiefs—one from the metropolitan area and one from Greater Minnesota appointed by the Fire Chief's Association, Department of Corrections, Minnesota Homeland Security and Emergency Management, Emergency Management District VI (metropolitan area), one seat from District I, II, III, IV or V (Greater Minnesota), Bureau of Criminal Apprehension, Minnesota National Guard, the United States Federal Government, and Twin Cities Urban Area Security Initiative.

Integrated Public Alert and Warning System (IPAWS):

- To coordinate and establish policy, procedure, and protocols for the expansion of the Integrated Public alert and Warning System through private/public partnership.
- Membership is comprised of one primary and one alternate from each of the following: Minnesota Fire Chiefs Association, Minnesota Cable Communications Association, Homeland Security and Emergency Management, Bureau of Criminal Apprehension, Emergency Communication Networks, Minnesota State Patrol, Department of Public Safety Office of Communications, National Weather Service, Office of Enterprise Technology (MN.IT Services), Minnesota Department of Health, Tribal Government, Minnesota Broadcasters Association, Minnesota Telecom Alliance, Association of Minnesota Emergency Managers, Minnesota Sheriff's Association, Minnesota Chiefs of Police, Association of Public Safety Communicatons Officials, International, National Emergency Number Association, Utilities Telecom Council, Electronic Signage Providers, Metropolitan Emergency Services Board, and each regional radio board or equivalent.

Interoperable Data:

- To advise the Statewide Emergency Communications Board on all matters relating to wireless broadband for public safety and to represent Minnesota on a national level.
- Membership is comprised of one Primary and one Alternate from each of the following: Minnesota Department of Public Safety, Office of Enterprise Technology (MN.IT Services), Minnesota Management and Budget, Minnesota Department of Transportation, Minnesota Department of Natural Resources, Minnesota State Patrol, Minnesota Sheriff's Association, Minnesota Fire Chief's Association, Minnesota Police Chief's Association, Minnesota Ambulance Association, League of Minnesota Cities, Association of Minnesota Counties, Minnesota Indian Affairs Council, and each regional radio board or equivalent.
- Membership may also include non-voting seats representing non-government and private industry partners at the discretion of the committee. Statewide Emergency Communications Board
- **Next Generation 911 (NG911):**
- **The NG911 Committee will recommend to the Statewide Emergency Communications Board uniform 911 network design characteristics, policies, and procedures based on best practices and industry standards to ensure Public Safety Answering Point (PSAP) interoperability across the state through the use of open architecture and the implementation of a coordinated statewide NG911 plan. The NG911 Committee will plan the migration to, utilization of, and the continued operation and maintenance for the statewide, interoperable next generation 911 system.**
- **Membership is comprised of one Primary and one Alternate from each of the following: each regional radio board or regional emergency communications board, Minnesota Ambulance Association, Minnesota Fire Chiefs' Association, Minnesota State Patrol, Minnesota Sheriff's Association, Minnesota Chiefs of Police Association, Emergency Communication Networks Division, , Tribal PSAP, County Geographical Information System (GIS)**
- Membership may also include non-voting seats representing non-government and private industry partners at the discretion of the committee and the Statewide Emergency Communications Board.

1. Chair and Members.
The Board Chair shall recommend to the Board for approval at its first regular meeting in January, or as soon thereafter as possible, the chair, the members, and responsibility of each standing committee.

Additional representatives may be added to any committee upon recommendation of the chair and majority voting approval by the Statewide Emergency Communications Board.

2. Committee Meetings.
The time and place for standing committee meetings shall be determined by the committee chair. The procedures for notice, cancellation and the conduction of business at standing committee meetings shall be the same as those for meetings of the full Board.
A simple majority of committee members shall constitute a quorum per the attendance requirements listed in Article 2.
Board members other than those serving on the committee may attend and participate in committee debate but may not cast votes or be counted for the purpose of making a quorum.

ARTICLE VII: Robert's Rules
Unless otherwise specified, Robert's Rules of Order will prevail in Board or Committee proceedings.

ARTICLE VIII: Amendment of Bylaws

These Bylaws may be amended at any regular meeting of the Board by a two-thirds vote of the members present representing a quorum, after a 10-day notice to Board members setting forth in detail the contents of the proposed amendment(s).

Revised:

June 2013
September 2012
January 22, 2009
October 25, 2007

Office of the Sheriff

Commitment to Excellence

William M. Hutton
Sheriff

Dan Starry
Chief Deputy

Date: April 22, 2015
From: Darlene Pankonie, NG911 Advisory Committee Chair
To: SECB Members

Subject: Text to 9-1-1 Resolution

The NG911 Advisory Committee is asking the Statewide Emergency Communications Board to approve a Text to 9-1-1 Resolution.

This resolution was developed because of the pressure put on PSAPs to implement text to 9-1-1 solutions by the FCC and the hearing impaired community. The NG911 Advisory Committee agreed that a coordinated implementation across the State of Minnesota would be in the best interest of Minnesota residents. They also wanted to communicate that DECN did not want PSAPs to feel they needed to act alone on implementing this new technology.

A statewide resolution was created that was based on a resolution that was previously adopted by the metro region PSAPs (MESB 9-1-1 TOC). The NG911 Advisory Committee regional representatives were asked to take the resolution to each of their regions to vote to support or reject the resolution.

All of the regions have now acted in favor of the resolution. The resolution is now being brought to the SECB. The action item from the NG911 Advisory Committee is to adopt the Resolution for a Statewide PSAP Approach to the Implementation of a Text to 9-1-1 Application.

Thank you.

Law Enforcement Center • 15015 62nd Street North — P.O. Box 3801, Stillwater, Minnesota 55082-3801
Phone: 651-430-7600 • Fax: 651-430-7603 • TTY: 651-430-6246
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Equal Employment Opportunity / Affirmative Action

Resolution For a Statewide PSAP Approach to the Implementation of a Text to 9-1-1 Application

WHEREAS the Department of Public Safety Division of Emergency Communication Networks (DECN) was created to facilitate the planning and coordinate the delivery of emergency communications services (E9-1-1) and emerging services such as next generation (NG)9-1-1 including text, video, and photographs to 9-1-1 for the State of Minnesota; and,

WHEREAS there are 104 Public Safety Answering Points (PSAP) that provide a coordinated 9-1-1 service to the citizens of Minnesota and,

WHEREAS the DECN staff has been evaluating and planning NG9-1-1 network strategies in cooperation with MESB and the NG911 Advisory Committee under the Statewide Emergency Communications Board on behalf of the entire state of MN ; and,

WHEREAS the Minnesota DECN and MESB staffs and the NG 911 Advisory Committee have mutually agreed that a requisite for a comprehensive and coordinated strategy for the NG9-1-1network implementation is that it should be based on public safety industry standards developed by the National Emergency Number Association (NENA) as well as the Alliance for Telecommunication Industry Solutions (ATIS); and,

WHEREAS Text to 9-1-1 will provide citizens with enhanced access to emergency communications in situations where a voice call could endanger the caller, or a person who is deaf or hard of hearing is unable to make a voice call; and,

WHEREAS the NENA standards for NG Text to 9-1-1 are complete; and,

WHEREAS on December 6, 2012, the Federal Communications Commission (FCC) chairman announced plans to accelerate the availability of an interim Text-to-9-1-1 solution, with major deployments expected in 2013 and a commitment to nationwide availability by May 15, 2014; and,

WHEREAS the FCC's plan does not lay out a comprehensive and coordinated strategy for the implementation of NG Text to 9-1-1; and,

WHEREAS the FCC's plan may allow for incremental and interim Text to 9-1-1 implementations,

WHEREAS a non-comprehensive and uncoordinated interim Text to 9-1-1 plan would cause confusion not only to the citizens of the state of MN, but to PSAPs as well; and,

WHEREAS implementation of an uncoordinated Text to 9-1-1 plan may impair the delivery of effective, responsive public safety services; and,

Resolution For a Statewide PSAP Approach to the Implementation of a Text to 9-1-1 Application

NOW THEREFORE BE IT RESOLVED that the NG 911 Advisory Committee under the Statewide Emergency Communications Board strongly recommends that individual or groups of Minnesota PSAPs pursue a coordinated procurement or implementation of a standards-based Text to 9-1-1 solution through the organized efforts of the entire state of Minnesota PSAP contingent in conjunction with DECN.

BEFORE THE

FIRST RESPONDER NETWORK AUTHORITY

Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012

Dkt. No. 150306226–5226–01

COMMENTS OF THE STATE OF MINNESOTA

April XX, 2015

DRAFT 4-16-2015

Table of Contents

I. Introduction 1

II. Summary of Key Points 2

III. Congress Intentionally Created a Meaningful Choice between Two Alternatives to Best Serve Each State's Emergency Responders. 4

IV. To Give Meaning to the Governor's Decision, FirstNet Must Provide States Enough Detail and Certainty in the State Plan to Enable Governors to Weigh the Alternatives. 5

A. State Plans Must Include Details Adequate for a Governor to Compare against an Alternative Plan and Make an Informed Decision. 6

1. The Act's FCC and NTIA Approval Provisions Offer Little Guidance. 6

2. The Provisions Regarding the Governor's Decision Are More Instructive. 6

3. SLIGP Should Support the Governor's Decision 7

B. The Act Requires That State Plans Contain Reliable Commitments from FirstNet 8

1. FirstNet's Proposed Interpretation of the State Plan's Minimum Requirements Is Unreasonable. 8

2. The State Plan Is an Offer, the Governor's Choice to Opt-in Is Acceptance, and the Result Is a Binding Agreement Under the Act. 9

3. Sound Procurement Policy Requires Reliable Commitments 10

C. The Timing of the State Plans Is Driven by FirstNet's Ability to Provide the Required Plan Detail and Commitments. 12

V. FirstNet Is Not Authorized to Leverage Its Control of the Spectrum to Hinder Opt-out States' Efforts to Provide Better Service at Better Prices than FirstNet. 13

A. Opt-out States Are Free to Pursue the Best RAN Arrangement for the State, per the Governor's Discretion. 13

B. The Act Does Not Permit FirstNet to Force Opt-out States to Relinquish the Fruits of Their Success. 14

1. FirstNet Cannot Dictate the Extent to Which an Opt-out State Serves in a Customer-Facing Role. 15

2. FirstNet Is Not Authorized to Require an Opt-out State to Share RAN Revenues. 16

3. Good Policy Requires Reinvestment of User Fees in the Opt-out RAN, But FirstNet Cannot. ... 18

C. FirstNet Cannot Use the Spectrum Lease, NTIA's "Cost-Effectiveness" Inquiry, or Its Own "Network Policies" to Diminish the Governor's Right to Opt-out. 18

1. FirstNet Cannot Use the Spectrum Lease to Impose Requirements That Impinge upon the Governor's Opt-out Choice, ... 19

2. FirstNet and NTIA Cannot Use NTIA's "Cost-Effectiveness" Inquiry to Force Opt-out States to Fund FirstNet. 21

3. FirstNet Cannot Use Its "Network Policies" to Diminish the Value to a State of the Governor's Opt-out Decision. 22

VI. FirstNet Must Provide Service in Failed Opt-out States 23

VII. The Second Notice Is Damaging to the FirstNet Brand and May Ultimately Reduce Adoption. 24

A. The Second Notice Suggests the Consultation Process May Be Meaningless. 24

B. State Officials Are Responsible for Most of FirstNet's Customer Outreach and Their Support Is Vital to FirstNet's Long-Term Success. 25

VIII. Conclusion 26

BEFORE THE

FIRST RESPONDER NETWORK AUTHORITY

Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012	Dkt. No. 150306226–5226–01

COMMENTS OF THE STATE OF MINNESOTA

The State of Minnesota provides these comments in response to FirstNet's *Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012* ("Second Notice").[1]

I. Introduction

Through the consultation process, FirstNet will learn the features, performance, and price points Minnesota's public safety community requires of a wireless broadband service. The State's desired outcome is a successful consultation where FirstNet's proposal details and commits to a sustainable balance of investment, costs, and revenue while meeting responder needs sufficiently to encourage a very high level of adoption. Minnesota would consider a scenario where it is compelled to opt out to be a failure of that consultation process.

Though its strong preference and intent is to opt in, Minnesota takes the opt-in/out decision very seriously and will weigh carefully both alternatives. The Second Notice states: "FirstNet … has a duty to protect the meaningful right of States to opt-out under the Act."[2] It is in the spirit of helping FirstNet protect the value and meaning of that statutory right that the State submits these comments.

In the Second Notice, FirstNet presents an interpretation of the Act that would undermine the consultation process by allowing FirstNet to present effectively meaningless State plans. FirstNet's statutory interpretation would (1) alleviate FirstNet's obligation to provide a State plan that commits FirstNet to meet public safety's needs at affordable prices and (2) would prevent any State from opting out by enabling FirstNet to leverage its control of the spectrum to claim for itself whatever value States would otherwise have realized by opting out. FirstNet's proposed interpretation is contrary to both the

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[1] *First Responder Network Authority Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012,* Notice and Request for Comments, National Telecommunications and Information Administration, 80 FR 13336 (March 13, 2015) ("Second Notice"). Citations to the Second Notice hereafter refer to page numbers in the document posted on FirstNet's website following the Special Meeting of the FirstNet Board on March 9, 2015 (available at http://www.firstnet.gov/sites/default/files/FirstNet_Second_Public_Notice_0.pdf).
[2] Second Notice at 51-52.

letter and the intent of the Act. Furthermore, presenting such an interpretation is damaging to FirstNet's brand image among the states and the broader public safety community.

II. Summary of Key Points

Key Point 1: Congress Intentionally Created a Meaningful Choice between Two Alternatives to Best Serve Each State's Emergency Responders.

Congress explicitly gave each State the statutory right to opt-out and thereby decline to "participate" in FirstNet's nationwide deployment.[3] A Governor will elect to opt out only if an unsuccessful consultation leads to an inadequate FirstNet State plan and the State believes it can, within parameters required for nationwide interoperability, provide a better service for its public safety stakeholders. Congress could have omitted the opt-out alternative because of its potential to complicate FirstNet's ability to meet the Act's interoperability and self-sustainability goals, but it did not; for better or worse, Congress accepted that trade-off. Indeed, inclusion of the opt-out provision was a central element of the legislative compromise that enabled passage of the Act. In these comments, the State of Minnesota explains that the Act does not permit FirstNet to infringe upon the statutory right to "opt-out" and that the best way to ensure that States do not exercise that right is to promise and provide public safety broadband service of sufficient quality and affordability that all States will opt in.

Key Point 2: To Give Meaning to the Governor's Decision, FirstNet Must Provide States Enough Detail and Certainty in the State Plan to Enable Governors to Weigh the Alternatives.

Under the Act, the Governor has a limited period to decide whether to opt in or opt out, a timeframe triggered by the presentation by FirstNet of the State plan. In order for the Governor to make a meaningful decision (*i.e.* an informed one), FirstNet must in the State plan or some other document then available provide detailed commitments as to the features, performance, and terms of service that FirstNet will provide public safety subscribers in the State if the Governor opts in. It is not reasonable to interpret the Act to allow FirstNet to force the Governor's decision without providing adequate specificity and assurance upon which to base a responsible opt-in decision. In its effort to accelerate progress on the network, FirstNet should be careful not to sacrifice the State's statutory opt-out right by issuing State plans that do not provide adequate detailed commitments to support the Governor's decision.

Key Point 3: The State's "Meaningful Right" to Opt Out Includes the Right to Retain the Fruits of Its Successful Opt-out Implementation.

In the Second Notice, FirstNet repeatedly expresses its concern that an opt-out State may generate revenues that would otherwise accrue to FirstNet if the State opted in, thus complicating FirstNet's task

[3] Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. No. 112-96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) ("Act"), Sec. 6302(e)(2).

in meeting the Act's requirement that FirstNet be "self-funding." Minnesota recognizes the possibility that a State's decision to opt out may pose difficulties for FirstNet, but that possibility was clear at the time Congress provided States the ability to opt out. It is not reasonable to interpret the Act to permit FirstNet to force opt-out States to subsidize FirstNet; a State that decides not to "participate" in FirstNet's nationwide deployment cannot reasonably be required to fund it. The State and FirstNet are free, however, in fair and voluntary negotiations, to discuss and agree to provisions on revenue sharing, reinvestment of revenue, and other matters.

Key Point 4: FirstNet Is Not Authorized to Leverage Its Control of the Spectrum to Hinder Opt-out States' Efforts to Provide Better Service at Better Prices than FirstNet.

In order to avoid the potential loss of revenue that may result from a State's decision to opt out, FirstNet proposes statutory interpretations that would allow it to require an opt-out State to relinquish revenue to FirstNet. Because the State must obtain spectrum access to implement an opt-out deployment, requirements of this sort in a spectrum lease would be unenforceable: an agreement where one party has no choice but to accept is no agreement at all. Indeed, the FCC in 2010 mandated specific lease language to prevent the Public Safety Spectrum Trust ("PSST") from doing precisely what FirstNet suggests it is now empowered to do: leverage its outsize bargaining power as the holder of the spectrum license to extract financial concessions from lessees.

Key Point 5: The Act Also Does Not Permit FirstNet to Leverage "Network Policies" or NTIA's "Cost-Effectiveness" Inquiry to Force States to Relinquish Opt-out Benefits.

In considering the "cost-effectiveness" of the opt-out State's plan, NTIA cannot require that the plan be cost-effective for FirstNet or the nation as a whole; the inquiry is intended to ensure that the plan is cost-effective (*i.e.* sustainable) for the opt-out State. Though some of the "network policies" FirstNet must develop under the Act will surely apply to all deployments, including those in opt-out States, many—especially those not essential to interoperability—would impinge upon the State's statutory right if applied to opt-out States.

Key Point 6: FirstNet Must Deploy the Network Nationwide, Even in Failed Opt-out States.

In the Second Notice, FirstNet suggests that where a State opts out but fails to deploy its network, FirstNet possesses discretion whether to deploy in that State—even if the reason for the State's failure is FirstNet's and NTIA's failure to provide necessary spectrum access or funding. FirstNet's central obligation under the Act is to ensure the deployment of the network nationwide, in every State. Even if a State elects to opt out and gains the necessary FCC approvals but ultimately fails to deploy the opt-out network, FirstNet must ensure deployment of the nationwide network in that State.

Key Point 7: The Second Notice Is Damaging to the FirstNet Brand and May Ultimately Reduce Adoption.

The Second Notice appears to suggest that FirstNet intends to force States to make the opt-in/out decision without providing firm commitments to the State that substantially respond to the State's requirements delivered through the consultation process. This *apparent* intent—whether real or not—

feeds the narrative that FirstNet is not listening to the stakeholder community and does not plan to provide the network first responders require. By cultivating this image, FirstNet risks weakening support among a stakeholder base that has a built-in skepticism of FirstNet's ability to deliver. Ultimately, this loss of support may manifest itself in the real consequences of delayed or reduced adoption rates, perhaps threatening the sustainability of the network.

III. Congress Intentionally Created a Meaningful Choice between Two Alternatives to Best Serve Each State's Emergency Responders.

In the Second Notice, FirstNet adopts preliminary conclusions that define the meaning of a State decision to opt out of the FirstNet-deployed RAN. As described further below, the overarching effect of those preliminary conclusions is to devalue the State decision to the point that FirstNet effectively interprets it out of the Act. The ability for a State to deploy, control, and benefit from its own RAN, however, is a key feature of the Act that was critical to passage of the legislation. FirstNet does not possess the authority to override Congress's express intent, which is plain from the legislative history of the Act.

During development and consideration of legislation to provide additional spectrum and funding for public safety wireless broadband communications, key leaders in the House of Representatives and in the Senate advocated two major—and very different—approaches. The legislation the President signed into law is a compromise between those two clear and distinct visions for nationwide interoperability. In the Second Notice, FirstNet's preliminary conclusions would inappropriately extend FirstNet's authority to override the legislative process and eliminate that compromise.

Sen. Rockefeller (D-WV), Chairman of the Senate Commerce Committee, led the Senate majority's work on wireless broadband for public safety. He advocated the approach reflected in S. 911, the Public Safety Spectrum and Wireless Innovation Act, which proposed a single nationwide network constructed by a centralized entity. Under S. 911, states would help plan the nationwide network via a state and local implementation grant program, but S. 911 had no provision for individual states to deploy their own networks; it contained no opt-out alternative at all. On June 8, 2011, the Senate Commerce Committee considered, amended and approved S. 911, adopting this centralized approach.

The House majority approach was reflected in the Jumpstarting Opportunity with Broadband Spectrum ("JOBS") Act of 2011 championed by Rep. Walden (R-OR), Chairman of the House Energy and Commerce subcommittee on communications and technology. Under this approach, each state, subject to nationwide interoperability requirements, would procure and deploy its own network. It did not provide for a single nationwide network with a central core; it envisioned disparate state or local networks interoperating to provide nationwide coverage. The House approach was contained in H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, that passed by the House on Dec. 13, 2011.

On Dec. 17, 2011, the Senate considered the House version of H.R. 3630 and deleted all of the House language, including the JOBS Act, replacing it with provisions that did not include public safety wireless broadband. In conference, faced with two competing visions for nationwide interoperability, the House and Senate conferees agreed to the compromise language that became law: a centralized, federally constructed network with an option for States to opt out and deploy their own portion of the nationwide network, integrated to a single federal core, subject to interoperability requirements.

Congress could have selected either approach—the Senate majority's solely centralized approach or the House majority's solely distributed approach—to the exclusion of the other, but it did not. In an effort to gain critical support and come away at the end of the day with a bill that would pass, advocates for the two visions compromised and merged the two into a compromise approach with two alternatives: opt-in and opt-out. As the Senate Commerce Committee Report states: "With some modifications, the provisions of S. 911 were enacted into law as title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112–96), which was signed into law on February 22, 2012."[4] Those "modifications" included the opt-out provision, a reasonable compromise among lawmakers to bridge the gap between two very different visions for nationwide interoperability.

In interpreting the Act, FirstNet must accord all of its provisions—particularly the ones such as the opt-out provision that were so critical to the compromise that enabled its passage—appropriate weight and meaning. As Minnesota explains in detail below, FirstNet's preliminary conclusions in the Second Notice would substitute FirstNet's preferred outcome for Congress's vision explicitly set forth in the Act's opt-out provision and thus would be beyond FirstNet's authority.

IV. To Give Meaning to the Governor's Decision, FirstNet Must Provide States Enough Detail and Certainty in the State Plan to Enable Governors to Weigh the Alternatives.

Under the Act, the Governor of each State must "choose" between two alternatives: to "participate in the deployment of the … network as proposed by" FirstNet, or to "conduct its own deployment."[5] In order to make a responsible, "informed decision,"[6] the Governor must understand in adequate detail what FirstNet has "proposed" and must be able to rely upon that understanding. In the Second Notice, FirstNet suggests incorrectly that State plans need contain neither the specificity nor the certainty Governors will require.

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[4] U.S. Senate. Committee on Commerce, Science, and Transportation. *Public Safety Spectrum and Wireless Innovation Act, (to Accompany S. 911),* Report 112-260 (Dec. 21, 2012) at 12.
[5] Act, Sec. 6302(c)(2).
[6] Second Notice at 28 n.62.

A. State Plans Must Include Details Adequate for a Governor to Compare against an Alternative Plan and Make an Informed Decision.

FirstNet does not define with clarity the level of detail it must include in State plans. Rather, FirstNet focuses upon the requirement that an opt-out State must obtain "approval" from both the FCC and NTIA for its "alternative plan," reasoning that if the FCC and NTIA are to perform their statutory consideration of an opt-out State's "alternative plan," FirstNet must have given the State certain information to enable the State to make the showings required for federal approval.

1. The Act's FCC and NTIA Approval Provisions Offer Little Guidance.

Starting with the requirement that the "alternative plan" demonstrate to the FCC that the opt-out RAN will comply with the Technical Advisory Board's "minimum technical interoperability requirements" and will interoperate with the NPSBN, FirstNet reasons that the State could not make the interoperability showing if FirstNet had not provided the State at least some interoperability information "either through … FirstNet network policies or the FirstNet plan for the State, or both."[7] FirstNet's observation does little to define the requisite level of detail that must be included in its State plans: the Technical Advisory Board's report was published three years ago and is well-known to the public safety community. As for details on how an opt-out State may ensure interoperability with the NPSBN, FirstNet is correct that the State must have that information no later than the presentation of the State plan, but that should not be a difficult matter: FirstNet should specify those interoperability criteria in its RFP to the vendor community.

More problematic is FirstNet's suggested view that it need include no greater specificity in State plans than that required for NTIA to determine whether the "alternative plan" is "comparable" in terms of deployment timeline, security, coverage, and quality of service.[8] FirstNet's approach sets the bar too low, creating the potential for a circular, virtually meaningless "comparability" analysis where an opt-out State's "alternative plan" can only recite the generalities set forth in the FirstNet State plan. A comparison of generalities would accomplish little to advance any underlying policy Congress may have intended, such as ensuring that first responders in opt-out States benefit from mobile broadband service in the same time frame (or sooner) with similar (or better) levels of security, coverage and quality of service than they would have enjoyed had the Governor elected to opt in.

2. The Provisions Regarding the Governor's Decision Are More Instructive.

A far better approach to determining the minimum level of specificity the Act requires FirstNet to include in the State plan would be to accord the Governor's decision the level of importance and meaning Congress intended, and to thus interpret the Act to require State plans that provide the detail necessary to enable the Governor to make a deliberate, well-informed, responsible opt-in/out decision.

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[7] *Id.* at 24.
[8] *Id.* at 25.

To determine whether to opt-in or opt-out, the Governor will need to compare the FirstNet State plan to an alternative plan of the State's own development, considering at least the following factors:

a. Subscription prices and other costs of FirstNet's service
b. Subscription terms and conditions
c. Description of FirstNet subscriber provisioning service, including details on the State and local roles in such provisioning
d. Geographic service availability, including final coverage design
e. State and local roles in controlling access to the RAN and method of such control, including list of State and local capabilities through any FirstNet-provided portal or control console interface
f. Service Level Agreement, including throughput rates, acceptable downtime, trouble response window; technical and operational mechanisms employed to sustain the service level; and terms of remediation
g. Points of demarcation between the NPSBN and public safety networks
h. Security, including both physical and cyber security protections
i. Current device options, including device capabilities and device prices, with provision for evolution and change over time
j. Terms under which State may expand coverage of the FirstNet RAN
k. Service availability dates

The above list is not comprehensive, but through the consultation process FirstNet certainly is well-positioned to identify those items that the Governor will need to know in order to make the opt-in/out decision. The State recommends that FirstNet clarify that the "state decision process" element of its SLIGP Phase Two data collection request includes a list of those specific data elements each State's governor will require by the time of the presentation of the State plan in order to enable the Governor's decision. Similarly, NTIA should specifically authorize States to use SLIGP funds to develop that list and to do the work necessary for each State to develop an alternative plan upon which the Governor may base the opt-in/out decision.

3. SLIGP Should Support the Governor's Decision

Relatedly, the list of SLIGP "unallowable activities" that NTIA presented in FirstNet's March 23 data collection webinar further devalues the Governor's decision under the Act in contravention of Congress's explicit direction. Congress created SLIGP

> to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way … to utilize and integrate the nationwide public

safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, and other needs.[9]

In a given State, "the most efficient and effective way … to utilize" the NPSBN may be to deploy a State RAN and use the NPSBN for core services only—the Governor's opt-in/out decision will, by Congress's design, rely upon the Governor's determination of that "most efficient and effective way." By prohibiting use of SLIGP funds for activities that would inform the Governor's decision, such as "[RAN] design, engineering, and architecture" and "Development of a state RAN business plan," for example, NTIA deprives States of SLIGP funds for accomplishing the statutory purpose of the grant program, thereby placing NTIA's policy preferences above Congress's express direction.

B. The Act Requires That State Plans Contain Reliable Commitments from FirstNet

As noted above, FirstNet recognizes that the States possess a "meaningful right to opt-out under the Act."[10] FirstNet also recognizes that the Governor's decision whether to exercise that right "is clearly designed to be informed by the FirstNet plan."[11] Thus, it seems FirstNet appreciates that its State plan is important to the statutory structure and matters to the Governor's decision. This conclusion is hard to reconcile, however, with FirstNet's preliminary conclusions that its State plans need include neither detail (as described above) nor binding commitments. Minnesota urges FirstNet to consider whether a Governor can make an informed, confident decision to opt-in without at least some level of reliable commitment that FirstNet will, indeed, provide an opt-in State's first responders a service that meets their performance, coverage, and financial requirements.

1. FirstNet's Proposed Interpretation of the State Plan's Minimum Requirements Is Unreasonable.

In a commercial context, a buyer decides whether to accept a carrier's offer of service, thereby (in most cases) effectively rejecting the service offerings from other carriers. The Act provides a similar decision point with similar (though more permanent) implications: the Governor's decision to accept FirstNet's State plan, thereby forfeiting the "meaningful right to opt-out" and rejecting the opportunity to entertain offers of service from other vendors (those that would bid on an opt-out State's RAN RFP). Nonetheless, FirstNet suggests that it need not provide "contract-like promises" in the State plan, not even on very basic commitments such as the price of service.[12] Instead, FirstNet states that the "levels of subscriber adoption and fees across the network overall will not be known at the State plan stage and will likely be express assumptions thereunder."[13] In other words, FirstNet suggests that the Act permits

[9] Act, Sec. 6302(a).
[10] Second Notice at 51-52.
[11] *Id.* at 27.
[12] *Id.* at 30.
[13] *Id.*

it to require the Governor to choose whether to exercise a "meaningful right" based not even upon "promises," but only upon "assumptions."

The lack of commitment is especially important to Minnesota, where the State is particularly concerned to ensure that it is able to expand on its own initiative beyond FirstNet's proposed coverage area.[14] FirstNet's statement that "FirstNet and a State could agree that, as part of FirstNet's plan, FirstNet and the State (or sub-State jurisdictions) could work together to permit" the State to extend the FirstNet RAN beyond FirstNet's coverage[15] is encouraging but still falls short of the needed commitment. Without a solid FirstNet commitment on this point, a Governor determined and capable to cover the State's rural areas will be forced to weigh FirstNet's "maybe" against the certainty of opting out and thus "assum[ing] responsibility for deployment of the State's RAN."[16]

FirstNet's reading of the Act's minimum requirements for the content of State plans is not a reasonable one. Congress would not have explicitly provided the Governor a choice (between opting in and opting out) based upon the content of a State plan if FirstNet were free to ignore the content of that State plan after the Governor had foreseeably relied upon that State plan in making the decision to opt in. If FirstNet's procurement and deployment approach hinges upon its interpretation of the Act's minimum requirements for the reliability of State plans, the State of Minnesota urges FirstNet to find a different approach grounded on a more defensible statutory interpretation.

2. *The State Plan Is an Offer, the Governor's Choice to Opt-in Is Acceptance, and the Result Is a Binding Agreement Under the Act.*

The State appreciates FirstNet's decision to consider whether the presentation of the State plan and the Governor's choosing to participate in that plan result in the creation of a contract between the State and FirstNet—certainly, the statutory structure bears a strong resemblance to traditional "offer and acceptance" that results in the formation of a binding agreement. FirstNet's reasoning to the contrary—that the Act does not "use the words of contract, such as 'offer,' 'execute,' or 'acceptance' in relationship to the FirstNet plan"[17]—is overly restrictive, ignoring the basic elements of contracts, such as the exchange of consideration and a "meeting of the minds," regardless of the presence of specific terms such as those recited in the Second Notice.

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[14] In its response to the First Notice, Minnesota urged FirstNet to provide opt-in States and political subdivisions a more substantive role in managing and having the flexibility to invest in the RAN; Minnesota is pleased that in this Second Notice, FirstNet indicates its willingness to consider such a role. Comments of the State of Minnesota (Oct. 27, 2014) at 8 (commenting on *First Responder Network Authority Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012*, Notice and Request for Comments, National Telecommunications and Information Administration, 79 FR 57058 (Sept. 24, 2014) ("First Notice")).
[15] Second Notice at 24.
[16] *Id.* at 18.
[17] *Id.* at 30.

Under the Act, FirstNet must provide "details of the proposed plan" to the Governor,[18] in effect describing what the State will get if the Governor accepts the proposal by opting in. The Governor must "choose whether to … participate … as proposed."[19] Upon making that decision to opt in, the Governor may either affirmatively accept FirstNet's proposal or simply wait for 90 days to pass after the date FirstNet provided the State plan[20]—either action provides FirstNet notice of the Governor's opt-in decision, as FirstNet suggests.[21]

In the context of the statute, FirstNet's presentation of the State plan fits the traditional definition of an offer: "A proposal to do a thing or pay an amount, usually accompanied by an expected acceptance, counter-offer, return promise or act."[22] FirstNet's offer in the State plan is "If you forego your right to opt-out, I will provide the following service in your state." Similarly, the Governor's communication to FirstNet of the opt-in decision, whether affirmatively or constructively by letting the 90-day opt-out window expire, fits the definition of acceptance: "Compliance by offeree with terms and conditions of offer constitute an 'acceptance.'"[23] By foregoing the right to opt-out, the Governor accepts FirstNet's offer. The result is a contract.[24]

In addition to its overly restrictive argument that there is no contract without the presence of specific "words of contract" in the Act, FirstNet also declines to find a contract because "the process prescribed in the Act itself may make contract-like promises at the plan stage difficult."[25] FirstNet cannot reasonably interpret the Act in such a way that "it might be difficult" outweighs the Governor's need for a reliable, detailed State plan sufficient to serve as the basis for the Governor's statutory decision.

3. Sound Procurement Policy Requires Reliable Commitments

From a State procurement perspective, FirstNet is a service provider. Typically, a State agency wishing to procure a service defines the service and identifies the general community of entities that can provide

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[18] Act, Sec. 6302(e)(1)(B).
[19] Act, Sec. 6302(e)(2)(A).
[20] *Id.*
[21] Second Notice at 28.
[22] *Black's Law Dictionary* 976 (5th ed. 1979).
[23] *Id.*at 12 (citing *Davis & Clanton v. C. I. T. Corporation,* 190 S.C. 151, 2 S.E.2d 382, 383), 976 ("In a unilateral contract, the acceptance is generally the act or performance of the offeree …").
[24] The foregoing analysis of offer and acceptance applies only if there is an exchange of consideration—in other words, both parties must provide something of value. Under the Act, the Governor is providing consideration to FirstNet by foregoing the opt-out alternative and thereby promising that public safety entities in the State will not purchase 700 MHz public safety wireless broadband services from any vendor other than FirstNet. Also under the Act, FirstNet is providing consideration by promising to make a service available in the State. If FirstNet makes no promises or otherwise provides consideration in the State plan, then the Governor's acceptance of the State plan would not result in a contract. As described in this Sec. IV, the Act requires FirstNet to provide details and commitments in the State plan or some other vehicle at least concurrent to the State plan, thereby providing the consideration required to form a contract.
[25] Second Notice at 30.

the service. If there are multiple entities that can provide the service, the agency must implement a competitive process to determine the entity from which it will purchase the service.[26] The agency may avoid the time and expense of a competitive procurement by directing the purchase to a single entity in compliance with sole source procedures.[27] In order to prevent abuse of the sole source process, agencies must ensure that the prices are fair and reasonable.[28]

If a Governor opts out, the State will proceed with a procurement process in which it may consider competing proposals from the entire community of public safety communications vendors, including FirstNet. At the time the Governor opts out, the eventual winner of the State RFP and the terms, conditions, and prices of the service cannot be known. At the time that winner is selected and all other vendors are excluded, however, the terms, conditions, and prices for the winner's service will be known and enforceable via the State contract award.

By contrast, a Governor's decision to opt in is tantamount to the award of an open, effectively perpetual sole source contract. By foregoing the right to opt-out, the Governor ensures that no agency in the State will be able to purchase public safety broadband service using the FirstNet spectrum from any vendor other than FirstNet.

In the Second Notice, FirstNet proposes an interpretation of the Act that would force a conflict with States' long-standing policies on sole source procurements. FirstNet's suggestion that it need not provide "contract-like promises" or pricing information in the State plan appears incompatible with a State's responsibility to ensure the fairness and reasonableness of a vendor's prices prior to guaranteeing that vendor all of the sales in the State. In order to avoid this conflict, Minnesota urges FirstNet to provide adequate detail and binding commitment in the State plan (or a concurrent document) that States may show, as required in the Minnesota sole source statute, that "there is clearly and legitimately only a single source for the goods and services and … that the price has been fairly and reasonably established."[29]

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[26] *See, e.g.,* MINN. STAT. 16C.06 (2014) ("A formal solicitation must be used to acquire all goods, service contracts, and utilities estimated at or more than $50,000, or in the case of a Department of Transportation solicitation, at or more than $100,000, unless otherwise provided for.").
[27] *See, e.g.,* MINN. STAT. 16C.10 (2014) ("The solicitation process described in this chapter is not required when there is clearly and legitimately only a single source for the goods and services and the commissioner determines that the price has been fairly and reasonably established.").
[28] *Id.*
[29] *Id.*

C. The Timing of the State Plans Is Driven by FirstNet's Ability to Provide the Required Plan Detail and Commitments.

The Act states that FirstNet shall notify the Governor and present the State plan "upon the completion of the request for proposal process."[30] The Act does not define "completion." As explained above, in order to appropriately implement the Act's specific requirements for the Governor's decision, the State plan must include details and commitments sufficient to enable that decision to be well-informed and meaningful. Accordingly, Minnesota does not dispute FirstNet's preliminary interpretation of "completion" as "such time that FirstNet has obtained sufficient information to present the State plan with the details required under the Act for such plan."[31] The State does, however, dispute FirstNet's interpretation of the level of detail the Act requires, as explained in Sec. IV.A, above.

Even as it recognizes that the availability of information must drive the date upon which FirstNet presents the State plan to the Governor, however, FirstNet proposes an alternative approach that would allow FirstNet to deprive the Governor of the information needed for an informed decision. In an effort to resolve an apparent "circularity" in the "ideal" order of steps, FirstNet follows the below logic:

> States will, of course, want their plans to provide as much specificity regarding FirstNet's coverage and services as possible, which would ideally be determined on the basis of the final outcomes of the request for proposal process (which, as is discussed above, ideally requires the State opt-out decisions). Accordingly, because of the circularity of these information needs, FirstNet may not be able to provide the level of certainty in State plans that would ordinarily be assumed to emerge from the final award of a contract to a vendor to deploy in a State.[32]

FirstNet's proposed resolution is disappointing. Rather than adopt the fairly common (and fully consistent with the Act) approach of requiring bidders to address a variety of potential opt-in/out scenarios in their RFP responses, FirstNet instead suggests that it is authorized to include in the State plan less information than the Governor may need to make the informed decision required by the Act, as described above. Thus, rather than letting the availability of information drive the timing of the State plan as appropriate, FirstNet instead proposes that the "ideal" timing of the State plan will determine the information it contains. Though Minnesota is eager for its first responders to gain the benefits of the network as soon as possible, the State urges FirstNet not to rush the State plan process at the expense

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[30] Act, Sec. 6302(e)(1).
[31] Second Notice at 23. Similarly, Minnesota agrees that the meaning of the word "complete" in regard to an opt-out States RFP is driven by the State's ability to make the required showings for alternative plan approval by the FCC and NTIA, as described in the Second Notice. *Id.* at 31. Notably, though the Act requires presentation of the State plan upon completion of FirstNet's "request for proposals *process*," the statute provides 180 days for an opt-out Governor to "develop and complete requests for proposals" without reference to the full RFP *process,* thus suggesting greater flexibility in the latter date than in the former. Act, Sec. 6302(e) (emphasis added).
[32] *Id.*

of the Governor's statutory right to make a meaningful and well-informed opt-in/out decision. FirstNet does not have the authority under the Act to present a State plan that does not include the level of specificity and commitment described above under Section IV.A.

V. FirstNet Is Not Authorized to Leverage Its Control of the Spectrum to Hinder Opt-out States' Efforts to Provide Better Service at Better Prices than FirstNet.

A central theme of the Second Notice is the notion that FirstNet may require an opt-out State to relinquish the benefits of its RAN implementation in exchange for access to the FirstNet spectrum. Though the Second Notice specifically raises this suggestion in relation to sharing of revenues earned by opt-out States,[33] compliance with FirstNet network policies,[34] permitting opt-out States to charge subscriber fees and serve in a customer-facing role,[35] reinvestment of subscriber fees in the opt-out network,[36] and the cost-effectiveness for the nationwide network of enabling an opt-out RAN,[37] it also proposes that the lease negotiation can be used as a catch-all mechanism to gain from opt-out States virtually any concession, whether required by the Act or not.[38] Minnesota disagrees with these interpretations of the Act; 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.

A. Opt-out States Are Free to Pursue the Best RAN Arrangement for the State, per the Governor's Discretion.

Section III recounts the legislative history of the Act, demonstrating that the current language is the result of a fairly straightforward compromise between the House and the Senate to adopt a centralized, federally controlled approach with a distributed, State-controlled option for those States that can show their ability to provide at least comparable service on a comparable schedule. Under the Act, States that elect to opt-out and make the required showings to the FCC and NTIA stand in the shoes of FirstNet with regard to the RAN.

In Congress's compromise, the Governor's "decision to opt out" of "participat[ion] in the deployment of the nationwide, interoperable broadband network as proposed by the First Responder Network

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[33] Second Notice at 51, 54, 58.
[34] Second Notice at 16.
[35] *Id.* at 42-43.
[36] *Id.* at 53.
[37] *Id.*
[38] *Id.*at 52 ("We preliminarily conclude that FirstNet, in the exercise of such duties, can and must take into account, among other things, the considerations discussed above in whether and under what terms to enter into a spectrum capacity lease with a State."

Authority"[39] is just what it sounds like: an election not to participate in FirstNet's nationwide effort, to take responsibility for the RAN in the State, and to eliminate any requirement to share responsibility for the RAN in other States. Thus, as a matter of statute, the opt-out State may, if it so chooses, limit its involvement with FirstNet to usage of and payment for FirstNet core services and maintenance of interoperability with the NPSBN pursuant to FirstNet technical and operational specifications necessary for interoperability.

By providing Governors the right to opt out, Congress intended and expected that each Governor would make that decision based on that Governor's determination of the most beneficial course *for that Governor's own State*. As FirstNet states in the Second Notice, the Governor will decide "whether the State would receive a greater benefit from either participating in the FirstNet proposed network plan for such State or by conducting its own deployment of the RAN in such State."[40] Notwithstanding FirstNet's statement to the contrary,[41] the opt-in/out decision by its very nature is a weighing of competing proposals—the FirstNet proposal on one hand, and the State's own "alternative" proposal on the other—and the winning proposal will be the one the Governor believes offers the greatest benefit to the State.[42]

B. The Act Does Not Permit FirstNet to Force Opt-out States to Relinquish the Fruits of Their Success.

As explained above, Congress intended that a State will opt out if the Governor believes that alternative will provide greater benefit to the State than "participating" in the FirstNet deployment. The Second Notice identifies two general areas in which the State may realize that benefit, but it describes them as areas in which FirstNet is concerned about States electing to opt out: (1) complexities that would arise if the opt-out State rather than FirstNet served "public safety customer-facing roles, such as marketing, execution of customer agreements, billing, maintaining service responsibility, and generating and using fees from public safety customers,"[43] and (2) a risk that an opt-out State would retain, rather than share with FirstNet, excess revenues generated in the State, such that "funding for all other States could decline." [44]

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[39] Act, Sec. 6302(e)(3)(A), (2)(B).
[40] Second Notice at 28 n.62.
[41] *Id.* at 44 ("There is also no indication in the Act that the State option to assume RAN responsibilities was enacted to promote competition between FirstNet and such States.")
[42] A Governor's decision to reject the FirstNet proposal in favor of an alternative, opt-out proposal is not necessarily a reflection of any deficiency in the FirstNet offering. Rather, FirstNet and the State are in two different positions with varying capabilities. For example, State governments control assets in the State, may be more willing than FirstNet to accept risk in a public-private partnership, and may have recourse to recurring State appropriations.
[43] *Id.* at 38.
[44] *Id.* at 47.

Though FirstNet recognizes that it could address and overcome these challenges by "work[ing] together [with opt-out States] over many years with the best interests of public safety in mind to address myriad operational issues,"[45] it proposes a statutory interpretation that would simply eliminate them, eliminating the value and meaning of the Governor's right to opt out at the same time. FirstNet preliminarily concludes that it may make virtually any benefit enjoyed by an opt-out State a subject of spectrum lease negotiations,[46] implying that if the State insists upon retaining the benefit in a way that is objectionable to FirstNet, FirstNet may deny the State access to the spectrum, thus hampering its opt-out plan.[47]

1. *FirstNet Cannot Dictate the Extent to Which an Opt-out State Serves in a Customer-Facing Role.*

FirstNet acknowledges that the Act does not require an opt-out State to serve in a customer-facing role including charging user fees to public safety customers, and Minnesota agrees.[48] FirstNet's analysis only reaches this question because the Act includes no provision *prohibiting* an opt-out State from serving in such a role, as FirstNet also acknowledges, albeit with an unsupported caveat:

> We preliminarily conclude, however, that … a reasonable interpretation of all the provisions discussed above, including both operational and fee-related, would not preclude opt-out States, as sovereign entities, from charging subscription fees to public safety entities *if FirstNet and such States agreed to such an arrangement in the spectrum capacity lease with the States, and the arrangement was part of an alternative plan approved by the FCC and NTIA.*[49] (emphasis added)

Nowhere does the Act provide a basis for the proposition that an opt-out State is authorized to charge user fees only where explicitly permitted by FirstNet, the FCC, and NTIA.[50] FirstNet's preliminary

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[45] *Id.* at 45.
[46] *Id.* at 52.
[47] *Id.* at 33 ("if the sequence of events ended with a State receiving approval of its alternative plan by the FCC but being unable to reach agreement on a spectrum capacity lease with FirstNet or being denied approval of such spectrum capacity leasing rights or needed grant funds by NTIA, the State subsequently would be unable to operate the RAN in the State.")
[48] *Id.* at 43 ("we also preliminarily conclude that the Act does not require that such States be the customer-facing entity").
[49] *Id.*at 42-43 (emphasis added).
[50] The scope of the FCC's approval inquiry is limited to two line items in the Act related to interoperability; subjects such as the decision to charge fees that have only *de minimis* if any bearing upon interoperability are not within the FCC's statutory purview. Act, Sec. 6302(e)(3)(C). Likewise, the scope of NTIA's approval inquiry is limited to reviewing those demonstrations required under Sec. 6302(e)(3)(D), none of which include the charging of fees, though such fees could be included in the opt-out State's funding demonstration under Sec. 6302(e)(3)(D)(i)(I), at the State's discretion. The scope of provisions FirstNet may require in a spectrum lease for an opt-out State is addressed in this section, below.

conclusion in this regard cannot be reconciled with the explicit right of the Governor to choose *not* to "participate in the deployment … proposed by" FirstNet. If an opt-out State has no right to charge fees to those using the RAN it deployed, the Governor really has no choice to make at all. Congress neither intended nor permitted this result.

If FirstNet wishes to gain an enforceable commitment from an opt-out State with regard to its serving in a customer-facing role, FirstNet may in a fair negotiation undertake to win that commitment. As explained below, FirstNet cannot use the opt-out State's required application for access to the FirstNet spectrum to obtain that commitment—nor can it use application of FirstNet's "network policies" or NTIA's "cost-effectiveness" inquiry.

2. *FirstNet Is Not Authorized to Require an Opt-out State to Share RAN Revenues*

FirstNet is correct that it is at least theoretically possible that an opt-out State may be able to generate revenues equal to or greater than the costs of providing service, including the payment to FirstNet of core usage fees, perhaps even equal to or greater than the amount of excess revenues FirstNet would have generated in the State had the Governor opted in.[51] The level of the State's success is of its own making as a result of the Governor's decision to opt out, and the State is free to do with those excess revenues anything the Act and other laws do not prohibit.

Minnesota does not dispute that Congress required FirstNet to be self-funding,[52] nor does it dispute that the decision of a commercially desirable State to opt-out may make meeting that requirement more difficult. Nonetheless, Congress specifically included—as part of a compromise central to the legislation's approval—a provision for a Governor to opt out of FirstNet's deployment of the NPSBN. FirstNet cannot interpret the self-funding requirement or the Governor's right out of the Act; both must be implemented, even if honoring the Governor's right makes it harder to achieve financial self-sufficiency. Congress designed the Act this way so that FirstNet's best approach would be to promise and provide a service of such quality and affordability that no Governor would exercise the statutory right to opt out.

In the Second Notice, FirstNet asserts that Congress did not intend that an opt-out State could keep the fruits of its success to itself if those funds would be useful to support the network in other States:

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[51] Second Notice at 51 ("for some reason a State or group of States may be able to generate more fees from a CLA than FirstNet").

[52] Act, Sec. 6208(b) ("The total amount of the fees assessed for each fiscal year pursuant to this section shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of the First Responder Network Authority in carrying out its duties and responsibilities described under this subtitle for the fiscal year involved.")

> We believe as a general matter that Congress did not intend for a few, high-density States to be able to withhold material funding for all other States under the Act. Such an incentive structure … could result in networks that greatly exceed public safety requirements in a few opt-out States …, and networks that do not meet public safety requirements and the goals of the Act in the vast majority of States.[53]

By the plain language of the Act, however, this is exactly what Congress intended, for better or worse. The Act provides that the Governor may choose to abstain from "participat[ing] in the deployment of the [NPSBN] proposed by [FirstNet]"—it does not add the qualifier "in all ways except funding."[54] Likewise, the Act allows the opt-out State to "conduct its own deployment of a [RAN] in the State"—again, Congress did not add the qualifier "so long as the State RAN subsidizes the NPSBN deployment from which the Governor just opted out." Though it may make FirstNet's job harder, Congress gave the Governor the right to try to build a better mousetrap, and to keep the benefit of any opt-out success. For example, a Governor may elect to opt out to implement a creative business model that would generate revenues to support better coverage for the State's rural areas than FirstNet would otherwise provide.

Minnesota hopes and expects that FirstNet will be able to convince all States to opt in, and that even if some States do opt out, FirstNet will nonetheless be able to provide the remaining opt-in States with public safety-grade service at affordable prices while meeting the Act's self-funding requirement. The potential added difficulty of the latter scenario, however, is not a reasonable ground for FirstNet to self-assert a statutory authority Congress neither provided nor intended. It simply is not reasonable to presume as FirstNet proposes in the Second Notice that Congress provided a State the opportunity to build its own RANs only to see the benefits of its success appropriated by FirstNet in exchange for access to the spectrum essential to that success.

An opt-out State may, however, agree in a fair negotiation to share revenue with FirstNet.[55] As explained below, neither the opt-out State's required application for access to the FirstNet spectrum, the application of FirstNet "network policies," nor NTIA's "cost-effectiveness" inquiry allows for such a fair negotiation.

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[53] Second Notice at 48.
[54] Act, Sec. 6203(e)(2).
[55] Minnesota disagrees with FirstNet's statement that if a State successfully opts out "all public safety subscriber and excess network capacity fees generated in the State would go to and remain in the State other than any core network fees assessed by FirstNet." Second Notice at 46. That result is a possibility that could be avoided through fair negotiations among FirstNet and the State.

3. *Good Policy Requires Reinvestment of User Fees in the Opt-out RAN, But FirstNet Cannot.*

FirstNet explicitly recognizes in the Second Notice that Congress did not include in the Act a requirement that opt-out States reinvest in the opt-out RAN revenues gained from fees charged to public safety subscribers.[56] Nonetheless, FirstNet proposes to read such a requirement into the Act and "that FirstNet has a duty to consider both the reinvestment of such fees … in entering into such a spectrum capacity lease."[57]

Reinvestment of network-generated revenues into the public safety network is good policy, and one that Minnesota supports, whether in an opt-in or an opt-out scenario. Indeed, the Minnesota governance structure, the Statewide Emergency Communications Board, recently adopted a resolution stating that it will not approve a plan for the public safety broadband network that does not requirement reinvestment of all subscriber fee revenues.[58]

Recognizing good policy, however, is not grounds for FirstNet to find a statutory requirement where Congress did not include one. Rather, if FirstNet believes it necessary to gain an enforceable commitment that an opt-out State will reinvest public safety subscriber fees into the opt-out RAN, FirstNet may in a fair negotiation undertake to win that commitment from the opt-out State. An opt-out State may, however, agree in a fair negotiation to share revenue with FirstNet.

As explained below, neither the opt-out State's required application for access to the FirstNet spectrum, the application of FirstNet "network policies," nor NTIA's "cost-effectiveness" inquiry allows for such a fair negotiation.

C. FirstNet Cannot Use the Spectrum Lease, NTIA's "Cost-Effectiveness" Inquiry, or Its Own "Network Policies" to Diminish the Governor's Right to Opt-out.

The above section demonstrates that in the Second Notice, FirstNet repeatedly identifies areas in which it would like control over opt-out States that Congress did not authorize. In order to obtain that control, FirstNet proposes to leverage at least two points in which an opt-out State must gain federal approval (spectrum lease and NTIA "cost-effectiveness" inquiry), and one where the Act is vague as to the extent

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[56] Second Notice at 42 (pointing out "the existence of provisions under the Act, more fully discussed below, requiring FirstNet to reinvest subscriber fees as well as excess network capacity fees into the network, whereas the only reinvestment provision expressly applicable to States assuming RAN responsibilities concerns excess network capacity fees.")
[57] *Id.* at 53.
[58] ADD CITATION TO ADOPTED SECB RESOLUTION; OR IF IT DOESN'T HAPPEN, REVISE TEXT TO ASSERT AS STATE POSITION VIA DPS.

of the provision's application to opt-out States (FirstNet "network policies"). Interestingly, this strategy applies whether FirstNet believes that the Act prohibits the State's behavior (refusal to share opt-out revenues with FirstNet, for example)[59] or is flexible enough to accommodate the State's behavior (such as serving in a customer-facing role).[60] Though Minnesota supports and encourages FirstNet's desire to identify "'win-win' solutions" that benefit both opt-out States and FirstNet,[61] such solutions must be the result of fair negotiations within the bounds of the Act and not forced upon opt-out States in violation of the Governor's statutory right to exercise the opt-out decision.

1. *FirstNet Cannot Use the Spectrum Lease to Impose Requirements That Impinge upon the Governor's Opt-out Choice,*

Under the Act, an opt-out State that has received approval from the FCC "shall apply to the NTIA to lease spectrum capacity from the First Responder Network Authority."[62] As FirstNet recognizes in the Second Notice, if an opt-out State fails to obtain access to the FirstNet spectrum, "the State subsequently would be unable to operate the RAN in the State."[63] Thus, the spectrum lease is essential to the Governor's ability to exercise the right to opt out: opting out without access to the spectrum leads nowhere. It is not reasonable to presume that Congress provided the Governor the right to opt out on the expectation that the State would be denied access to the spectrum.

In addition to violating the intent of the Act, such revenue-sharing provision would be unenforceable as an unconscionable contract of adhesion because the State had no choice but to accept it.[64] Minnesota's Supreme Court, for example, has embraced a fairly common definition of a contract of adhesion, requiring a showing that "the parties were greatly disparate in bargaining power, that there was no opportunity for negotiation and that the services could not be obtained elsewhere."[65] In considering the case of an oil company attempting to enforce a contract provision against a service station operator, the Minnesota court quoted with approval the observation of the Supreme Court of New Jersey:

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[59] *Id.* at 48 ("We believe as a general matter that Congress did not intend for a few, high-density States to be able to withhold material funding for all other States under the Act.")
[60] *Id.* at 43 ("the Act provides sufficient flexibility, as discussed above, to allow the determination of whether FirstNet or a[n opt-out] State plays a customer-facing role … to be the subject of operational discussions between FirstNet and such a State in negotiating the terms of the spectrum capacity lease…").
[61] *Id.* at 52-53 ("A variety of approaches could achieve 'win-win' solutions, and FirstNet would be committed to exploring them within the bounds of the Act."), 54 ("FirstNet would explore 'win-win' solutions with [opt-out] States … if subscriber fees with or without CLA fees would materially exceed RAN and related costs in a State.").
[62] Act, Sec. 6302(e)(3)(C)(iii)(II).
[63] Second Notice at 33.
[64] *See, e.g., Black's Law Dictionary* 38 (5th ed. 1979) ("Distinctive feature of adhesion contract is that weaker party has no realistic choice as to its terms.").
[65] Schlobohm v. Spa Petite, Inc., 326 N.W.2d 920, 924-25 (1982) (*citing* Clinic Masters, Inc. v. District Court, 556 P.2d 473, 475-76 (1976)).

> [I]t becomes apparent that Shell is the dominant party and that the relationship lacks equality in the respective bargaining positions of the parties. For all practical purposes Shell can dictate its own terms. The dealer … cannot afford to risk confrontation with the oil company. He just signs on the dotted line.[66]

The New Jersey court continued:

> Where there is grossly disproportionate bargaining power, the principle of freedom to contract is nonexistent and unilateral terms result. In such a situation courts will not hesitate to declare void as against public policy grossly unfair contractual provisions which clearly tend to the injury of the public in some way.[67]

Though it is not yet clear how a spectrum lease negotiation between FirstNet and an opt-out State might proceed, it is quite clear that FirstNet would enjoy overwhelming bargaining power in regard to a service (public safety broadband spectrum access) that cannot be obtained elsewhere, wielding power not unlike that of an oil company over its service station operators. FirstNet holds the license to the spectrum[68] and thus controls access to the spectrum. There can be no meaningful agreement by the State to additional terms of the spectrum lease required by FirstNet over State objection—the State must either sign the lease or forego the network, a result that would not just diminish but eliminate the Governor's right to opt out.[69]

In a closely analogous situation, the FCC confronted this imbalance in bargaining power and moved to protect against it, limiting the spectrum license holder's ability to impose terms, including fees, in a spectrum lease because the exclusive nationwide licensee enjoyed an unduly controlling bargaining position. In the 2010 *Waiver Order*, the FCC granted individual state and local jurisdictions permission to lease and use the public safety broadband spectrum licensed to the Public Safety Spectrum Trust ("PSST") for early deployments, stating

> We also recognize the unique circumstance that the PSST has an exclusive nationwide license and is accordingly the only entity from which an entity seeking early deployment can obtain a lease. This results in a potential imbalance in bargaining positions, and

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[66] Pickerign v. Pasco Marketing, Inc., 228 N.W.2d 562, 565 (1975) *(citing* Shell Oil Co. v. Marinello, 307 A.2d 598, 601 (1973), *certiorari denied,* 415 U.S. 920, 94 S.Ct. 1421, 39 L.Ed.2d 475 (1974)).
[67] Shell Oil Co., 307 A.2d at 601 (*citing* Henningsen v. Bloomfield Motors, Inc. 32 N.J. 358, 403-04 (1960)).
[68] Act, Sec. 6206(b)(1).
[69] Perhaps in recognition of the impossibility of meaningful negotiations among parties of such disparate bargaining power, Congress did not require the opt-out State to "negotiate" with FirstNet for a lease. Rather, it required the State to "apply" to FirstNet for the lease, suggesting that providing the lease is at most a ministerial step with terms related to the spectrum itself, such as preventing harmful interference and meeting FCC regulatory requirements. Act, Sec. 6302(e)(3)(C)(iii)(II).

> accordingly we find it appropriate to limit any fee that the PSBL may assess in conjunction with these leases.[70]

The FCC did not stop at limiting fees—it specified the lease itself, providing a Standard Lease for this purpose.[71] The FCC considered the relative bargaining position of the lessor and lessee and took the proactive step of specifying the terms of the lease in order to avoid the possibility that the lessor would unfairly force a concession (such as a commitment to pay a fee) from the lessee.

Here, FirstNet is the licensee, lessor, and sole source of the essential spectrum, the role played in 2010 by the PSST. In FirstNet's case, the role of the FCC would be played in the future by a court petitioned by FirstNet to enforce a lease term. As explained above, the lease term containing the opt-out State's concession (a commitment to share revenue, reinvest fees, or decline a customer-facing role) should be unenforceable because the State, in exercising the Governor's statutory right to opt out, had no choice but to accept it.

2. *FirstNet and NTIA Cannot Use NTIA's "Cost-Effectiveness" Inquiry to Force Opt-out States to Fund FirstNet.*

The Act requires that after an opt-out State's alternative plan is approved by the FCC, the State must apply to NTIA for a spectrum lease, and "in order to obtain … spectrum capacity leasing rights … [the] State shall demonstrate … the cost-effectiveness of the [alternative] State plan."[72] In the Second Notice, FirstNet incorrectly interprets the required "cost-effectiveness" demonstration to suggest that an opt-out plan must be cost-effective not for the opt-out State, but for the national "network as a whole."[73] This interpretation presumes the accuracy of FirstNet's related suggestion that it has the authority to require an opt-out State to subsidize the NPSBN from which it has opted out—a notion refuted above. In order to retain any reasonable meaning to the Governor's right to opt-out, the opt-out State must be able to retain the fruits of its opt-out success and not be required to cross-subsidize FirstNet's deployment; reading the "cost-effectiveness" provision to allow NTIA to withhold spectrum access unless the opt-out State agrees to relinquish its opt-out earnings and thus make the opt-out plan "cost-effective" for the whole country would defeat the Governor's statutory right to opt out in the first place.

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[70] *In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*, PS Docket No. 06-229, FCC 10-79 (May 12, 2010) ("*Waiver Order*"), ¶ 31.

[71] *Id.* at ¶ 25, App. B.

[72] Act, Sec. 6302(e)(3)(D).

[73] Second Notice at 49. Curiously, in its discussion of the minimum requirements for the FirstNet State plan, FirstNet states that NTIA must be able "to make comparisons of cost-effectiveness." *Id.* at 25. Thus, it is unclear whether FirstNet believes that NTIA must consider the "cost-effectiveness" of the alternative plan for the whole country, or must consider whether the alternative plan is as cost-effective for the opt-out State as the FirstNet plan would be for that State. Both interpretations are incorrect, as explained below: NTIA's inquiry is whether the alternative plan is cost-effective (*i.e.* sustainable) for the opt-out State.

The correct interpretation does not require such subversion of the Act's language and Congress's intent. Congress included the "cost-effectiveness" provision to ensure the opt-out State's alternative plan would not lead to an unsustainable deployment in the State. Just as Congress required that FirstNet's deployment be self-sustaining, it also wanted opt-out States to be able to sustain their own networks, and it placed NTIA in a position of evaluating the State's plan for that purpose.

3. *FirstNet Cannot Use Its "Network Policies" to Diminish the Value to a State of the Governor's Opt-out Decision.*

The Act requires FirstNet to "develop requests for proposals" covering various topics, as well as "requirements," "practices, procedures, and standards," "terms of service," and other specifications related to the "network."[74] FirstNet follows the lead of the title of the paragraph and refers to the items developed under this paragraph as "network policies" and "preliminarily conclude[s] that FirstNet's network policies will either directly or indirectly apply to any State RAN deployment."[75] Because of its potential to diminish the Governor's statutory right to opt-out, this preliminary conclusion is too broad.

It is reasonable and necessary for FirstNet to develop appropriate policies. Some of those policies—such as those central to technical interoperability, for example—must apply to both FirstNet and opt-out States, regardless of the Governor's decision. Others, however—such as coverage, deployment timetables, and "terms of service" that may include subscriber pricing—cannot apply to opt-out States because they would run counter to the Governor's statutory right to opt-out, as explained above.

As a general rule, Minnesota does not dispute FirstNet's preliminary conclusion that it "could require compliance with network policies essential to the deployment and interoperable operation of the network for public safety."[76] Minnesota has argued for a nationwide governance structure for the NPSBN since well before the establishment of FirstNet,[77] and the State generally supports that FirstNet adopt and enforce technical and operational standards necessary to foster a high level of interoperability.

However, FirstNet's subsequent interpretation quoted above that would allow FirstNet to compel opt-out State compliance with all network policies goes too far. FirstNet's support for this interpretation confuses the order of events under the Act. FirstNet states that the required State "consultations would presumably not be required for States assuming RAN responsibility if the policies in question (at least those applicable to RANs following opt-out) did not apply to their RAN deployment."[78] At the time of

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[74] Act, Sec. 6206(c)(1).
[75] Second Notice at 17.
[76] *Id.* at 16.
[77] *In the Matter of Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, PS Docket No. 06-229, FCC 11-6 (Jan. 26, 2011), Comments of the State of Minnesota (April 11, 20111) at 1.
[78] Second Notice at 15.

consultation, however, FirstNet has not yet presented the State plan, so the Governor has not yet had the opportunity to decide whether to opt out.[79] Thus, consultation regarding the network policies makes perfect sense because *they will* apply to the State if the State opts in, a possibility that is still alive at the time of consultation.

In implementing the "network policies" provision of the Act, FirstNet must be careful not to apply such policies to opt-out States if such application would infringe upon the Governor's decision not to participate in the FirstNet deployment of the nationwide network.

VI. FirstNet Must Provide Service in Failed Opt-out States.

The Act provides that when a Governor chooses to opt out, the State submits its alternative plan to the FCC for approval based on the FCC's inquiry into the planned interoperability of the State RAN with the NPSBN.[80] According to the Act,

> If the Commission disapproves a plan under this subparagraph, the construction, maintenance, operation, and improvements of the network within the State shall proceed in accordance with the plan proposed by the First Responder Network Authority.[81]

If the FCC approves the opt-out State's alternative plan, however, the State must apply to NTIA for a spectrum lease and may apply for a grant to fund the opt-out deployment.[82]

In the Second Notice, FirstNet suggests that if an FCC-approved opt-out State cannot proceed to implement its alternative plan because it does not obtain spectrum access or necessary funds from NTIA and FirstNet, FirstNet has discretion not to deploy the NPSBN in the State. Specifically, FirstNet states that such an event "would then *permit FirstNet to implement* a plan in the State," and "a State may ultimately seek to have FirstNet, *assuming mutually acceptable terms*, take over some or all RAN responsibilities in the State through a contractual agreement," but the Second Notice stops there, leaving the matter to FirstNet's discretion.[83]

FirstNet's central mandate is "to take all actions necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network."[84] The Governor's right to opt-out provides a State the opportunity to take over responsibility for deploying and operating the RAN in the State, but failure of that effort—particularly because of the refusal of FirstNet and NTIA to provide

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[79] Act, Sec. 6206(c)(2)(A), 6302(e).
[80] Act, Sec. 6302(e).
[81] Act, Sec. 6302(e)(3)(C)(iv).
[82] Act, Sec. 6302(e)(3)(C)(iii).
[83] Second Notice at 34, 35 (emphasis added).
[84] Act, Sec. 6206(b)(1).

required spectrum or funding—cannot relieve FirstNet of its duty to the nation's public safety community, even in failed opt-out States.

VII. The Second Notice Is Damaging to the FirstNet Brand and May Ultimately Reduce Adoption.

Under its proposed interpretations of the Act, FirstNet would be able to pre-determine both the outcomes of the consultation process and the Governor's decision. Whatever interpretation FirstNet ultimately adopts, the publication in the Second Notice of these proposed interpretations may cultivate serious perception issues that will ultimately damage FirstNet's brand and threaten its ability to achieve sustainability.

As FirstNet's outreach team will surely attest, stakeholders' perceptions of FirstNet are very important. Even if FirstNet ultimately offers an excellent service, adoption will be slow if first responders do not *believe* the network meets public safety's needs. Many public safety agencies have observed this phenomenon in the roll-out of multi-agency digital radio systems constructed over the last two decades where perception issues negatively impact adoption of the service.

A. The Second Notice Suggests the Consultation Process May Be Meaningless.

FirstNet preliminarily concludes that an accepted State plan is not a contract between the State and FirstNet and will not constitute a binding commitment for a definite level of service from FirstNet.[85] Under this interpretation of the Act (addressed in Section IV.B, above), the States will have expended well over one hundred million dollars of effort[86] to gather input for and spread awareness about FirstNet in pursuit of a State plan that may not achieve anything, because it may omit a commitment to deliver a service, much less a detailed description of that service. FirstNet proposes, rather, that after a State has opted in, it will enter into binding contracts with one public safety entity at a time. The true consultation—the one that will have a material impact, thus would occur after and independent of the development of the State plan. It would be difficult to blame public safety stakeholders for reading the Second Notice to mean that the consultation process and the resulting State plan are expensive, time-consuming efforts from which they may gain nothing on which they can rely.

The consultation is the major opportunity built into the Act for the States and their stakeholders to have any meaningful impact on the level of service FirstNet will provide, and in particular, how it will compare to commercial service. The NPSBN will have to provide a service that is more attractive on a cost-benefit basis than the commercial option. If stakeholders do not *perceive* that public safety has had a key and

[85] Second Notice at 29-31.
[86] Under SLIGP, NTIA awarded $116.5 million to States and Territories; total effort also includes a 20 percent State match. Details available at http://www.ntia.doc.gov/category/state-and-local-implementation-grant-program.

influential role in the way the NPSBN is built, they may not believe that it is any better than their current commercial service and will not subscribe to the FirstNet service. Further, if stakeholders have nothing to point to as evidence that FirstNet will *definitely* provide superior service—for example, a State plan representing a binding commitment of service—they will have a hard time convincing their Governor to opt-in, much less convincing their elected officials to support funding migrating to the NPSBN.

B. State Officials Are Responsible for Most of FirstNet's Customer Outreach and Their Support Is Vital to FirstNet's Long-Term Success.

Under SLIGP, State officials are responsible for most of FirstNet's customer outreach. According to NTIA reports, over 60,000 individual stakeholders have been reached by States at nearly 1,000 individual meetings.[87] It is at these State workshops that decision-makers at the local and county level ask questions such as:

> "How will states and agencies participate in the buildout of FirstNet?"[88]
> "What is FirstNet's State plan?"[89]
> "How is public safety LTE different from what AT&T and Verizon Wireless are offering?"[90]
> "Am I forced to adopt FirstNet's services?"[91] and
> "What is this network for?"[92]

These are all important questions, and FirstNet's primary representative answering them is a State official. FirstNet does not get the first opportunity to answer these questions—State officials do—and their answers will be FirstNet's first impression on most of the public safety community.

The support of State officials is absolutely vital to FirstNet's success. If State officials feel that FirstNet is mandating the State to adopt a certain course of action, or that FirstNet will not listen to them, they may not perceive their role as meaningful and may not support the program.

Even worse, an alienated State official could potentially use SLIGP as a bully pulpit to spread negative perception of the brand amongst his or her constituency. FirstNet must carefully manage negative perception issues, including how State officials judge FirstNet's apparent motivations in forming its preliminary interpretations of the Act as published in the Second Notice. Though such perceptions and judgments may be factually incorrect, they can set up FirstNet's brand for failure.

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[87] NTIA Quarter 6 metrics, retrieved 04/06/2015 at http://www.ntia.doc.gov/files/ntia/publications/sligp_q6_metrics_for_website.pdf.
[88] FirstNet in Oregon, http://firstnetinoregon.org/firstnet/index.php/faqs.
[89] Washington State Chief Information Officer FAQ for FirstNet and OneNet, https://ocio.wa.gov/initiatives/washington-onenet-firstnet/onenet-resources/faq-firstnet-and-onenet.
[90] Texas Department of Public Safety Frequently Asked Questions, http://www.txdps.state.tx.us/LTE/faq.htm.
[91] Minnesota Department of Public Safety, Emergency Communications Networks, Frequently Asked Questions, https://dps.mn.gov/divisions/ecn/programs/wireless-broadband/Pages/frequently-asked-questions.aspx.
[92] OhioFirst.Net Frequently Asked Questions, http://firstnet.ohio.gov/Publications/FAQs.

VIII. Conclusion

For the reasons set forth above, the State of Minnesota urges FirstNet to reconsider the preliminary conclusions described in the Second Notice, and adopt an interpretation of the Act that preserves the Governor's statutory rights under the Act.

Furthermore, Minnesota strongly advises FirstNet to address the potential stakeholder perception issues it may cultivate by the strategy that may be perceived as underlying in FirstNet's preliminary interpretation.

Respectfully submitted,

(NAME)
(TITLE)

WHEREAS the US Middle Class Tax Relief and Job Creation Act of 2012 ("The Act") establishes the First Responder Network Authority ("FirstNet") who is tasked with building the Nationwide Public Safety Broadband Network (NPSBN);

And WHEREAS the Act requires that FirstNet present a State Plan to the state of Minnesota prior to commencing buildout of the NPSBN in Minnesota;

And WHEREAS FirstNet is authorized to charge user fees to sustain network operations and maintenance;

And WHEREAS the Act requires any user fee revenues generated by FirstNet are reinvested into the network;

And WHEREAS the Act allows Minnesota to opt-out of FirstNet's proposal and develop its own Opt-Out Plan to construct a statewide Public Safety Broadband Network (PSBN) that is part of the NPSBN and connected to a single, nationwide core network;

And WHEREAS a state that opts-out is authorized to charge user fees to sustain network operations and maintenance;

And WHEREAS the Act does not explicitly forbid an opt-out state from diverting user fee revenues generated by the PSBN to purposes other than sustaining network operations and maintenance;

And WHEREAS history, including management of the Minnesota 9-1-1 fund shows that it is good policy to use funds collected for public safety communications ONLY for public safety communications;

And WHEREAS Minn. Stat. Ch. 403.382 Subd. 8 (1) ("the Statute") includes in the powers of the Statewide Emergency Communications Board (SECB): "developing and maintaining a plan for the implementation of a statewide public safety broadband network [. . .]";

And WHEREAS the SECB does NOT anticipate that opting-out of FirstNet's State Plan is likely to be in the best interest of state of Minnesota;

And WHEREAS the SECB nonetheless supports the state's right to opt-out of FirstNet's State Plan, and develop an Opt-Out Plan, in the event that FirstNet's State Plan does not sufficiently meet the needs of first responders and other public safety entities in Minnesota;

NOW THEREFORE BE IT RESOLVED that the SECB will not approve of an Opt-Out Plan that diverts Opt-Out Plan revenues to ANY purposes except for sustaining construction, operations and maintenance of the Nationwide Public Safety Broadband Network in Minnesota.

MnFCP Weekly Status Report

Minnesota Department of Public Safety – **MnFCP**

EXECUTIVE SUMMARY Status Meeting

Status on 13 April 2015	Prior Status	Green	Current Status	Green

Green	The project is within 20% variance of the currently approved baseline for budget and schedule, and is expected to substantially meet all of the business objectives established in the startup report.
Yellow	The project has exceeded 20% variance of the currently approved baseline for budget and/or schedule and is expected to substantially meet all of the business objectives established in the startup report.
Red	The project is at risk of termination, or at risk of not substantially meeting the business objectives established in the startup report.

Attendees/Invitees:

- DPS: Jackie Mines, Dana Wahlberg, Marcus Bruning, Randy Donahue, Rick Juth
- Televate/IG: Mark Navolio, Rick Burke, Ken Boley, Brandon Abley, Elizabeth Herring

UPDATE: User Population Survey

This map depicts the percentage of Public Safety Entities (PSEs) from each county that have completed the User Population Survey.

Counties on the move! Congratulations to the following counties for increasing their overall response rates!

- Le Sueur County
- Wadena County
- Winona County

Our goal is for every county to reach at least 75% completion.

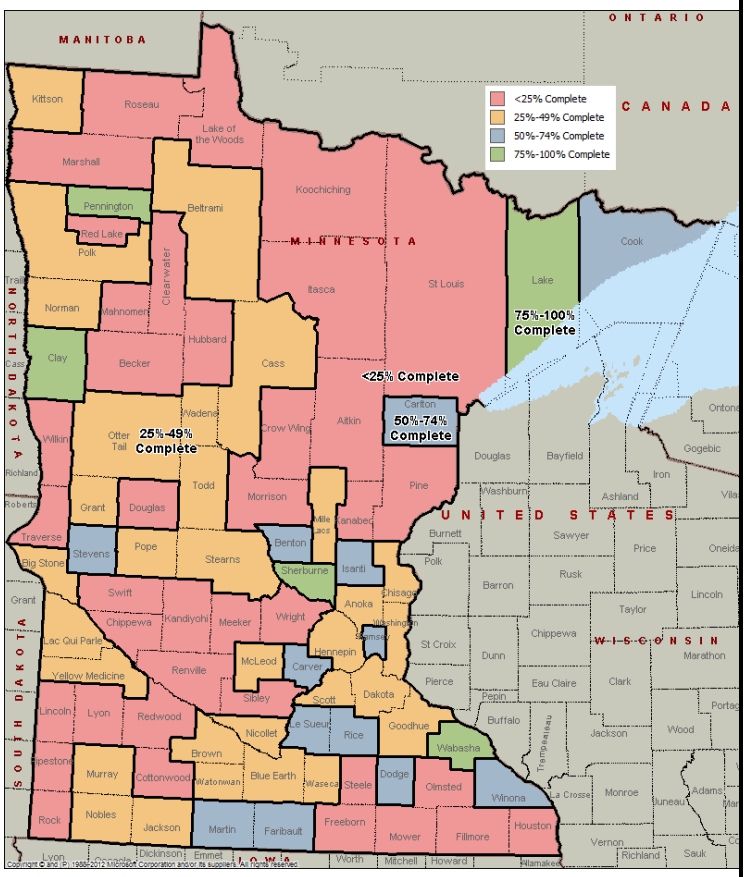
If your PSE has not yet completed a survey, please visit:

https://www.surveymonkey.com/r/MnFCP_User_POP_Plus

Survey CLOSES in

only 33 work days

Give us your requirements today!



- **Task 2 – Governance (Task Complete):**
  - Governance document was submitted to SECB Steering Committee, March 11
  - Governance document and summary presented to the IDC on March 17
    - As a result some changes will be needed (from IDC Chair & members)
    - Final version to be posted on MnFCP website
- **Task 6 – MOA, Standardize Templates:**
  - Will continue effort with respect to ARMER towers and other state assets

Status on 13 April 2015	Prior Status	Green	Current Status	Green

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- AG cannot provide further support without additional feedback from FirstNet
- Tim Lee (MnDOT) re MOA -- Call completed (with Shane), documents delivered
- Jim Johnson (MN.IT) re MOA
  - Asset sharing w gov't is fine but probably problematic if the asset was commercialized via a private partner, OAG has usually resisted; he will go back to OAG for specific opinion.

- **Task 4 – Education and Outreach:**
  - Newsletter: Strategic Build-Out Strategy and introduction into the regional consultation process
    - To be delivered for review before the end of April
  - Publication: CAD data & Coverage Review document is being drafted and will be submitted to the counties upon completion of the Coverage Reviews.
  - Pending Items:
    - *Public Safety Broadband for the PSAP* – Pending
    - Network Requirements (just before Phase 2) – Pending
  - Delivered Items:
    - Training Modules:
      - *What is Wireless Broadband* – Delivered & Posted
      - *LTE Technical Review (Deep Dive)* – Delivered
    - Newsletter Q5 – Released
    - Newsletter: "Coverage Assessment Process" – Delivered
    - Newsletter: "Outcome of FirstNet Consultation" – Delivered
- **Task 5 – Stakeholder Entities**
  - MnFCP Team to coordinate with Regional Interoperability Coordinators to improve User Population Survey response rates in top key counties
    - "The Metro 9" (Twin Cities Metro area)
      - Coordinated outreach with MESB (Jill Rohret)
    - "The Top 10" (top 10 counties by population that are outside of Metro 9)
      - RICs have been provided a list of the Top 10.
- **Task 5 – Public-Private Partner (RFI)**
  - Coordinate the posting of the RFI (Rubin)
  - Formal RFI for assessment of public-private partners is currently under review
  - RFI to be posted on ECN's website; release scheduled for end of April
- **Task 8 – Coverage Reviews**
  - Upcoming Reviews: Redwood
  - Tribal areas, to be paired wherever possible with the county where they reside
- **Task 8 – Subcommittees (Work Group)**
  - Released recommendations from working groups for review
  - System & Security Work Group activities to continue until 23 April. Their final recommendations to be included in the report.

Status on 13 April 2015	Prior Status	Green	Current Status	Green

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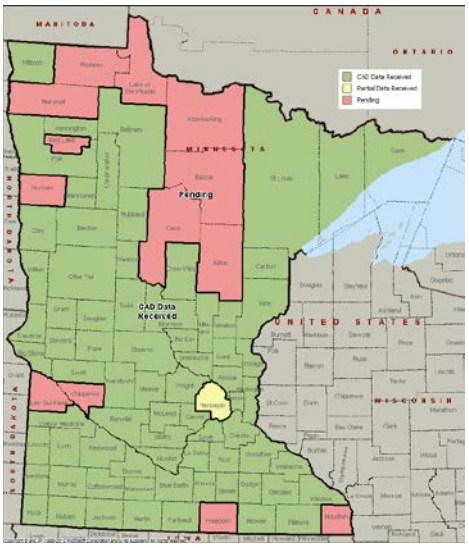
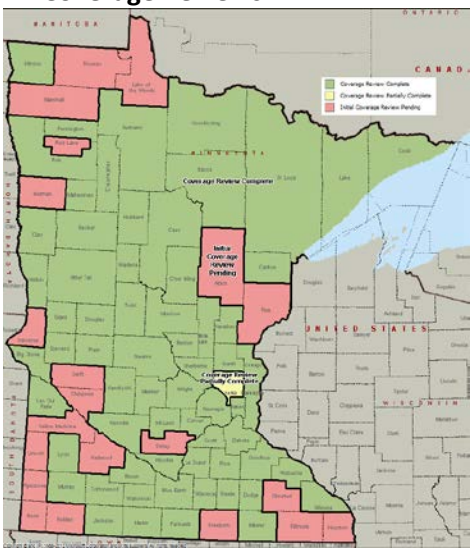
Status MAPS as of this week:

CAD Data

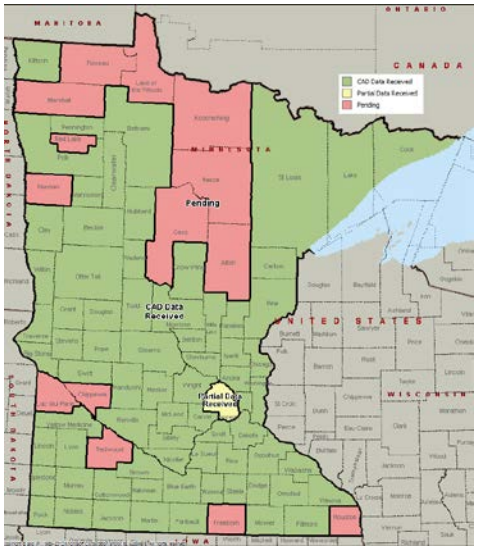


Coverage Reviews

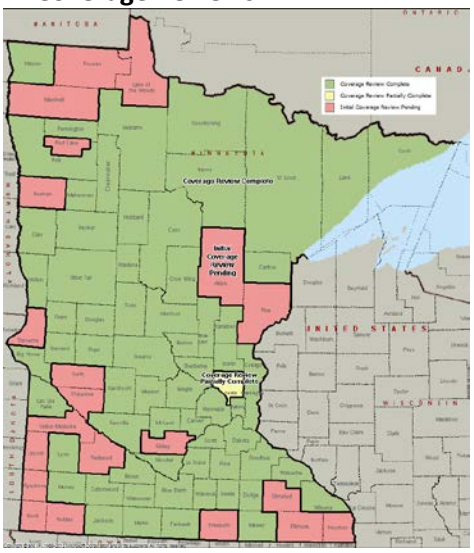


Status MAPS as of LAST week:

CAD Data



Coverage Reviews



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Coverage Review Participation

Quarter	Beginning Date	End Date	# Agencies	# Individuals	Meetings
3rd Quarter, 2014	7/1/2014	9/30/2014	61	85	13
4th Quarter, 2014	10/1/2014	12/31/2014	85	128	36
1st Quarter, 2015	1/1/2015	3/31/2015	66	99	23
2nd Quarter, 2015	4/1/2015	6/30/2015	4	5	3

This Week's Tally

Task	Sub-Tasks & Status							
	POC Data Received	CAD Data Received	User POP Survey Sent	Utilization Survey	CAD Geocoded	KML Created	Coverage Review Completed	
							County	Tribe
Rick Juth	92%	95%	97%	0%	92%	87%	93%	0%
Marcus Bruning	59%	69%	94%	0%	63%	63%	72%	43%
Randy Donahue	65%	80%	95%	0%	75%	70%	65%	33%
Count Totals:	81	91	106	0	86	82	66	4

Previous Week's Tally

Task	Sub-Tasks & Status							
	POC Data Received	CAD Data Received	User POP Survey Sent	Utilization Survey	CAD Geocoded	KML Created	Coverage Review Completed	
							County	Tribe
Rick Juth	92%	95%	97%	0%	92%	87%	93%	0%
Marcus Bruning	59%	69%	94%	0%	63%	63%	72%	43%
Randy Donahue	58%	78%	95%	0%	70%	65%	65%	33%
Count Totals:	78	90	106	0	84	80	66	4

- **Task 12.06 – FirstNet Public Notice Comments**
  - First draft release to the team for review and comment
- **Task 13 – FirstNet Baseline Review**
  - Coordinate the posting of the RFI (Rubin)
- **Task 14 – Phased Build-Out Strategy**
  - To develop a Newsletter on the subject
  - Methodology to be included.
- **Task 15 – Utilization Survey**
  - Review survey questions with Brian Hobson; some questions are for general marketing purposes, other have a technical component
  - FirstNet to provide a portal to upload responses in bulk
  - Televate to review Survey questions and confirm recipient audience for each.
  - New survey to be published
- **Task 16 – Public Safety Entity Operational Areas**

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- Televate to coordinate the format of the data with FirstNet (Brian Hobson)
- **Task 17 – Data Usage/Traffic Profiles – CAD Data Manipulation**
  - Methodology to be developed
- **Task 18 – MnFCP Ad Hoc Support**
  - No tasks pending
- **Task 19 – MnFCP Commercial Carrier Coverage & Throughput Measurements**
  - On Hold at this time.
- **Task 20 – Minnesota State Plan Decision Process**
  - Review of Ken's outline and comment relevant to the scope of work
  - Televate IG to provide
- **Invoices and Deliverables**
  - The invoice and acceptance were provided for a completed milestone: Stakeholder Requirements 1st Session - 50% Complete (Coverage Reviews)
  - The stakeholder list deliverable is posted to Dropbox.
- **Upcoming Events, Travel, New Business:**
  - Brandon to speak in Central Minnesota
  - Interop Conference: 27 – 30 April

1 Notes

- Wireless Contracts:
  - State Contract – check back with Dale Stevens concerning the number of subscribers on each contract
  - GSA Contract – Mark to check in with contract administrator; no luck yet
    - Add questions on PSAP applications to the NG911 Survey; (from working group)
- PSAP coordination with Dana Wahlberg;
  - Add questions on PSAP applications to the NG911 Survey; (from working group)
- Legislative Activities are potentially coming.
  - Met with legislator, not likely to be capital costs
  - Legislature is not necessarily involved in the program
- Website: https://dps.mn.gov/divisions/ecn/Pages/broadband.aspx;
- Additional Newsletter Topics:
  - Coverage & Radio Propagation Basics
  - Differences between NPSBN LTE, Commercial Services & P25
  - Capacity Basics
  - Quality of Service Basics
  - Coverage Augmentation Strategies & Advantages/Disadvantages

  - Public Safety Broadband Devices
- **GIS Data**
  - Will need to coordinate with Danna Mackenzie, Danna.Mackenzie@state.mn.us, with regard to the phase 2 infrastructure assessment; however, the data will likely come from NTIA as GIS has restriction its release
- **Task 3 – Tribal**
  - Continue updates to "Tribal Consultation Recommendations"; to include output from Governance
  - Governance Efforts:
    - Effort to develop plan for better engaging tribes on governance:
      - Call held with Anna Marie Hill, MN Indian Affairs Council 5/20;
      - Monte Fronk called on 6/4, he proposes that we organize a meeting with the Emergency Manager at Ripley at a date to be determined
      - Also interviewed Greg Hayes 6/18 (Shakopee Mdewakanton Sioux)
      - Also reach out to Mike Keyport (Grand Portage Ojibwe)
- **Fire Chief Association:** Summary of key data points:
  - Bruce: has agreed to distribute the letter to every fire departments throughout the state
  - 780 fire departments throughout the state ~20,700 fire fighters
  - Some money available from old grants for travel expenses; volunteer only
  - Bruce: can send us a link that contains the name and address for every fire department thought out the state of Minnesota
- **Bureau of Criminal Apprehension**; keep on the horizon when it comes time to assess applications
- **NTIA Officer:** Caroline Dunn
- **Task 3 – Tribal**
  - Need to keep a running list of coordination activities with the tribes as proof of our outreach efforts.
  - In the context of the Governance and MOA/MOU tasks, FirstNet does not expect the State to resolve all issues with regard to the tribes. FirstNet does expect:
    - The States to summarize what exists and to "characterize" the relationship with each Tribe
    - Indicate the level of tribal participation in the State's governance structures
    - Highlight the issues that would impact the implementation of the network on tribal lands
    - We are expected to collate the points of contact at each tribe
    - We are expected to quantify the number of potential users at each tribe
  - Background Materials on tribes that were suggested for review:
    - Review of the United States Code, Title 16, Supremacy Clause
    - Review of the State's Constitution wrt tribes
  - Keep running list of outreach efforts for the Tribes (Mark)
    - Summarize attendance from tribal areas; Outline gaps
    - Keep informed Cassandra O'Hearn

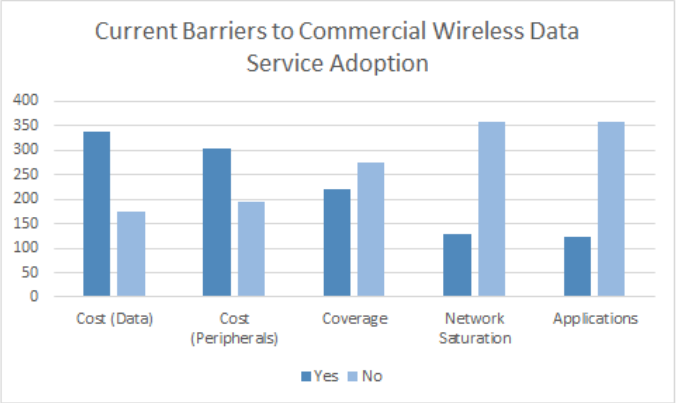
Request for Information

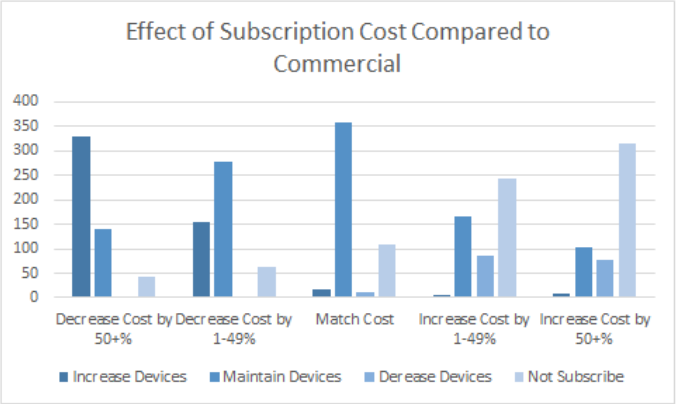
The State of Minnesota will release a Request for Information (RFI) designed to identify and assess potential public-private partnerships with regard to the implementation of the National Public Safety Broadband Network (NPSBN). The RFI is directed towards commercial carriers, utilities, new market entrants, asset owners, and other interested parties that could provide network solutions and assets that make it feasible to roll out the MN-PSBN.

The data collected will be used as a basis for making an informed decision on the various deployment strategies the State or FirstNet could pursue to build the Minnesota portion of the NPSBN. Ultimately, this information will influence the Governor's decision to opt in or opt out of the FirstNet plan.

FirstNet Data Collection Elements

FirstNet has released a draft of their required data collection elements that identify the specific data points the States and Territories need to collect. We are proud to say that the majority of the required data elements were foreseen by the State's project team and are already being collected within the Minnesota-FirstNet Consultation Project (MnFCP). Other items are new and will require further stakeholder outreach. Please be on the lookout for a second survey request designed to gather additional, valuable MnFCP stakeholder information.



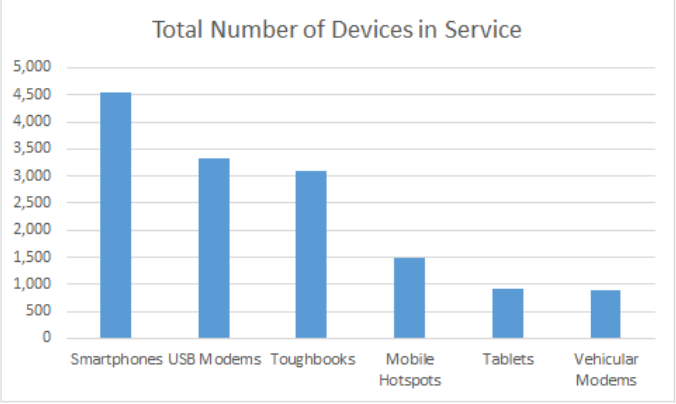


User Population Survey

The User Population Survey is a key component for quantifying the user base as well as identifying potential barriers to wireless adoption. The Project Team has sent the survey to every county and public safety entity (PSE) we have on file within the State. Moving forward, we continue to work with the Chiefs, Sheriffs, and Emergency Managers to solicit responses from each PSE.

Completing this survey is important for a number of reasons:

- It is a requirement of the Grant and a key marker in the Consultation process
- Your responses help in the budgeting of the State's strategic plan
- It identifies preferred device types to ensure they are made available on the FirstNet network
- It helps identify barriers to adoption for potential future grant opportunities



The graphs illustrate early survey results received thus far. Participation ensures that your feedback is included, so please make every effort to complete the survey. The survey link is provided below.

https://www.surveymonkey.com/r/MnFCP_User_POP_Plus

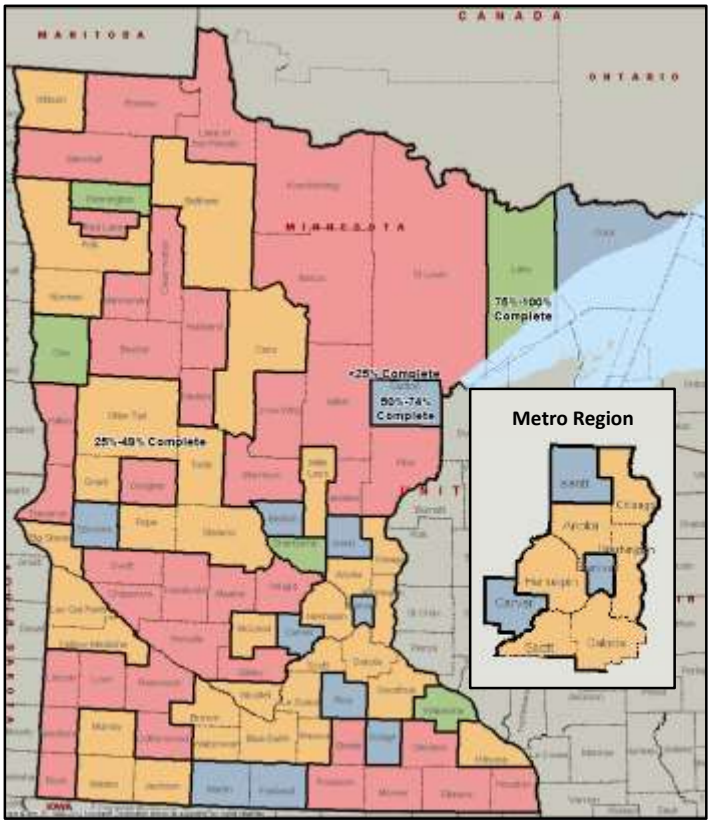
We are looking to obtain a response from each and every Public Safety Entity in the State!

Overall, the progress to date has been quite encouraging! We have received completed surveys from approximately 35% of all Law Enforcement agencies, 20% of Fire/Rescue agencies, and 20% of EMS/ambulance agencies.

The map shows the completion rate per county. If you have not yet filled out a survey, or if you have begun a survey but have not finished it, please take a few moments to do so now.

Thank you and congratulations to the following counties for attaining a completion rate of 75% or more!

- Clay County
- Lake County
- Pennington County
- Sherburne County
- Wabasha County



Key

- <25% Complete
- 25%-49% Complete
- 50%-74% Complete
- 75%-100% Complete

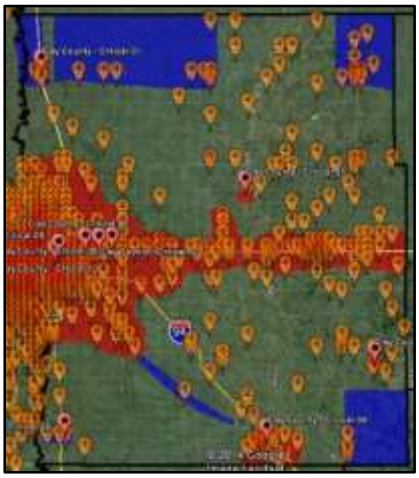
Metro Region

The Metro Region makes up a large percentage of the State's population. It is vital and necessary that the User Population Survey responses reflect the large number of PSEs in the nine-county region. Together with the Regional Interoperability Coordinator (Rick Juth), the team will be reaching out to these counties and PSAPs to determine ways to improve the response rate in the Twin Cities area.

Coverage Review Status

As of April 6, 2015, we have conducted Coverage Reviews with 66 counties and 4 tribes. The purpose of these meetings is to identify your needs, how you use your network, and areas in each county where first responders need wireless coverage. This includes:

- Critical service areas (highest priority)
- Required service areas (minimum service area required to adopt the service)
- Extended service areas (where service is wanted, but currently insufficient or nonexistent)



These Coverage Reviews have resulted in some key observations. Many counties have informed us they have significant areas that are currently unserved and/or underserved, especially in rural areas. In reality, their coverage is less extensive then what is portrayed in carrier-published coverage maps.

We look forward to scheduling meetings with all the remaining counties and tribes in order to identify your areas of need. We will continue to reach out and schedule your meetings, but please feel free to contact the MnFCP Project Team if your county or tribal PSE has not yet participated in a Coverage Review.

Preview of the 6th Annual Minnesota Public Safety Interoperable Communications Conference

The 6th Annual Minnesota Public Safety Interoperable Communications Conference is scheduled for Monday, April 27 – Wednesday, April 29, 2015, and will be held in St. Cloud, MN. The objectives of this conference are to develop a common understanding of key interoperability challenges and opportunities, share experiences and best practices, and provide the latest information about emerging systems and practices. There are over 40 Breakout Sessions and seven Workshops that include topics such as FirstNet to Amateur Radio in Public Safety. If you have not yet registered or would like more information on the Breakout Sessions or Workshops, you can find it here:

http://www.togpartners.com/interop/default.aspx

Welcome to the Team!

Minnesota has a new manager of its Wireless Broadband/FirstNet Program. Rubin Walker began work with DPS/ECN March 2. He previously served as the radio communications manager in Somerset County, New Jersey. Walker has design, operation and optimization experience with the Motorola system and vast experience with LTE technology from his engineering positions held with AT&T, Verizon, Sprint/Nextel and RCC Wireless here in Minnesota. Walker will also serve as the Deputy Statewide Interoperability Coordinator.

Your Project Team

You are encouraged to contact the project team at any time! We would be happy to answer your questions or hear your concerns.

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(507) 360-2660

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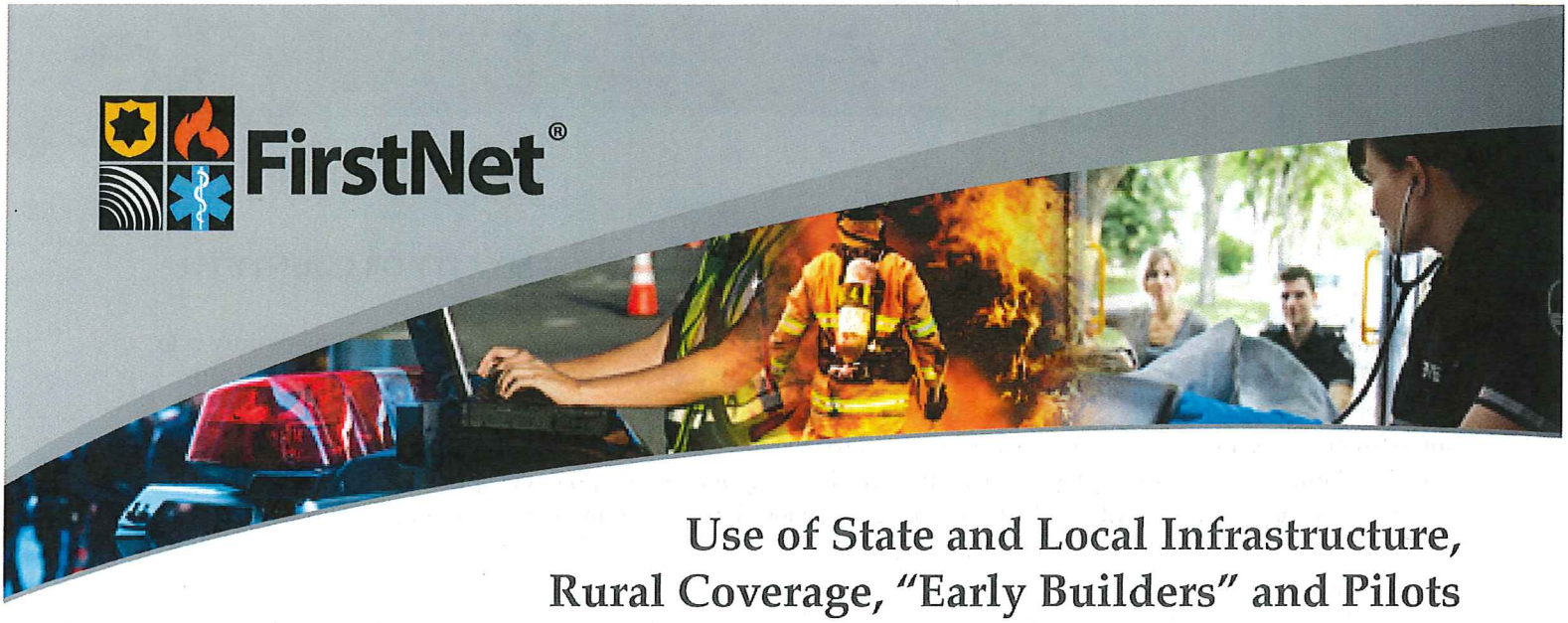
For more information on the MnFCP, the NPSBN and FirstNet, please visit ECN's website for all project news and access to in-depth training modules on this subject and others: https://dps.mn.gov/divisions/ecn/Pages/broadband.aspx



Use of State and Local Infrastructure, Rural Coverage, "Early Builders" and Pilots

Frequently Asked Questions (FAQs)

State and Local Infrastructure

HOW AND WHEN DOES FIRSTNET INTEND TO USE STATE AND LOCAL INFRASTRUCTURE TO BUILD THE NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK?

FirstNet will look to leverage existing infrastructure wherever economically desirable to drive down costs and expedite deployment of the network. However, FirstNet has learned from providing technical support to the "Early Builder" LTE public safety network projects – the four NTIA Broadband Technology Opportunities Program (BTOP) and Harris County, Texas – that identifying, negotiating access to, and using state and local infrastructure can take a long time and, in many instances, be a complicated effort. For example, negotiating leases with and obtaining approvals from state and local governmental bodies can be a lengthy process. Some such infrastructure has never been used for wireless transmissions (e.g., public rooftops), and the issues associated with the use of such assets are complex and can result in substantial delays. Valuing such use is also difficult in some instances.

Further, FirstNet will use infrastructure for both public safety services and selling excess network capacity to commercial entities, and such dual use of state and local infrastructure may not be permitted or may require regulatory changes in some cases. When multiplied by the tens of thousands of sites that FirstNet will need across the country to deploy a nationwide network, we believe the piecemeal use of state and local infrastructure alone could introduce unreasonable delays and transaction costs and complexities.

Where the above issues have been addressed (such as where public infrastructure is being used by commercial providers) or where a third party has aggregated such infrastructure, FirstNet believes it may be able to initially use such government infrastructure to speed network deployment. Our Requests For Proposals (RFP) process will not discriminate for or against public infrastructure, but will seek the best solutions in terms of speed and costs for public safety.

However, *beyond initial deployment*, our current belief is that we will require our network partner(s)to facilitate the evaluation of use of state and local infrastructure for expansion where, for example, commercial infrastructure does not exist or is unduly expensive. Our expectation, subject to the results of the RFP process, is that it will prove economically desirable in the early stages to leverage primarily commercial towers and infrastructure for higher-density areas of the country, where many LTE wireless carriers currently operate, and explore both rural carrier and public infrastructure for other areas.

WHY CAN'T I NEGOTIATE A SPECIAL DEAL WITH FIRSTNET FOR MY CITY OR COUNTY TO TRADE INFRASTRUCTURE USE FOR DISCOUNTED SERVICE?

As discussed above, in addition to the potential complexities with such piecemeal negotiations, FirstNet's duty is to use the RFP process and competition to obtain the best deal - both economically and from a speed of deployment perspective - for public safety nationwide. When a city or local entity wishes to become a FirstNet supplier of infrastructure (i.e., in addition to being a customer), FirstNet then has an obligation to ensure the best deal for public safety and must evaluate such offers against other available suppliers. Any potential special arrangements with a locality in one area of the country will affect funding available for localities in other areas of the country.

Rural Areas

HOW WILL FIRSTNET ENSURE THAT RURAL AREAS ARE COVERED BY THE NETWORK?

In our second public notice (Second Notice), we preliminarily conclude that FirstNet has a duty to protect the fees generated in high-density areas in excess of those needed to reasonably maintain the radio access network – for example, from excess network capacity and subscribers – for use in building out rural areas. Our preliminary modeling indicates that these fees will be essential to pay for network coverage in many, if not most areas of the country outside of urban areas.

WILL FIRSTNET COVER ALL OF THE COUNTRY?

The FirstNet program has a defined set of funding resources, primarily including $7 billion in cash provided by the Federal government; fees from selling excess network capacity to commercial entities; and public safety subscriber fees. The RFP process will determine how far these resources will take us in terms of coverage, which will be informed in part by the coverage priorities communicated to FirstNet through consultation. At a minimum, we must by law include substantial rural milestones in each phase of network deployment. Our preliminary modeling and analyses indicate we will be able to cover more than commercial networks, but not all of the landmass of the country. Only time will tell whether we will generate sufficient fees to cover the entirety of the nation. Coverage can also come in different forms, such as terrestrial, deployable, satellite-based backhaul, and self-organizing networks.

HOW DOES FIRSTNET'S DEFINITION OF "RURAL" AFFECT COVERAGE OF THE NETWORK?

The definition of rural does not determine coverage; rather, our available resources and the consultation process will determine coverage. The definition of rural will be used to measure whether substantial rural milestones have been included in each phase of deployment as required by law. Being included in the definition of rural does not guarantee coverage, nor does being excluded from the definition deny coverage.

"Early Builder" Projects & Pilots

WHAT IS FIRSTNET'S ROLE IN THE "EARLY BUILDER" PROJECTS? ARE THEY PART OF FIRSTNET?

FirstNet is providing technical assistance support to the five Early Builder projects – including the four NTIA Broadband Technology Opportunities Program (BTOP) projects and the Harris County, Texas, project. These projects cover a wide variety of network-related issues important to the ultimate FirstNet nationwide network, including basic Band Class 14 LTE functionality for public safety, deployable LTE technologies, use of local, state, and federal infrastructure to deploy LTE for public safety, operational and business aspects of such a network, border issues, and interoperability.

FirstNet entered into spectrum lease agreements with these five projects, which are financially supported by federal grants made prior to the legislation that created FirstNet, in order to gather key lessons learned that will help inform FirstNet as it develops its plan for the nationwide network. FirstNet does not provide funding to these projects, nor are they themselves part of "FirstNet." Whether these projects may at some time be leveraged by FirstNet in connection with its Network deployment will be based on several factors, including for example financial sustainability, compatibility with FirstNet's ultimate network partner(s)' networks, quality and reliability of the resultant systems deployed under the projects, and the costs of integration with the FirstNet network, including any impact to economies of scale that may be available through network partnerships.

DOES FIRSTNET SUPPORT EXPANSION OF THE EARLY BUILDER PROJECTS OR CONDUCTING PILOT PROJECTS?

FirstNet has assessed the feasibility and practicality of both expanding current public safety LTE projects and conducting pilots. FirstNet has a limited set of resources to construct and operate the nationwide network. To provide public safety with the lowest possible subscriber fees, FirstNet must leverage the potential economies of scale related to purchasing equipment and services, and leasing excess capacity, on a national scale. Thus, any decision to expend funds or lease spectrum on a smaller scale must be carefully considered relative to the effect on program costs nationally.

Further, under limited circumstances FirstNet will support special temporary authorities (STAs) for use of its spectrum. These STAs, which are sometimes used to test services and equipment being designed for use on the FirstNet network, are of a short duration (typically measured in days or weeks). Please contact FirstNet with regard to the coordination of any such requests.

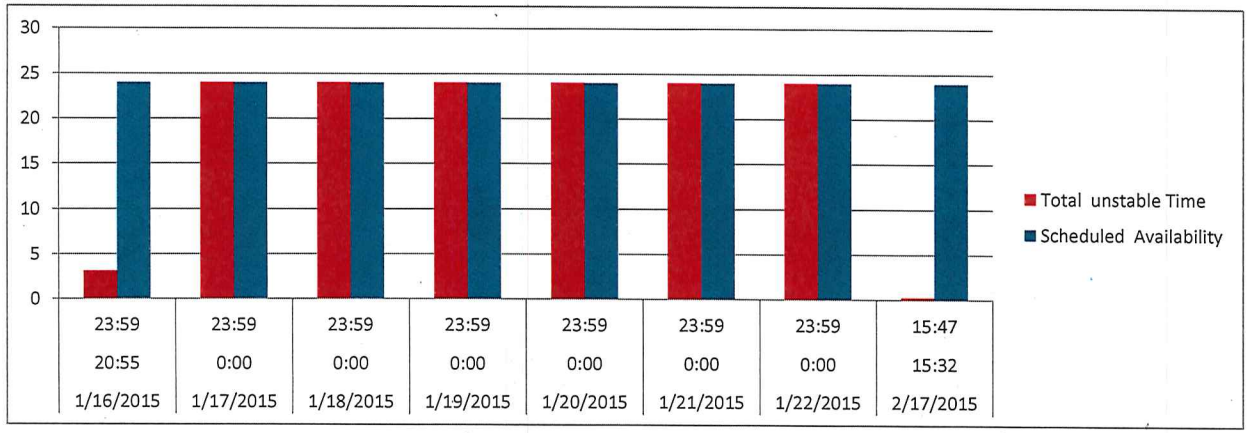
Congress specified a well-known technology (LTE) for FirstNet to deploy in order to lower costs, ensure interoperability, and speed deployment. The technology is being deployed and used today on a grand scale. Even a modestly sized wireless broadband pilot could take a year or likely more to plan and operate. With limited resources and a variety of existing early builder projects, FirstNet is focusing on completing the process prescribed by its enabling legislation to begin deployment on a national basis.

Also, the Act that created FirstNet requires FirstNet to follow a carefully crafted RFP process followed by an opportunity for States, after certain criteria are met, to assume financial and operational responsibilities for a portion of the network in such States. FirstNet cannot provide spectrum leases, funding, or take other actions that would interfere with this sequence of required steps.

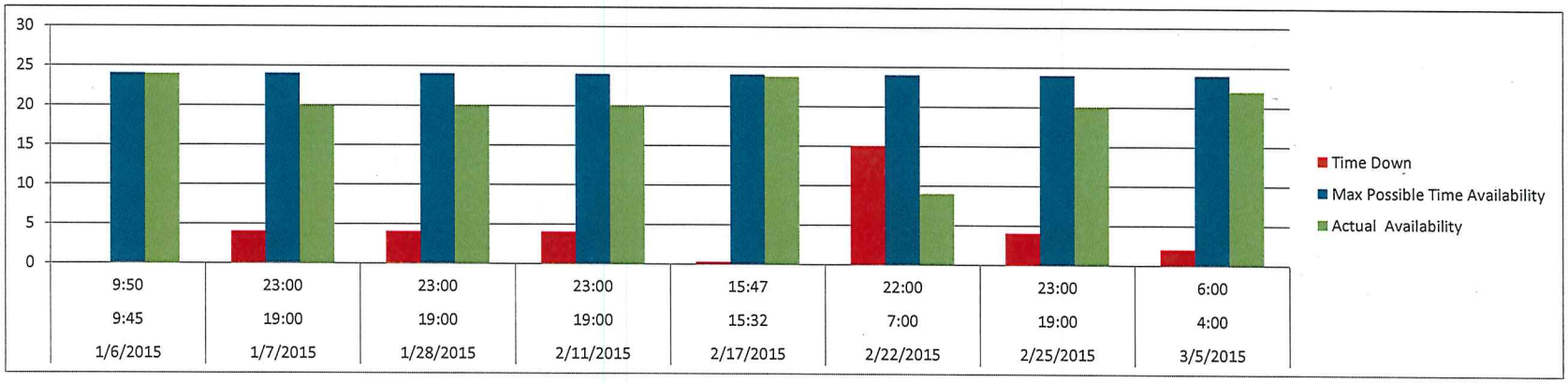
FirstNet®

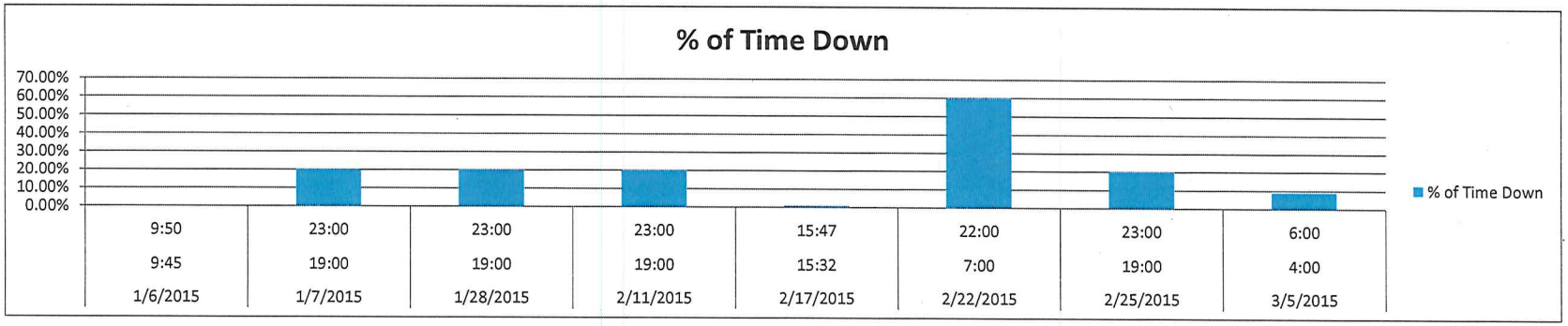
STATUSBOARD REPORT

StatusBoard User Issues						
Date	Time Issue Began	Time Issue Ended	Total unstable Time	Scheduled Availability	Cause	Actions
1/16/2015	20:55	23:59	3.06	24	Resolve issues with original stausboard URL	A SSL Cert was applied to resolve the URL redirect issue
1/17/2015	0:00	23:59	24	24	Resolve issues with original stausboard URL	A SSL Cert was applied to resolve the URL redirect issue
1/18/2015	0:00	23:59	24	24	Resolve issues with original stausboard URL	A SSL Cert was applied to resolve the URL redirect issue
1/19/2015	0:00	23:59	24	24	Resolve issues with original stausboard URL	A SSL Cert was applied to resolve the URL redirect issue
1/20/2015	0:00	23:59	24	24	Resolve issues with original stausboard URL	A SSL Cert was applied to resolve the URL redirect issue
1/21/2015	0:00	23:59	24	24	Resolve issues with original stausboard URL	A SSL Cert was applied to resolve the URL redirect issue
1/22/2015	0:00	23:59	24	24	Resolve issues with original stausboard URL	Operations made a change to the monitor settings to eliminate false alarms.
2/17/2015	15:32	15:47	0.25	24	A fix was applied at 3:30pm	Notified users of what URL to use.

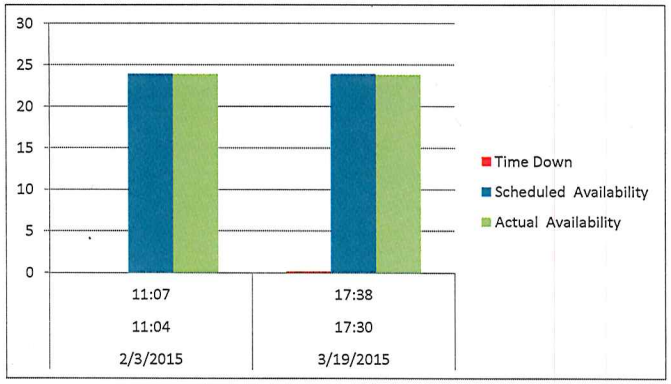


		StatusBoard Scheduled Downtime						
Date	Time Began	Time Ended	Time Down	Max Possible Time Availability	Actual Availability	% of Time Down	Cause	Actions
1/6/2015	9:45	9:50	0.08	24	23.92	0.33%	ECN User CA requested production fix.	Executed changed 89926 per ECN request.
1/7/2015	19:00	23:00	4	24	20	20.00%	RFC 2231	None needed. Scheduled server maintenance.
1/28/2015	19:00	23:00	4	24	20	20.00%	RFC 2231	None needed. Scheduled server maintenance.
2/11/2015	19:00	23:00	4	24	20	20.00%	RFC 2231	None needed. Scheduled server maintenance.
2/17/2015	15:32	15:47	0.25	24	23.75	1.05%	ECN User JM requested database Web fixes.	None needed. Scheduled server maintenance.
2/22/2015	7:00	22:00	15	24	9	60.00%	RFC 2231	None needed. Scheduled server maintenance.
2/25/2015	19:00	23:00	4	24	20	20.00%	RFC 2231	None needed. Scheduled server maintenance.
3/5/2015	4:00	6:00	2	24	22	9.09%	RFC 2231	None needed. Scheduled server maintenance.

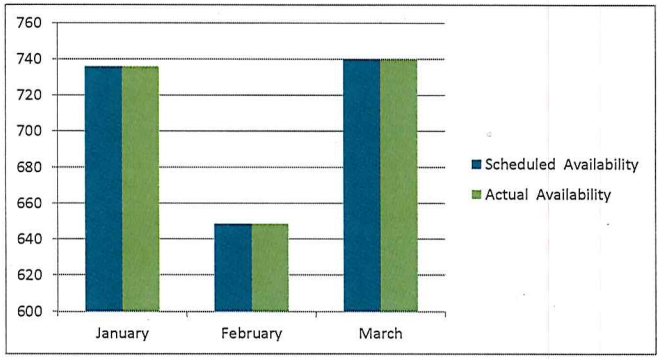


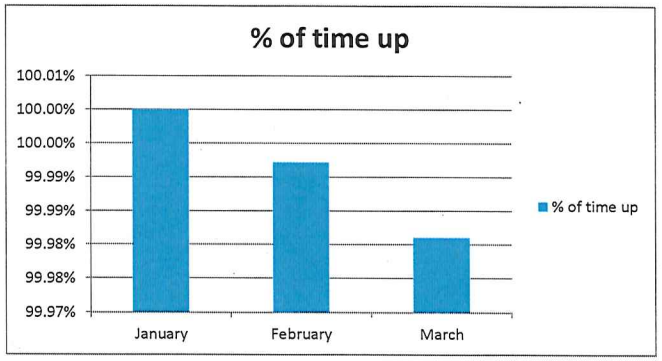


		StatusBoard Unscheduled Down Time						
Date	Time Began	Time Ended	Time Down	Scheduled Availability	Actual Availability	% of time up	Cause	Actions
2/3/2015	11:04	11:07	0.05	24	23.95	99.79%	Unplanned server maintenance	app2 server was rebooted
3/19/2015	17:30	17:38	0.13	24	23.86	99.42%	Proactive unplanned server maintenance	Change 2626 Switched the SQL service to another node

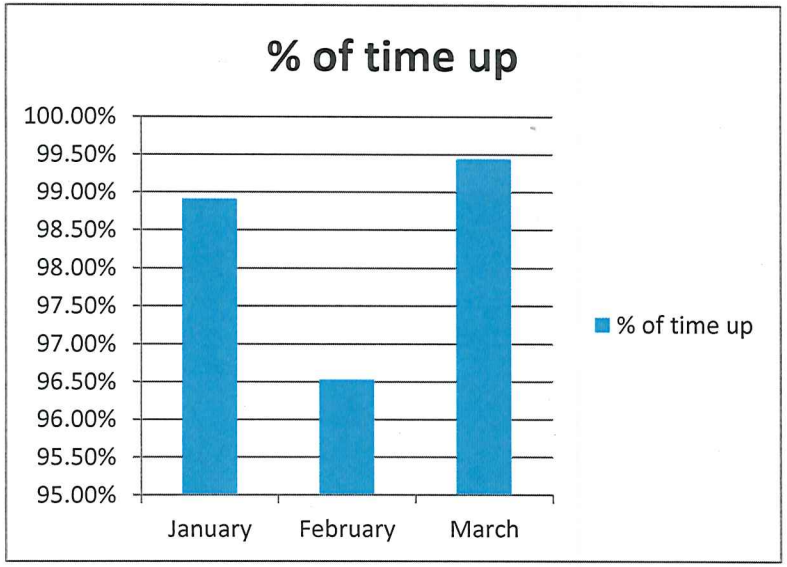


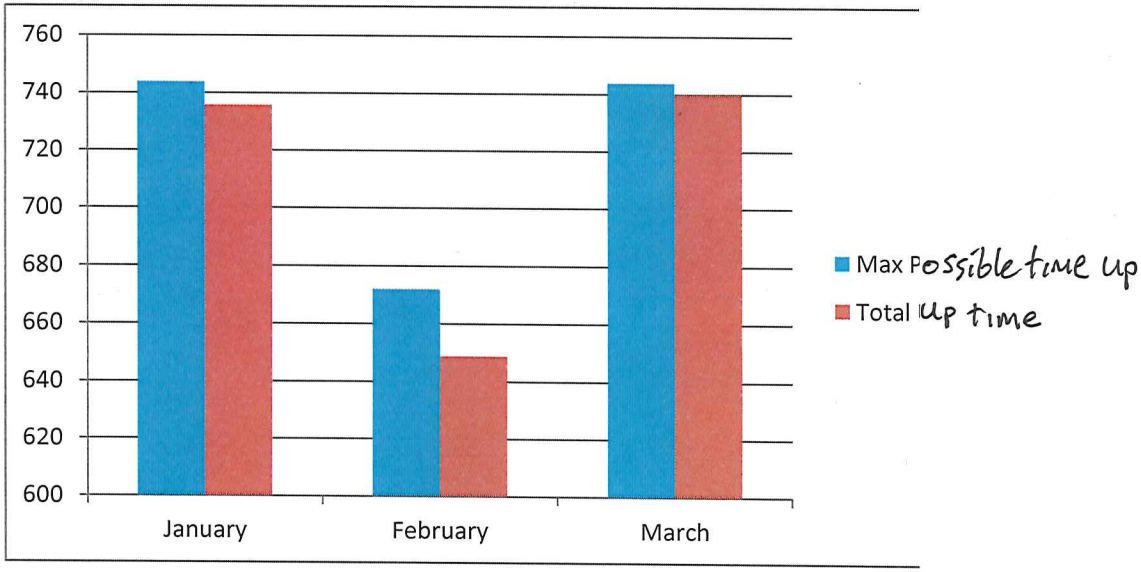
StatusBoard Scheduled Up Time (Monthly)			
Month	Scheduled Availability	Actual Availability	% of time up
January	735.92	735.92	100.00%
February	648.75	648.7	99.99%
March	740	739.86	99.98%





StatusBoard Up Time vs. Down Time (Monthly)				
Month	% of time up	Max Possible Up Time	Total Up Time	Total Down Time
January	98.91%	744	736	8
February	96.53%	672	649	23
March	99.44%	744	740	4





Allied Radio Matrix for Emergency Response

ARMER

Project Status Report

Reporting Period March 1, 2015 through April 1, 2015

Executive Summary

Overall Status:

	Green (Controlled)	Yellow (Caution)	Red (Critical)	Reason for Deviation
Budget	☒ ☐ ☐	☐ ☐	☐	
Schedule	☐ ☐ ☐	☐ ☒	☐	Land acquisition delays will impact completion of some sites
Scope	☒ ☐ ☐	☐ ☐	☐	

ARMER Backbone

97%

On-the-air

Controls

Issue Status:

Change Status:

- No pending plan changes

Accomplishments

Accomplishments during this Reporting Period:

- The following sites went on the air:

- The land acquisition has been completed for the following sites:
  - o

Budget

Construction Budget Status as of April 1, 2015

Project Funding	Original Budget	Spent to Date	Unspent Balance Remaining	Encumbered	Available Balance
Phase 3	$45,000,000	$44,952,397.19	$47,602.82	$0.00	***COMPLETE**
SRB Funds (FY 09)	$1,902,831.00	$1,902831.00	$0	$0	**COMPLETE**
Phase 456 (FY 09)	61,996,957.89	$61,981,069.99	$15,887.90	$15,887.90	$ 0.00
Phase 456 (FY 10)	$62,015,407.77	$61,854,970.53	$160,437.24	$160,107.24	$ 330.00
Phase 456 (FY 11, 12, 13)	$61,987,634.34	$44,394,829.73	$17,592,804.61	$6,012,558.85	$ 11,580,245.76
Total Phase 456	$186,000,000.00	$168,230,870.25	$17,769,129.75	$6,188,553.99	**$11,580,575.76**
Projected Contingency as of April 1, 2015					$575,575.76

Comments:

-

Scheduled Milestones / Deliverables

Status updated April 1, 2015

Milestone	Total Sites	Sites Not Started	Sites in Progress	Sites Complete
ARMER Backbone Construction	324 Sites			
Tower Site Acquisition	324	0	11	313
Tower Construction & Site Development Work	324	8	10	307
Microwave Connectivity & RF Deployment	324	9	0	317 On the Air

Some Sites are on the air, but on the old towers or temporary towers. They are counted as on the air, but still require construction and/or installation at the new tower sites before they are complete:

- Finland
- Beaver Bay (New site under construction)
- Erie Hill (New site under construction)
- Argo Lake (New site under construction)
- Duluth South

Of the 317, 5 are on temporary sites; sites construct and move still in the works.

SE – all sites completed
SR – all sites done, but working on leased site replacement.
SW – all sites completed
CM – all sites completed, but working on leased site replacement.
Metro – all sites completed
NW – 3 land acquisitions remaining.
NE – 9 site under construction, 7 land acquisitions remaining.

<u>Completion Targets</u>

ARMER all Phases:

10 sites will be delayed due to delays in land acquisition.

Ongoing ARMER System Work

Motorola System Upgrade

- Upgrade to Motorola system version 7.13 punch list is completed. Any issues with system should have a case opened with Motorola.
- 7.15 upgrade scheduled to begin May 2016.

Site improvements

- We also have 2 sites that need shelter upgrades to get air handlers and generators upgraded. One of these sites currently under construction.

- Still working on the addition of card key reader to the equipment shelters. Parts are in. Working on installs.

- We are also still working on replacing a number of towers that are on the air, but are not structurally up to standards and need to be replaced. This has limited some of the county requests for other antenna system and microwave additions.

- We are also reviewing some of our leased sites. Plans had always been to build towers in these areas, but to get the project moving we leased site to get on the air. In review of some of the land and lease cost it would make sense to find land in these areas and build towers. Also looking at long term land lease from private parties, would prefer to have towers on state, County or City owned land.

Microwave improvements

- We have developed a process for microwave path review and are working on a number of improvements to the microwave system. For high capacity routes we have taken the target of 20 miles for space diversity down to 17 miles. We are reviewing outage records for the paths and working improvements, space diversity, realignment, etc.

- We are reviewing and rerouting some links sometimes requires changing the link capacity.

- At this point we have identified one bad path where an intermediate microwave site is needed. So we are looking to add a microwave site somewhere in the Cromwell area to split the Lawler – Moose Lake link. Working with the County it appears a site has been identified. Need to work through the acquisition.

- Working to reroute the Oakland Woods – Alden path through Albert Lea to improve path performance. Working with County.

- We are also working to get the DC power systems updated at all sites to improve system reliability. Battery system contract completed, ordering parts.

- Still reviewing microwave performance, ongoing through the year.

VHF interop layer

- 109 outstate VHF sites have VLAW31 installed. VLAW31 is connected to CCGW so it is available to any MCC7500 console in the system and any Gold Elite within the zone. With the 7.13 upgrade zone boundaries for 7500 consoles have gone away, you just need to program the resource into the MCC7500.
- 109 sites have the VHF VFS installed and connected to MotoBridge.
- VPN access is being worked on for access to MotoBridge network.

System improvements

- Add redundant router and sink links to all ASR sites. This will help improve the instances of site trunking. Working on install of redundant routers, SW, SC, SE, NW and CM area complete, work progressing in NE.
- Replace Lake Crystal leased site with 2 new sites. This adds a new site to the area.

Old towers that need replacement

- We have a number of towers that are on the air for ARMER that are old towers constructed in the 50's. These towers did not pass structural when we added the new ARMER equipment. But the level of structural deficiency was not a risk that required immediate replacement. So we have held off on replacement of these towers to see where we were in the ARMER budget to build what we had planned. We are still holding off on these until we are a little further along with ARMER. We are looking a moving a few of these up due to County co-location request that we have had to turn down and a couple that need to may have to have space diversity dished added.

ARMER Construction Budget (Remaining Work)

				Unencumbered Fund Balance (As of March 2015)	$11,580,575.76
Site Name (Green - site on air)	**County**	**Description**	**Land/ Construction**	**Estimate to Complete**	**Balance**
Lutsen	Cook	Replace Shelter	Ready	$175,000.00	$11,405,575.76
Tower	St Louis	Add Shelter/site work	Ready	$150,000.00	$11,255,575.76
Berner	Clearwater	New tower	Ready - On Hold	$530,000.00	$10,725,575.76
Island Lake	Beltrami	New tower	Purc	$530,000.00	$10,195,575.76
Cromwell	Carlton	New tower	Purc	$655,000.00	$9,540,575.76
Duluth South	St Louis	New tower	Lease	$280,000.00	$9,260,575.76
Finland	Lake	Replace Tower	DNR/Envir	$630,000.00	$8,630,575.76
Cascade River	Cook	New tower	DNR/Envir	$710,000.00	$7,920,575.76
NE Lake County	Lake	New tower	DNR/Envir	$760,000.00	$7,160,575.76
Lima Mt	Cook	New tower	DNR/Envir	$1,260,000.00	$5,900,575.76
Sawbill	Cook	New tower	Envir/Lease	$1,310,000.00	$4,590,575.76
Devil Fish	Cook	New tower	Envir/Lease	$560,000.00	$4,030,575.76
Red Lake	Beltrami	New tower	Indent Land	$630,000.00	$3,400,575.76
Eden Valley	Meeker	New tower	Envir/Lease	$500,000.00	$2,900,575.76
Lake Crystal	Blue Earth	New tower	Indent Land	$625,000.00	$2,275,575.76
Madelia	Watonwan	New tower	DOT/Envir	$530,000.00	$1,745,575.76
Molde	St Louis	Replace fire tower	DNR/Envir	$320,000.00	$1,425,575.76
PENDING WORK					
Card Key				$200,000.00	$1,225,575.76
Site clean up, shelter and tower removals				$400,000.00	$825,575.76
MSO - Backup equipment				$150,000.00	$675,575.76
Microwave DC power - Upgrades to meet run time required				$100,000.00	$575,575.76
TOWER REPLACEMENTS (This work being held until above projects compeleted)					
Russell	Replace tower			$600,000.00	-$24,424.24
Hawley	Replace tower			$600,000.00	
Freedhem	Replace tower			$600,000.00	
Middle River	Replace tower			$600,000.00	
Theif River Falls	Replace tower			$600,000.00	
Windom	Replace tower			$600,000.00	
Virginia	Replace tower			$600,000.00	
Cass Lake	Replace tower			$600,000.00	
Viola	Replace tower			$600,000.00	
Kimball	Replace tower			$600,000.00	
Hoffman	Replace tower			$600,000.00	
New London	Replace tower			$600,000.00	
Woodland	Replace tower			$600,000.00	
Littlefork	Replace tower			$600,000.00	
Roosevelt	Replace tower			$600,000.00	
Hewit: Land Purchase, replace tower.				$500,000.00	
Scandia: Need to look at land purchase.				$100,000.00	
Geneva: Need to look at land purchase, new tower ?				$500,000.00	
Mapleton: Find land and build new tower				$500,000.00	
Red Wing: Land purchase				$100,000.00	