

NTIA Announces the FirstNet Board and Releases a Notice of Requirements for the State and Local Implementation Grant Program

A Connected Nation Policy Brief

August 23, 2012



Following statutory mandate, this week the National Telecommunications and Information Administration (NTIA) announced the composition of the First Responder Network Authority (FirstNet) [Board](#) and released a [Notice of Development of Programmatic Requirements for the State and Local Implementation Grant Program](#) (S&LIGP). With these actions, NTIA starts the implementation process of creating a national interoperable public safety network (PSBN).

The most important take away for state stakeholders from this Notice is that there is no application at this time for states and territories to apply for S&LIGP funds. NTIA has set a calendar starting in 1Q 2013, when it will release a Federal Funding Opportunity (FFO) notice that will include further detailed grant requirements, a timeline, and an actual application for S&LIGP funds. Accordingly, in the short term, states and territories should continue planning and coordination efforts in advance of the S&LIGP application process.

Background

FirstNet was created earlier this year by Congress through the [Middle Class Tax Relief and Job Creation Act](#) to create a nationwide interoperable wireless broadband network (PSBN) that will enable police, firefighters, emergency medical service professionals, and other public safety officials to more effectively communicate and do their jobs. The Act mandated that NTIA form a FirstNet Board by August 20th and to release a notice of requirements relating to the S&LIGP by August 22nd, 2012. Both milestones took place this week.

The S&LIGP is a key first step in the process of creating the PSBN. It provides funds of up to \$135 million to assist state, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way to utilize and integrate the infrastructure, equipment, and other architecture associated with the PSBN.

FirstNet Board

The FirstNet Board announced on August 20th is comprised of 15 members. Three senior administration officials – the Secretary of Homeland Security, the Attorney General, and the Director of Office of Management and Budget – are permanent members of the FirstNet Board. The remaining 12 members were nominated by the Secretary of Commerce this week and include 4 public safety officials, 7 telecommunications and information technology professionals, and 1 former mayor. Details of the 12 non-permanent Board members can be found in the [FirstNet Board Announcement](#).

Notice of Requirements for the S&LIGP

The anticipated Notice of requirements for the State and Local Initiative grant program sheds further light into four key aspects of the planning grant program, including: scope of eligible activities, defining eligible costs, and prioritizing grants for activities that ensure coverage in rural areas. The Notice, however, does not include specific grant requirements or grantee applications at this time.

NTIA will not grant funds to allow the states to undertake data gathering and collection activities, such as asset inventories, before FirstNet develops standards for the collection of data on assets and infrastructure that might be used or incorporated into the PSBN. The FirstNet Board was created on August 20th and has yet to determine a timeline for such developments.



NTIA anticipates a two stage S&LIGP funding process. The first phase will focus on initial planning and consultation activities, including strategy and timeline development, meetings, governance planning, and outreach and education efforts. The second funding phase will address states' needs to prepare for additional consultation with FirstNet and planning to undertake data collection activities.

The second phase will not begin until FirstNet has consulted with the state-designated contact about matters including defining coverage needs, user requirements, and network hardening and resiliency requirements. NTIA does not expect to include the compiling of asset and infrastructure inventories as an allowable activity until FirstNet has developed a standardized process to govern data collection activities.

Subject to activities of FirstNet, NTIA anticipates that it will release in 1Q2013 a Federal Funding Opportunity (FFO) notice that will provide information on grant implementation rules including the amount of funding available for award and an application process. In short, detailed requirements, application process, and the timeframe for implementation of these two phases remain undefined for the next four months.

Other key provisions in the Notice include:

Funding Distribution - NTIA will use a formula-based, matching grant scheme for the implementation of the S&LIGP. In designing the formula to allocate funds across various jurisdictions, NTIA intends to avoid a solely population-based approach and will consider additional factors that affect rural coverage. No further details on how it plans to allocate the \$135 million funding pool amongst the 56 states and territories are provided in the Notice.

Eligible Applicants - Each of the 56 states and territories comprising the USA are eligible for funding under the S&LIGP. As contemplated in the statute, the NTIA will also accept individual jurisdiction or joint or coordinated applications for the planning grant funds from states or regions.

Allowable Grant Activities - While NTIA does not definitively establish allowable grant activities in the Notice, it expects the following grant activities to be allowable for funding under the S&LIGP:

- Establishment of a governance structure, or expansion of existing structures, to consult with FirstNet;
- Development of procedures to ensure local and tribal representation and participation in the consultation process with FirstNet;
- Creation of a process for education and outreach among local and tribal officials, public safety users, and other stakeholders about the PSBN;
- Identification of potential public safety users of the PSBN;
- Development of MOUs to facilitate the use of existing infrastructure, or identification of the legal barriers to creating standard MOUs and proposal of potential remedies;
- Development of staffing plans that include local and tribal representation to participate in the public safety governance structure and to prepare for data collection activities.

NTIA will also consider including as grant eligible activities the preparation of a comprehensive plan, similar in concept to existing Statewide Interoperability Communications Plans, describing the public safety needs that each jurisdiction expects FirstNet to address in its design of the nationwide PSBN.

Subject to fund availability, NTIA also envisions allowing for supplemental activities related to preparing for any FirstNet data collections, such as determining staffing levels, designating a state point of contact for data collection, and evaluating the feasibility of using public/private partnerships. Importantly, NTIA does not expect to include the compiling of asset and infrastructure inventories as an allowable activity until FirstNet has developed a standardized process to govern data collection activities.

This suggests that NTIA will release the FFO in 1Q2013 regardless of whether FirstNet has completed this process. It appears, therefore, that NTIA would release a further notice defining requirements and an application process for funding of data gathering activities at a later stage.

This has significant implications for state stakeholders managing the FirstNet program. A key to this planning process is the gathering of inventory data across the state or territory that could be leveraged for the FirstNet PSBN. This inventory is essential to develop efficient business and LTE network architecture plans that meet the needs of each jurisdiction, while leveraging existing assets. At this time, the timeframe for such data gathering activities remains undefined.



Eligible and Ineligible Costs - Ineligible funding costs include site preparation, broadband deployment, installation, construction, or the acquisition of equipment used to provide wireless broadband services, including LTE-related activities. The following costs are eligible:

- Hiring staff and consultants required for the planning process;
- Holding planning meetings with state agencies, local and tribal stakeholders, and regional partners;
- Travel costs for state, local, and tribal representatives to attend planning meetings;
- Enhancing state plans and governance structures, including efforts to adapt existing public safety governance authorities, to include public safety broadband stakeholders and expertise, and determining the role of the state Chief Information Officers, Chief Technology Officers, or Chief Budget Officers;
- Conducting communications, education, and outreach activities with state, local, tribal, and regional stakeholders;
- Developing standardized MOUs and other types of agreements to facilitate access to and use of existing infrastructure;
- Identifying potential public safety users for the public safety broadband network;
- Administrative services and supplies necessary to prepare for and manage the grant program; and
- Legal services and training costs related to the planning process.

Next Steps

Since the NTIA Notice does not establish an application process for states and territories to respond to until it releases the announced FFO in 1Q2013, in preparation for that FFO, NTIA encourages applicants to continue or start planning for various requirements that will likely be included in the application, such as establishment of a designated officer or government body to serve as coordinator of the grant funds; development of plans to collect input from local and tribal jurisdictions to ensure that their public safety needs are adequately represented during the consultation process with FirstNet; development of plans for how each jurisdiction will leverage its existing public safety governance structures in the PSBN consultations; and planning for how each jurisdiction intends to expand the expertise of its governance structures beyond LMR technology to include understanding of broadband and LTE technology.

Connected Nation is fully committed to universal broadband access across the USA. FirstNet offers a unique opportunity to ensure that the 21st century communication needs of public safety officials across the USA are met. In rural areas across the nation, the PSBN infrastructure may also be leveraged to bring fast broadband access where it is lacking to all citizens.

For more information about Connected Nation and this new policy development please contact us at policy@connectednation.org