



To: Bay Area UASI Approval Authority

From: Barry Fraser, Interim General Manager

Date: April 11, 2013

Re: Item #9: Report from the Bay Area Regional Interoperable Communications System Joint Powers Authority (BayRICS Authority)

Recommendations:

Receive and File Report

Action or Discussion Items:

Report from the Interim General Manager of the BayRICS Authority on the activities and progress of the BayRICS Authority for the month of March 2013.

Discussion/Description:

1. BayRICS Administration

The BayRICS Board of Directors will hold its next regular meeting at 1:30 PM on Thursday April 11 in Dublin. The Board is expected to take action on the following matters: (1) Appointment of a permanent general manager for the Authority; (2) Interoperable voice communications status report; (3) Budget development and member fee schedules for Fiscal Year 2013-2014; and (4) Planning to meet the need for additional staffing and resources to carry out the Authority's proposed project work for interoperable voice and data communications.

2. BayLoop

BayRICS staff has begun implementing agreement for maintenance and network monitoring for the BayLoop regional microwave network in each of the seven Bay Area counties with BayLoop facilities. In February the BayRIC Board approved a 12-month agreement with Aviat Networks for extended warranty, maintenance and monitoring services for BayLoop, funded through UASI sustainment funding.

BayRICS staff is coordinating with BayLoop counties and Aviat to collect system information and contact information, and to establish network connectivity for monitoring BayLoop services. In addition, the BayRICS Technical Advisory Committee (TAC) will soon begin to develop a process for implementing BayLoop operating procedures, including a process for reviewing and approving regional applications to operate on the network. The TAC anticipates that UASI-funded information sharing services such as CopLink and Aries will eventually use BayLoop for regional connectivity.

3. FirstNet Planning

Spectrum Lease Negotiations

On March 19, BayRICS staff participated in a conference call with FirstNet Board Member Sue Swenson to discuss a proposed draft spectrum lease. On the call were the seven BTOP recipients, Harris County Texas, and several additional staff and consultants from NTIA and FirstNet. Ms. Swenson explained that the call was intended to bring all BTOP recipients to a general understanding of FirstNet's intentions for making spectrum available. She explained that this lease differs from the region's previous spectrum agreement because FirstNet plans to be much more actively engaged in the standards setting and management processes for the network.

Ms. Swenson went through the major terms and conditions of the lease in some detail and explained FirstNet's intent with each provision. She stressed that this is a discussion draft, and expressed confidence that the conditions of the lease can be made agreeable to all parties.

BTOP grant recipients developed a coordinated response to the initial draft, which we provided to Ms. Swenson on March 30, 2013. The response includes several proposed changes to the lease and additional comments to highlight sections where recipients seek a more detailed discussion. Most of these changes address issues that we have previously identified to Ms. Swenson, such as project sustainability, certainty about the long-term future of the projects, and clear definition of "Public Safety User."

The seven BTOP grant jurisdictions are, for the most part, in full support of the joint response, understanding that each jurisdiction will eventually need to conduct individual discussions on certain provisions unique to their projects. In particular, each jurisdiction will need to discuss the proposed "Key Learning Conditions," which might include how a project will address rural or wide area deployments, in-building coverage issues, development of public safety applications, billing and provisioning, or other specific project features that will help FirstNet develop and implement its plan for the nationwide network.

We anticipate a series of discussions to occur over the next two weeks in an attempt to meet the 90-day negotiations window set by FirstNet. FirstNet issued a press release on March 28, 2013 to describe the progress of the discussions, which is attached to this report (Appendix A).

Reengagement Planning Meetings and Outreach with Local Agencies/Site Owners

In order to begin the process of restarting the BayWEB project, Staff continues to schedule reengagement planning meetings with local public safety agencies and site owning jurisdictions. Staff also presented an update on BayWEB and FirstNet to approximately 250 Bay Area public safety and first responder attendees at a San Francisco Emergency Management Summit, held on April 2, 2013.

APPENDIX A
PRESS RELEASE



FirstNet Board Member Sue Swenson Provides Update on Status of BTOP Negotiations

<http://www.ntia.doc.gov/press-release/2013/firstnet-board-member-sue-swenson-provides-update-status-btop-negotiations-0>

FOR IMMEDIATE RELEASE:

March 27, 2013

News Media Contact:

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Washington – FirstNet Board member Sue Swenson, the Board’s lead negotiator with the seven Broadband Technology Opportunities Program (BTOP) public safety projects on 700 MHz spectrum leases, provided an update today on the process and status of the negotiations. The Board in February adopted a resolution outlining its path forward with the seven public safety BTOP grantees, whose funding was partially suspended following enactment of the law creating FirstNet.

“We’re pleased with the progress we’ve made thus far in our spectrum lease negotiations with the BTOP public safety projects,” said Swenson. “These jurisdictions and FirstNet’s team have had some very productive discussions on the draft framework for a lease agreement. After we receive the projects’ written feedback on the current draft, we will be in a position to move forward in earnest with more individualized negotiations.”

Since the Board’s decision in February, Swenson and the BTOP projects have been informally conducting as much of their preliminary negotiations work as possible as a group. Each of the projects has identified its lead negotiator and the projects have named a coordinator for the group to facilitate exchanges of information.

“While the Board has discussed a common set of terms and conditions it wants to see embodied in each agreement, there are likely to be differences in some terms in the final lease agreements given the fact that the projects are at different stages of maturity,” Swenson said. “In addition, the Board has allowed us the flexibility to capture any special project characteristics in an agreement.” Such special conditions might include how a project will address rural or wide area deployments, in-building coverage issues, development of public safety applications, billing and provisioning, or other specific project features that FirstNet

could leverage to generate valuable lessons learned to help it develop and implement its plan for the nationwide network's deployment, she said.

The Middle Class Tax Relief and Job Creation Act of 2012, signed into law in February 2012, created the First Responder Network Authority, or "FirstNet," an independent entity within the Department of Commerce's National Telecommunications and Information Administration (NTIA). The law charges FirstNet with developing and operating a nationwide public safety broadband network, which is to be based on a single, nationwide network architecture, and directed that FirstNet hold the single license for the public safety broadband spectrum in the 700 MHz band. That new law dramatically changed the assumptions on which NTIA awarded the seven public safety BTOP projects in 2010.

To ensure that BTOP grant funds are prudently invested, in May 2012 NTIA partially suspended the seven projects so that they would proceed in a manner that supports the development of the nationwide network. The seven projects are: the Adams County (Colorado) Communications Center, the City of Charlotte (North Carolina), the Executive Office of the State of Mississippi, the Los Angeles Regional Interoperable Communications System Authority, Motorola Solutions, Inc. (San Francisco Bay area), the New Jersey Department of the Treasury, and the New Mexico Department of Information Technology. While the Board's resolution applies only to its negotiations with these BTOP projects, a representative of a similar project in Texas, funded with grants awarded by the U.S. Department of Homeland Security, has been participating in the group's discussions as an "observer," given the likelihood that FirstNet and Texas will commence negotiations on a spectrum lease in the near future. The Texas project has been operating under Special Temporary Authority granted last year and recently extended by the Federal Communications Commission, and FirstNet would seek to establish specific terms and conditions in any spectrum lease it considers with Texas.

Under the spectrum lease process envisioned by the Board, if negotiations with a BTOP grantee conclude successfully within the 90-day window, and the Board approves the agreement, FirstNet then would execute a spectrum lease with the grantee. In addition, FirstNet would provide a recommendation to the National Telecommunications and Information Administration, which administers the BTOP program, in support of that grantee's request to lift the partial suspension of its funding. As administrator of the BTOP program, NTIA will have the final decision on whether lifting a grant suspension is a prudent use of taxpayer funds.