



Vermont Department of Public Safety

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National Telecommunications and Information Administration  
First Responder Network Authority

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

Docket Number: 150306226-5226-01  
RIN: 0660-XC017

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PREPARED BY: VERMONT PUBLIC SAFETY BROADBAND NETWORK  
COMMISSION

Submitted: April, 28 2015

The State Vermont is pleased to submit these comments in response to FirstNet's Public Notice of further proposed interpretations of parts of the Middle Class Tax Relief and Job Creation Act of 2012. Any referencing to Vermont in this document is intended to mean the Vermont Public Safety Broadband Network Commission. The following are the Vermont comments on the FirstNet Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012

**Comments:**

**II. ISSUES A. Technical Requirements Relating to Equipment for Use on the NPSBN**

Vermont agrees with the interpretation presented: Equipment other than end user devices is not subject to the scope of Section 206(b)(2)(B).

**Comment:** Vermont's comments on proprietary operating systems on devices is such that adherence to the standards should not preclude the use of proprietary operating systems. To do so could limit the "backward compatibility" support for existing devices and stifle the development of future devices.

**Comment:** Vermont supports the preliminary conclusion regarding the delineation between attributes for connectivity, as we support the interpretations that allow for interoperability.

**Comment:** Vermont believes that capable is defined as "having the ability, fitness or quality necessary to do or achieve a specific thing. Capable in this context must include the ability to enable public safety applications to be used in the native format.

**Comment:** Vermont believes that proprietary systems should not be excluded as long as they can connect to the network using a standardized interface. We also believe that, to the extent possible, the network and its associated devices should strive to be vendor agnostic, flexible enough to be shared, and able to access the network by any means.

**Comment:** Vermont believes that the original intent of Congress was to allow multiple vendors to manufacture devices.

**Comment:** Any public safety device should have the ability to seamlessly roam over FirstNet and commercial networks to ensure operability and interoperability. We also would offer for consideration that public safety broadband networks should include the ability to dovetail with communications platforms operating on the 5.9GHz channels that is being allocated for dedicated short range communications (DSRC) between vehicles and transportation infrastructure.

**Comment:** The degree to which backward compatibility to non-LTE networks would provide value is questionable. Requiring end user devices to support this level of backward compatibility would impact the complexity and cost of the devices and therefore the affordability of them. However, Vermont realizes the value of devices with backwards compatibility when not economically

prohibitive. However, there may be greater value in using backwards compatibility investments in future technologies that provide greater flexibility for public safety practitioners.

## **B. FirstNet Network Policies**

**Comment:** Vermont's interpretation is that RAN networks must comply with policies as they evolve to support interoperability with all states, therefore we agree with FirstNet's interpretation. Vermont concurs that the Act's primary goal is an interoperable network that evolves with technological advancements, operational requirements and believes that this language supports FirstNet's interpretation.

## **C. A State's Opportunity to Assume Responsibility for Radio Access Network Deployment and Operation**

### **ii. FirstNet Presentation of a State Plan**

**Comment:** Vermont agrees with FirstNet's interpretation of the Act. We believe that interoperable communications is important for public safety. The sooner the network is built, the better it will be for public safety practitioners. Therefore, the network proposed for Vermont must serve the coverage, capacity, operational, and technical requirements for all of Vermont's public safety entities.

**Comment:** Assuming that FirstNet gathers sufficient information to present a state plan Vermont concurs that the governor can make an appropriate decision. This sufficient information should include a description of what will actually be built in Vermont, the timeline for the build and all of the factors identified by the state of Vermont. If this is correct, Vermont concurs with the FirstNet interpretation. However, in the absence of sufficient information Vermont would like to only provide a conditional approval.

**Comment:** Vermont continues to be concerned with the overall costs and coverage associated with this network. Therefore, Vermont does not support any action by FirstNet or other states that will drive up the cost of building the network and diminish coverage, functionality, and interoperability, especially in rural states.

### **iii. Content of a State Plan**

**Comment:** Vermont believes that FirstNet should not impose requirements beyond the minimum requirements for the RAN out of concern these additional requirements may hinder the timely development and use of the network and associated devices. We would prefer agnostic subscriber units but could accept proprietary operating systems on devices as long as the interface to the network is standardized.

#### **iv. Governor's Role in the State Plan Process**

**Comment:** The governor should work with Vermont's political subdivisions to build consensus on the appropriate course of action in regards to the RAN for the state of Vermont. However, for the purposes of FirstNet's interpretation when the state reaches a decision we concur that the decision is binding on the state. Vermont believes that the opt out solution posed by any state must ensure that their RAN provides the proper functionality and interface so the national first responder community can use that states RAN. SLIGP and other federal funds should be available to ensure proper planning of the state RAN's interface to the FirstNet core network.

#### **v. Timing and Nature of State Decision**

**Comment:** Vermont concurs with FirstNet's interpretation.

#### **vi. Notification of State Decision**

**Comment:** Vermont believes that states must respond in writing with their decision regardless of the 90 time limit. We concur with the "speed of deployment" interpretation, however believe that it is FirstNet's responsibility to ensure that state's respond in a timely manner by following up with that state

#### **vii. The Nature of FirstNet's Proposed State Plan**

**Comment:** Vermont concurs that the state plan to the Governor for build out in that State and the Governor's decision to participate in the build out does not constitute an "offer and acceptance" to create a contract. The fees associated with the network cannot be binding on all public safety entities within the state because those fees will not be accurately known at the time of the plan. Therefore, there cannot be an assumption made that all potential subscribers in the state will participate in the network. An expensive network is of little value to the public safety community and any costs associated with the FirstNet build of the core network will compound the public safety community's already existing financial burdens. With this intent, Vermont expects FirstNet to provide an LTE network statewide at the sole cost of FirstNet. We concur with FirstNet's interpretations that FirstNet must enter in to contracts with state and local entities for the use of infrastructure, those contracts will be negotiated and contain contractual remedies for both parties.

#### **viii. State Development of an Alternative Plan**

**Comment:** Vermont believes 180 days for a state to provide an alternative plan, once an opt out plan is made is unrealistic. We further believe that the state having to forfeit their decision upon not meeting the 180 deadline is not reasonable.

#### **ix. Responsibilities of FirstNet and a State Upon a State Decision to Assume Responsibility for the Construction and Operation of Its Own RAN**

**Comment:** If a State opts out the state should reserve the right to evaluate the cost for use of the spectrum from NTIA. We also believe there should be some avenue for federal funding to be used to help maintain the network to the standard specified by FirstNet. It is important that any State wishing to build its own RAN meet the FirstNet interoperability guidelines. Vermont concurs that a state's alternate plan would have to be approved by the FCC

**Comment:** Vermont concurs that an individual state should have the right to apply for funds to construct and operate their own RAN. If the state is successful in obtaining the appropriate funds then states shall have the option to proceed as an opt out state as long as that state meets the requirements of FirstNet. In this situation FirstNet would not be required to construct, operate, or improve a RAN.

**Comment:** Vermont also concurs that if a state that opted out cannot implement their RAN, FirstNet should consider that state as an opt-in state.

**Comment:** Vermont embraces the concept of the "speed of deployment" with regards to building the network. However, FirstNet's interpretation of the language of this act should not impede the states' ability to make decisions based on the needs of the state and its' practitioner community.

**D. Customer, Operational and Funding Considerations Regarding State Assumption of RAN Construction and Operation.**

Vermont has decided not to comment on the sections relating to RAN development.

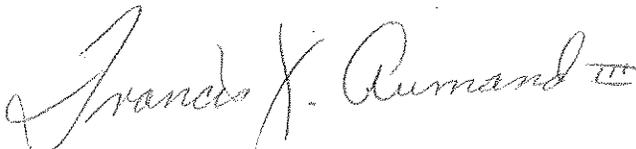
**ii. Customer Relationships in States Assuming RAN Construction and Operation**

Vermont has decided not to comment on the sections relating to RAN development.

**ii. State Use and Reinvestment of Funds Received From Building and Operating a RAN**

Vermont has decided not to comment on the sections relating to RAN development.

Respectfully,



Francis X. Aumand III

*Chair of the Vermont Public Safety Broadband Network Commission and Deputy Commissioner of the Vermont Department of Public Safety*