

Any referencing to Vermont in this document is intended to mean the Vermont Public Safety Wireless Broadband Network (Vermont FirstNet) 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

A. FirstNet Network

1. Elements of the Network

The State of Vermont agrees that the opt-out State radio access networks must use FirstNet's core network to provide services to public safety entities. The goal of interoperability for both the exchange of data and voice communications cannot otherwise be achieved.

Vermont agrees with the definition of "radio access network" and "core network".

2. Public Safety Entities, Secondary Users, and Other Users

Vermont is supportive of broadly considering users of the NPSBN. The use of the network to a variety of users who pay fees may help reduce the costs of the network to traditional public safety entities. Opt-out States should also be charged fees. The costs associated with the operation of this network continues to be a major concern with the public safety entities in Vermont. Therefore, any fee structure for non-public safety users as long as the use of the network by these users would not interfere with public safety usage would be supported.

i. Public Safety Entities

Vermont believes that the term Public Safety should not be construed in a manner that constrains the pool of potential public safety entities.

a. 47 U.S.C. 337(f)

Vermont believes that FirstNet should define the term "public safety" sufficient to allow for non-governmental entities to qualify to use the network. WE are in agreement with the examples used in the request for comments that identifies state utility commissions, health departments and police and fire agencies. We also want to make sure that certain non-profit agencies such as ambulance services are included in the term. Other nontraditional public safety entities may include; the Radio Amateur Civil Emergency Services (RACES), Domestic Animal Rescue Team League (DART), Community Emergency Response Team (CERT) and any other entity that would be called upon to assist in an emergency that would be managed by a State's Emergency Management Department. The National Guard should also be included as a user.

While we believe that FirstNet should define the term "public safety" and create standards for identifying "public safety entities" the approval to use the network should

be made in the states by the agency responsible for the management of the RAN and the core network, if applicable.

b. HAS Section 2

Vermont does not believe that an individual “per se” should be considered a user of the network. An individual must be affiliated with a public safety entity. Decisions regarding usage, costs and the failure to properly use the network or pay the costs must fall to an entity and the entity must be held accountable along with the individual.

Vermont supports the FirstNet definition of “emergency response providers” and “public safety entities”. We also believe that “related” personnel should be broadly construed to allow for the greatest amount of communication. Please see our comments under “a” for examples of entities that may be considered “related”.

ii. Secondary Users

Vermont believes there is a place for secondary users of the public safety broadband network. These secondary users are entities that have some *interest* in using the network. They are not public safety entities nor are they related public safety entities. These secondary users are individuals that are important to maintaining the network and offer financial support of the network. A commercial network provider or a media outlet could be considered a secondary user. A secondary user must agree that the network's primary purpose is for public safety purposes and must agree to preemption policies as specified by FirstNet.

iii. Entities Other Than Public Safety Entities and Secondary Users Seeking Access to or Use of the NPSBN.

Vermont believes that opt-out states should be charged a fee in keeping with the primary category of public safety users, for their public safety users. All other entities beyond public safety entities and related public safety entities should be charged a fee.

3. Services

Vermont agrees that the pool of secondary user usage should not be limited, especially given that a secondary user will enter into a leasing agreement that should detail the preemption policy and allows for the collection of fees. This assumes that bandwidth will be available when needed for public safety entities and that fees can be used to offset the cost imposed on public safety entities.

Vermont feels that “consumers” are those individuals that may be associated with a secondary user group. FirstNet should not be involved in the entering into any agreements with “consumers” but should identify the use of the network by the consumer in the leasing agreement that is entered into with the secondary user groups.

Vermont is not prepared at this point to recommend an opt-out strategy but if we were to consider this alternative we feel that creating a “public-private partnership” for the purposes of constructing, maintaining, operating and improving a network would be a cost effective way to proceed. Therefore, charging users of the state’s network would have to be managed through the “public-private partnership” created in each state.

B. Requests for Proposal

1. Requests for Proposals Process

Vermont believes that open, transparent and competitive RFP’s and acquisition of products is in keeping with best practices related to procurements. This policy is one that is followed in many states, Vermont included. Vermont also believes that section 6206(b)(1)(B) is a guiding principle of procurement and that the Federal Acquisition Regulation (FAR), codified in 48CFR Parts 1-99 are also best practices with regard to acquisition. All descriptive words used in these two regulations must be met in the work of FirstNet. In summary, all meetings must be open, all discussions of RFP matters when discussed in a meeting setting must be open. All work done must be available for public acquisition and review to meet the transparency requirement and all vendors and other interested entities must be allowed to compete and comment on the documents produced by FirstNet. An example of “open, transparent, and competitive” is the documenting and comment period for this public notice and the RFI.

2. Minimum Technical Requirements

Vermont has not comment on this section.

3. Defining the term “Rural”

Vermont feels that the simplest definition contained in the USDA regulations is the one used for the Rural Business Service – which basically defines the limits of a rural area to 50k or less and specifically excludes communities adjacent to communities larger than that.

4. Existing Infrastructure

Vermont believes the only way to build a national network with the available funding is to leverage existing infrastructure.

Vermont is of the opinion that all commercial mobile providers should have an opportunity to bid on any RFP’s submitted by FirstNet and that the open, transparent and competitive requirements mentioned in B1 above apply. Further any supplier should be considered a secondary user and be required to enter into a lease agreement as mentioned in Section 3, Services.

C. Fees

i. Network User Fees

Vermont is concerned that this network and available access to services be affordable to the rural public safety entities. Vermont public safety entities are not opposed to paying

fees for network access as long as they are not more expensive than fees currently being paid. Further Vermont believes that fees should be charged to both public safety entities and secondary entities. As customers should be considered a part of the user group for secondary entities the secondary entity should pay user fees for their customer base. Therefore, secondary users should pay more than public safety entities.

With regard to defining “access to” and “use of” the defining language should mean “access to the network” and “use of the FirstNet” service. Access and use of are two different categories which will present two different fee structures.

ii. State Core Network User Fees

Vermont agrees with FirstNet’s preliminary conclusion.

2. Lease Fees Related to Network Capacity and Covered Leasing Agreements

Vermont offers not recommendation or comment on this section.

4. Network Equipment and Infrastructure Fee

Public Safety entities should be required to pay user fees for network equipment and infrastructure costs. Such costs could be calculated into the fees associated with “access to the network” but should not be identified as added costs that public safety entities need to be concerned about. Secondary user however, should bare the expense of the infrastructure. It should be noted that in some cases secondary users may be for profit commercial entities and therefore may be in the best position to absorb these fees.

Again, Vermont believes it is imperative that the cost of “access to the network’ and “use of the FirstNet services” be at a price that is affordable to the local public safety entities. The cost of “Access to” and “use of” is not understood by local entities at this time in FirstNet’s development. Because local public safety entities are concerned with costs there are many in Vermont that are suspicious of the “promise of FirstNet” as being a cost that’s competitive and compelling to users.

This concludes Vermont comments on the FirstNet Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012

Questions may be directed to:

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