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Vermont Public Safety Broadband Network Commission

# 2016 Annual Report

The Vermont Public Safety Broadband Network Commission was created to help plan, develop, and implement a public safety broadband network to support the communication needs of first responders. The commission's goal is to help implement a public safety broadband network that meets the interoperability goals and specifications of the FirstNet nationwide public safety broadband network. The commission is also charged with advising the Governor on issues related to the public safety broadband network and shall report to the Governor annually.

**Table of Contents**

Executive Summary..... **3**

FirstNet..... **4**

Governance..... **5**

Timeline..... **6**

Activities in 2016..... **7**

SLIGP: Grant Summary..... **9**

2017: Opt-In and Out-Out Decision..... **10**

Contact Information..... **12**

## Executive Summary

*This report is submitted to the Governor in keeping with the requirements of Executive Order #05-13.*

The Vermont Public Safety Broadband Network Commission (PSBC) was established by Executive Order in 2013 to guide and prepare for FirstNet in this state. The PSBC is charged with advising the Governor on issues related to the National Public Safety Broadband Network (PSBN). In 2012, Congress passed legislation creating FirstNet. The law gives FirstNet the duty to build, operate and maintain the first high-speed nationwide wireless network dedicated to public safety entities.

FirstNet is an independent authority within the U.S. Department of Commerce's National Telecommunications and Information Administration. The creation of FirstNet and its mission was encompassed in the final recommendations of the 9/11 Commission. That tragedy demonstrated the need for first responders to have a dedicated, reliable network for advanced data communications nationwide. During emergencies, public safety personnel need priority access and preemption, which are not available on commercial networks.

In the four years since FirstNet was established, a national governing body was formed called the FirstNet Board. Former Vermont Governor Jim Douglas serves on the board. A national administrative structure for the organization was created and staff hired. States applied for and were granted funds to plan for the PSBN. Through the State and Local Implementation Grant Program (SLIGP), the Vermont Department of Public Safety received a grant authorizing expenditures of \$888,676. Of that, the federal share is \$710,941 and the state share is \$177,735. The funds may only be used for outreach and education for the public safety community in preparation for the PSBN. Funds also may be used for technical consulting services to help states evaluate the needs, gaps, and priorities for public safety wireless broadband, putting in place a governance structure, and support for the Single Point of Contact (SPOC) for each state. A SPOC is the individual designated by a state as the person responsible for working with FirstNet in their state or territory. Details regarding the fund and expenditures are later in this report.

In 2017, the PSBC will undertake the review of a draft state plan for FirstNet implementation in Vermont and will prepare a recommendation for Governor Phil Scott on whether the state should opt-in or opt-out of the plan. By opting in, a state chooses to have FirstNet and its private partner build and manage the Radio Access Network (RAN) in that state. A state that chooses to opt-out of the FirstNet plan is choosing to assume the responsibility of deploying and operating the RAN in that state. Regardless of a state's decision, the network must be implemented in all states and territories in accordance with federal law.

The Middle Class Tax Relief and Job Creation Act was signed into law on February 22, 2012. The law created the First Responder Network Authority (FirstNet). The law gives FirstNet the mission to build, operate and maintain the first high-speed, nationwide wireless broadband network dedicated to public safety. FirstNet will provide a single interoperable platform for emergency and daily public safety communications. The FirstNet organization is the first of its kind. Never before has Congress established an independent government authority with a mandate to provide specialized communication services for public safety.

FirstNet has 20 megahertz of nationwide spectrum with which to deploy the FirstNet network. The network was made possible by public safety's successful fight for D-Block 700 MHz spectrum, also known as Band Class 14. Congress not only allocated valuable spectrum, but also authorized up to \$7 billion in funding for the construction of the FirstNet network. To create a nationwide network, all 56 U.S. states and territories must have a Radio Access Network (RAN) that is connected to the FirstNet core network. To contain costs, FirstNet is tasked with leveraging existing telecommunications infrastructure and assets. In 2016, FirstNet released a Request for Proposals to select a private partner who will buildout and manage the network. Due to a legal complaint filed by one of the bidding groups, the announcement of the winning bidder has been delayed. It is anticipated a private partner will be announced early in 2017. Following that announcement, actual plans will begin to be created for each state that must ultimately be signed off on by individual Governors.

More on this process is included in the timeline and in the 2017: Opt-In and Opt-Out Decision sections of this report.

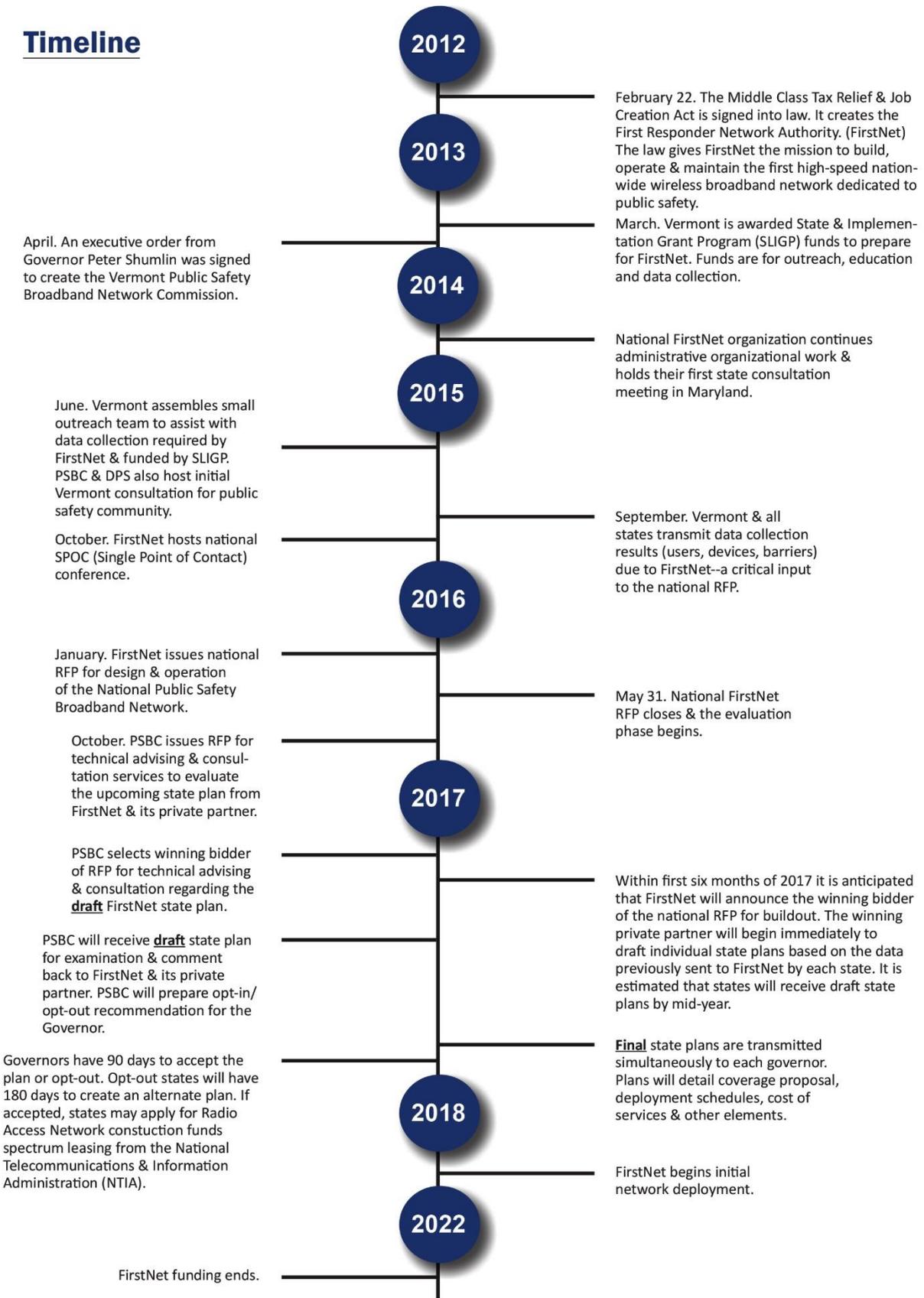
## Governance

The Vermont Public Safety Broadband Network Commission (PSBC) was established by Executive Order in 2013 to guide and prepare for FirstNet in this state. The PSBC is charged with advising the Governor on issues related to the National Public Safety Broadband Network (PSBN). The commission must consist of at least 11 voting representatives appointed by the Governor. Representatives include first responder professionals from local police, fire, and Emergency Medical Services; the Enhanced 9-1-1 Board; and State agency representatives from the Department of Public Safety, Agency of Commerce and Community Development, Department of Information and Innovation, Department of Public Service, Department of Buildings and General Services, and the Agency of Transportation. Administrative support for the commission is provided by the Department of Public Safety, Radio Technology Services, under the direction of the Single Point of Contact (SPOC). A SPOC is the individual designated by a state as the person responsible for working with FirstNet in their state or territory. \*As of January 1, 2017, the commission was comprised of those individuals listed below.

BOARD MEMBER NAME	TERM EXPIRES	SEAT DESCRIPTION
Terry LaValley	7/15/2019	FirstNet Single Point of Contact, DPS, Chair
Paco Aumand	7/15/2019	Department of Public Service at large
Alton Barber	7/15/2019	Fire Chief Association representative
Doug Johnston	7/15/2019	Law Enforcement representative
Frank Costantino	7/15/2019	Department of Information & Innovation representative
Joe Flynn	7/15/2019	Vermont Emergency Management/Homeland Security representative
Kenneth Jones	7/15/2019	Agency of Commerce & Community Development representative
William Laferriere	7/15/2019	Buildings & General Services representative
Steven Locke	7/15/2019	Fire Service representative
Daniel Manz	7/15/2019	Emergency Medical Services representative
Thomas Hango	7/15/2019	Vermont State Police representative
James Porter	7/15/2019	Department of Public Service representative
Barb Neal	7/15/2019	Enhanced 911 Board representative
Robert White	7/15/2019	Agency of Transportation representative

\* The original Executive Order creating the commission designated a representative from the Agency of Commerce and Community Development and a representative from the Department of Information and Innovation. On January 15, 2017 an Executive Order was issued by Governor Phil Scott to rename and structurally reorganize these organizations. If given final legislative approval, the new names will be Agency of Economic Opportunity and the Agency of Digital Services.

# Timeline



## Activities in 2016

### GOVERNANCE MEETINGS

The Public Safety Broadband Network Commission met five times in 2016. Commission members participated in a Region 1 meeting in Massachusetts to discuss quality, priority and pre-emption issues associated with the FirstNet broadband network.

The project's Single Point of Contact (SPOC), Terry LaValley, participated in one New England regional SPOC meeting in New Hampshire and one national SPOC meeting in Arizona.

### OUTREACH

Outreach efforts focused on reaching Vermont EMS, fire and law enforcement personnel about the FirstNet initiative. Outreach personnel gave 29 presentations statewide, with some one-on-one meetings, to reach 479 first responders.

An 11-minute YouTube briefing was created from the information included in the project updates shared in face-to-face presentations with first responders around the state. The video was in response to law enforcement personnel who wanted to be briefed on the project, but could not accommodate a group presentation. There were 152 views.

Completed a Vermont FirstNet "metro" push in accordance with a national outreach initiative. The outreach team contacted 47 municipal chiefs, directors and superintendents from law enforcement, fire service, rescue service and public works. The ten cities focused on (starting with the largest population) were: Burlington, Essex Junction, Rutland, Colchester, South Burlington, Bennington, Brattleboro, Hartford, Milton, and Barre.

The outreach team hosted an information table in October on the FirstNet project at the Department of Health's Vermont HealthCare and EMS Preparedness Conference at Mt. Snow in Dover, Vermont.

A newsletter was created and distributed to more than 700 first responders to update them on the FirstNet project. Both a print and e-version were created and distributed in May.

The Public Safety Broadband Network Commission web site was promoted throughout the year. At the site ([www.PSBC.Vermont.gov](http://www.PSBC.Vermont.gov)) people can learn more about the project and how Vermont first responders would benefit from a broadband network. In 2016, there were 1,281 unique visitors to the site and 11,104 page views.

### REQUESTS FOR PROPOSALS

The commission issued one RFP in 2016. On November 18, an RFP for "FirstNet State Plan Evaluation and Consultation" was posted by the Office of Purchasing and Contracting. Technical advising is sought to assist the commission in their review of the draft state plan to be received in 2017 from FirstNet for the build-out of the National Public Safety Broadband Network in Vermont. Advising is also sought to help the commission anticipate and prepare for any legal documents that may be needed in the implementation of the network in Vermont. Seven proposals were received. At their

January 2017 meeting, the commission approved contract negotiations by the Department of Public Safety with Televate.

## **PERSONNEL**

A full-time employee to serve as the FirstNet Outreach Manager, Lisa Helme, was hired. As the actual build-out of the network is set to begin, an outreach manager was needed to enhance efforts to reach beyond first responder directors and chiefs to personnel working within public safety organizations. The program also saw a staff transition with the resignation of a project manager who left to pursue a new career opportunity. That staff member had played a key role in the data gathering process of the project in 2015 and had provided continuity for the outreach efforts while the commission sought to hire an outreach manager.

## SLIGP: Grant Summary

FirstNet planning efforts are largely fund in Vermont through a federal grant received by the Department of Public Safety titled the State Local Implementation Grant Program (SLIGP). SLIGP is designed to provide resources to assist regional, state, local and tribal government entities as they plan for the Nationwide Public Safety Broadband Network (PSBN) being developed by FirstNet. The federal grant program is administered within the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce. Funding allocations were determined by NTIA using a formula that considered both population and land mass. Most grant recipients, including Vermont, were required to provide matching funds (cash or in-kind) in the amount of 20 percent of the award. The Vermont Department of Public Safety received a grant authorizing expenditures of \$888,676. Of that, the federal share is \$710,941 and the state share is \$177,735. The state receives access to the federal share only as it expends the money and solicits for reimbursement from SLIGP.

Below is the budget breakdown under the grant program and the expenditures made to-date. Vermont's grant award expires on January 31, 2018.

Budget Category	* Amount	** Expended to 12/31/15	Expended in 2016	Balance
A. Personnel	344,290	89,147	68,252	186,891
B. Fringe Benefits	94,795	22,105	26,938	45,752
C. Travel	34,506	10,771	9,034	14,701
D. Equipment	-	-	-	-
E. Supplies	12,000	281	992	10,727
F. Construction	-	-	-	-
G. Consultants/Contracts	267,398	-	25,765	241,633
H. Other	6,431	4,343	1,111	977
<b>Total Direct Costs</b>	<b>759,420</b>	<b>126,647</b>	<b>132,092</b>	<b>500,681</b>
I. Indirect Costs	129,256	-	37,925	91,331
<b>TOTAL PROJECT COSTS</b>	<b>888,676</b>	<b>126,647</b>	<b>170,017</b>	<b>592,012</b>
Federal Share	710,941	81,742	117,819	511,380
Non-Federal Share	177,735	44,905	52,197	80,633

\* Budget was updated through Grant Adjustment Notification on 10/14/15.

\*\* Updated from 2015 report to reflect expenditures through 12/31/15. Previous was only through 12/22/15.

## 2017: Opt-In and Opt-Out Decision

*Please see timeline earlier in this report.*

Under the Middle Class Tax Relief and Job Creation Act of 2012, FirstNet is directed to deliver a final state plan to each individual governor to make an opt-in or opt-out decision. The decision identifies whether FirstNet or an individual state will take on the responsibility to deploy, operate, and maintain the Radio Access Network (RAN) within that state. Regardless of a governor's decision, the RAN must still interconnect with the nationwide FirstNet core network. Governors will have 90 days to accept the plan or opt-out. Opt-out state will have 180 days to create an alternate plan that must be approved by the Federal Communications Commission (FCC) as meeting interoperability requirements under the Act. Upon FCC approval, an opt-out state may apply to the National Telecommunications and Information Administration (NTIA) to sub-lease the FirstNet spectrum capacity. States must prove they have the financial and technical resources to build, maintain and keep the network updated in future years to ensure the seamless operation of the national network.

Prior to final state plans being issued, draft plans will be sent by FirstNet to the designated oversight body within each state. The Vermont PSBC anticipates they will receive a draft of the state plan to evaluate and prepare a recommendation for Governor Phil Scott sometime within the first six months of 2017. The commission will evaluate the draft state plan using the resources of a technical consultant and expertise within Vermont. The commission will examine whether it is in the best interest of Vermont's public safety community to opt-in or opt-out of the FirstNet proposed buildout plan. Previous to this, the PSBC led efforts to supply FirstNet with data on Vermont's first responder needs and the status of broadband signals in the state to meet that need. These coverage objectives and data are to be used by FirstNet and its private partner to draft Vermont's plan.

Prior to receiving the draft FirstNet state plan, it is difficult for the PSBC to develop an opt-out contingency plan. If the plan fully meets the needs of Vermont's public safety community, then the PSBC will likely recommend an opt-in option to the Governor. With an opt-in decision, FirstNet's partner is free to begin *immediate* work to buildout the network in Vermont. If the PSBC determines the plan will not fully meet the needs of Vermont first responders, the PSBC will seek to see what modifications could be made by FirstNet to the proposed state plan. If FirstNet works with Vermont to modify the plan, the PSBC may then decide to opt-in, with recommended changes. However, if the FirstNet proposed plan falls short of the identified needs and there appears to be no productive negotiations open with FirstNet, then the PSBC may recommend an opt-out course of action. In an opt-out scenario, Vermont would issue an RFP to consider developing a public-private partnership with a vendor to buildout a Radio Access Network (RAN) for Vermont.

In going through an opt-out process, the PSBC may find that developing a Vermont specific public-private partnership to build the RAN is not affordable or achievable. Vermont may not have the funds or the ready expertise to operate or maintain a network of this magnitude. *It should be noted that opting out is not without risk.* FirstNet has indicated if a state that opts-out later changes its mind and decides to opt-in, there is no guarantee that state will receive the same original plan proposed to them prior to their opt-out decision. Resources previously dedicated to that state may have already been shifted to another state and the plan may have to be reworked. The opt-out approach could jeopardize what Vermont ultimately receives as their RAN and the approach will delay the buildout of the network in Vermont.

The 180-day window outlined in federal statute for states to prepare a plan for the FCC is unclear regarding how complete that plan must be at the point when a state submits it. However, the PSBC believes that any vendors bidding on an RFP to build a network in Vermont will be better prepared to do so with FirstNet's full state plan available for review. The PSBC is concerned that issuing a speculative RFI before Vermont even receives a draft plan will waste time and could unduly alarm the first responder community. States that opt-out will experience a delay in having access to FirstNet because opt-out state will have to complete plans and win approval from the FCC, NTIA and FirstNet.

Why might some states choose to opt-out and develop their own RAN? At present, the federal law is legally being interpreted to require opt-out states to reinvest funds raised by a state from the RAN back into the network or passed through to FirstNet for national operations. Some opt-out states may hope future legal challenges will allow them to keep excess revenues raised. Opt-out states also may believe that they can provide better service to their first responders than relying on a national provider.

## Contact Information

Each state has a designated Single Point of Contact (SPOC). In Vermont, that person is Terry LaValley the Director of Radio Technology Services for the Department of Public Safety. He also serves as the Chair of the PSBC.

Terry LaValley  
SPOC, Director of Radio Technology Services, PSBC Chair  
Phone: (802) 241-5215  
Email: Terry.LaValley@vermont.gov

Administrative support for the PSBC is provided by the Outreach Manager. The PSBC functions within DPS Radio Technology Services. The manager also plans and implements activities related to the FirstNet project in Vermont and reports to the SPOC.

Lisa Helme  
FirstNet Outreach Manager  
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Website for the commission: [www.PSBC.Vermont.gov](http://www.PSBC.Vermont.gov)

