BayRICS
JOINT POWERS AUTHORITY
BOARD OF DIRECTORS MEETING

STAFF REPORT

MEETING DATE:

Thursday January 9, 2014

AGENDA ITEM:

Item 8 - Spectrum Lease with First Responder Network Authority (FirstNet), Status of BayWEB Project and Next Steps *(Action Item)*

RECOMMENDATIONS:

Direct staff to undertake the following tasks:

1. Review the FY 2014 budget for ways to minimize expenses and preserve fund balance;
2. Establish an ad hoc committee to develop a three- to five- year strategic plan for BayRICS;
3. Refocus efforts to work with California to position the State as an early builder with FirstNet:
   a. Work closely with California First Responder Network (CalFRN) and FirstNet Public Safety Advisory Committee (PSAC) to support FirstNet planning;
   b. Develop a transition plan to preserve work accomplished on BayWEB for possible use by FirstNet;
4. Focus efforts of staff and TAC to assume regional coordination of P25 voice interoperability and develop ways to enhance the value of BayLoop.

SUMMARY/DISCUSSION

On December 17, 2013 FirstNet concluded that it would be unable to grant a spectrum lease to BayRICS. This staff report provides an update on this determination and its impact on the BayWEB project. Staff also provides recommendations for specific actions for the Authority to take in light of these developments.

Status of Spectrum Lease and BayWEB Project

On December 17, 2013, the First Responder Network Authority (FirstNet) announced that it was not able to reach agreement with BayRICS and Motorola Solutions Inc. on the terms of a spectrum lease. Although formal negotiations had concluded on November 15 without an agreement, the only written notice of FirstNet's decision was a statement included in a press release issued on December 17. This press release accompanies this report.

Obtaining a spectrum lease from FirstNet was a necessary requirement to lift the partial suspension on BTOP grant funding and restart work on the BayWEB project. Therefore, this determination by FirstNet effectively puts an end to the BayWEB wireless broadband project.

Only four of the seven original BTOP public safety projects have obtained spectrum leases—LA-RICS, New Mexico, Adams County, Colorado and New Jersey. Charlotte, NC, Mississippi and BayRICS did not receive leases. Charlotte is in the process of repurposing its original grant plan to use the BTOP funds for non-LTE projects. The status of Mississippi's grant status is unknown.

When it became apparent that a lease would not be granted, BayRICS also made efforts to develop a repurpose plan to preserve the BTOP grant funds for other Bay Area public safety projects. However, those efforts ultimately failed, because assignment of the grant to BayRICS from Motorola was prohibited by statute and there was not sufficient time to approve a revised plan or extension before the grant was scheduled to terminate on January 1, 2014.

On December 31, 2013, Motorola voluntarily terminated the grant by delivering notice to the Department of Commerce. See the letter from Motorola accompanying this memo. This notice effectively marks the end of BTOP funding for the BayWEB project. Staff has begun close-out of the project, including a separate agenda item requesting the Board's authorization to mutually terminate the BOOM agreement with Motorola and initiate outreach to the site owning jurisdictions to terminate the Site Access and Use Agreements with Motorola.

Next Steps for BayRICS Authority

 The end of the BayWEB project does not mean the end of BayRICS. The Authority remains finically sound with sufficient operating and reserve funding to continue operations for the foreseeable future. The Authority also has several ongoing projects with obligations and responsibilities that it should continue to meet, such as administration of the BayLoop maintenance agreement and pending grant requests for funding to assume coordination tasks for regional P25 system interoperability.

In fact, the BayWEB project termination provides a unique opportunity for BayRICS to consider a course correction and adoption of new goals for the organization. As a starting point, staff has begun a review of the current fiscal year budget to determine whether adjustments should be made to eliminate expenses allocated to the BayWEB project that are no longer required and preserve fund balance for future projects.

The BayWEB termination also presents an opportunity for the Board to consider developing a long term strategic plan. Strategic planning will define and clarify future vision and goals of the Authority, and can be used to evaluate and align regional projects with the strategic goals of the organization. Strategic planning will also provide guidance to staff and the Board for operational and financial planning. Staff recommends that an ad hoc committee of the Board be established to oversee development of a three to five year strategic plan.

As the strategic plan is developed, BayRICS should continue preparing to assume a key role in the build- out of the FirstNet nationwide public safety broadband network in California. Concurrently, the Authority should consider allocating resources on an expedited basis to assume some P25 voice coordination tasks on behalf of the region. Staff recommends that BayRICS consider taking on the following tasks in the short term:

- **Work with the State of California on planning and consultation with FirstNet and help position the State as an "early mover" for nationwide network deployment.** Upon the

termination of lease negotiations, FirstNet staff encouraged BayRICS to begin working with California officials to put the State in a position to be an early mover for FirstNet network deployment. BayRICS is uniquely positioned to assist with State planning. We have developed an effective governance structure, well-informed leadership, and a support team of knowledgeable staff and expert Technical Advisory Committee (TAC) members. We have a comprehensive understanding of the available resources that could be leveraged to build the network in the Bay Area, including sites, backhaul, and the local approval process required make use of these assets. Our public safety leaders have provided BayRICS with detailed understanding of the needs and requirements for public safety broadband services and applications. In addition, BayRICS leadership and staff have developed relationships with FirstNet directors and staff, through extensive negotiations over the past year. BayRICS is well-known to key FirstNet stakeholders, and we have a clear understanding of FirstNet's goals, procedures and limitations.

BayRICS general manager and Chair currently represent the Bay Area on the California First Responder Network Authority (CalFRN) Board, and should offer to take on a leadership role in State planning and governance activities. The expertise developed by BayRICS over the past three years can serve California in at least three ways: (1) by providing a significant head-start on planning for the Bay Area deployment; (2) by providing guidance and a framework for planning in other regions within the state; and (3) as an effective liaison to coordinate and streamline communications between FirstNet and the State. BayRICS should position itself to offer this expertise to assist the State in the complex planning and consultation efforts required over the next few years.

- **Work with FirstNet's Public Safety Advisory Committee (PSAC) to guide FirstNet planning and design of the nationwide network.** The PSAC is currently only advisory body to the FirstNet Board and is charged by federal law to assist FirstNet in carrying out its duties and responsibilities under the Act. BayRICS is fortunate to have one of only two representatives from California on the PSAC. General Manager Barry Fraser was appointed in 2013 to represent the National Association of Telecommunications Officers and Advisors (NATOA) on the PSAC. BayRICS should consider this PSAC representation as an opportunity to guide FirstNet in its efforts to develop a successful and useful nationwide network.

Fraser was appointed by NATOA specifically to bring a voice for local government interests to the PSAC. Fraser is also a member of the State, Territorial, Tribal, and Local Subcommittee of the PSAC, where he works with representatives from National Association of Counties (NACO), National League of Cities (NLC), U.S. Conference of Mayors (USCM) and others to help ensure that local interests will be addressed by FirstNet. This Subcommittee will be focused on the complex relationships and agreements required for local participation in network planning and build-out, and successful leveraging of local assets for the network. Local participation will be paramount to the success of the nationwide network, and BayRICS extensive experience in developing support and participation of Bay Area cities and counties can serve as valuable best practices for adoption by FirstNet PSAC and the Subcommittee.

- **Develop a transition plan to preserve work accomplished on BayWEB for possible use by FirstNet.** As part of the BayWEB project, a voluminous amount of work was accomplished toward the development of the network. It is unknown at this time precisely how much of this work can be preserved for FirstNet deployment when it occurs. It may not be possible to maintain access to all the sites, microwave facilities, fiber backhaul and other assets that were previously committed to the BayWEB project. This question is complicated by the fact that we have no information from FirstNet about the nature of assets they will desire, the terms of use FirstNet will offer, or the time frame in which the build-out will commence.

  However, as part of the Site Access and Use Agreement close-out and termination, staff will reach out to site and fiber owning jurisdictions to determine what BayWEB project assets may be preserved for future use by FirstNet. Based on this outreach, staff will prepare a transition plan and inventory list, if feasible, for the Board's consideration.

- **Coordinate interoperability among the Bay Area's digital voice communication systems.** The BayRICS its charter provides that the purpose of the JPA includes governance, planning and coordination of the BayWEB system and other advanced communications and data system projects that promote interoperability in the Bay Area. In May 2013, BayRICS released an "Interoperable Voice Communications Assessment" for the Bay Area's Project 25 (P25) digital voice networks. This report documented the region's successes in implementing the "system of systems" plan for digital network upgrades, and also identified several needs for regional coordination to achieve the full capabilities promised by these systems.

  Regional efforts to address these needs have begun though collaboration of Alameda County, Contra Costa County, San Mateo County, City and County of San Francisco and City of San Jose to contribute funding to develop a Fleetmap management procedure and guidelines for inter-system roaming for mutual aid. However, the five regional P25 system operators have indicated that this work should eventually be transferred to BayRICS and its Technical Advisory Committee (TAC), as the appropriate body to oversee these regional efforts. With the termination of BayWEB, BayRICS staff may have the resources available to develop this regional coordination initiative, and can work with the operators to transfer the work currently conducted by San Mateo County over to the Authority.

  Another regional communications project is BayLoop, a point to point microwave communications system. BayRICS assumed responsibility for maintenance and monitoring of BayLoop in 2012, anticipating that it would function as backhaul connectivity for BayWEB. BayRICS secured funding from Bay Area UASI 2012 and 2013 grant programs for BayLoop maintenance and monitoring, and has submitted a proposal for $220,000 in funding through the UASI's 2014 grant cycle to continue this work.

  With the demise of BayWEB, the BayLoop network is at risk of becoming underutilized. Staff now has the opportunity to evaluate BayLoop for its potential to be used for other public safety communications purposes, while also preserving the asset for possible future use as part of the FirstNet deployment. The TAC has proposed the development of operating procedures to encourage use of BayLoop for a variety of digital voice and data

applications including the physical interface to connect the regional P25 networks. BayRICS should consider allocating resources to support BayLoop for these potential uses.

Recommendations

Staff recommends that the BayRICS Board undergo both short term refocusing of efforts and long term strategic planning to determine the best ways for the Authority to meet current regional communications needs and begin preparations for future advanced communications deployments. To accomplish these goals, staff recommends undertaking the following tasks:

1. Review the FY 2014 budget for ways to minimize expenses and preserve fund balance;
2. Establish an ad hoc committee to develop a three- to five- year strategic plan for BayRICS;
3. Refocus efforts to work with California to position the State as an early builder with FirstNet:
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