

BayRICS
JOINT POWERS AUTHORITY
BOARD OF DIRECTORS MEETING
STAFF REPORT

MEETING DATE:

Thursday November 14, 2013

AGENDA ITEM:

Item 9 - Staff Report Spectrum Lease Agreement with FirstNet (Supplement)

RECOMMENDATIONS:

Approve the SMLA and BOOM changes and authorize the BayRICS Chair to execute the modified BOOM and SMLA agreements.

SUMMARY/DISCUSSION

I. Additional Changes to the SMLA Proposed on November 12, 2013

1. Section II.H (Infrastructure): Two unresolved issues in this section: (1) Proprietary Solutions/Push to Talk (PTT) and (2) Assumption of responsibility for costs of future requirements adopted by FirstNet.
 - o Proprietary Solutions/Push to Talk (PTT):

The BOOM requires MSI to provide a pre-standards based PTT functionality; however FirstNet is concerned that the application creates potential cost and interoperability risk. BayRICS and/or Motorola must agree to drop the application or cover all expenses to migrate the user base to any FirstNet-approved technology. FirstNet has proposed the following language in SMLA Section II.H:

If Motorola and Lessee include any proprietary equipment or solutions in the BayWEB Infrastructure, then they shall pay for the costs of for removing the proprietary equipment or solutions from the BayWEB Infrastructure. Motorola and Lessee shall not include a push to talk feature or any other features that could impact interoperability in the BayWEB Infrastructure. Motorola and Lessee shall pay the costs to implement changes required as a result of modifications to the FCC rules or regulations.”

MSI can agree to meet 3GPP open standards requirements, but believes that proposed language is too broad. **MSI cannot sign up to undefined standards regarding interoperability. If FirstNet can define non-3GPP standards (e.g., push to talk or priority**

manager) then MSI would be pleased to review the standard and demonstrate compliance. **Motorola proposes the following alternate language:**

If Motorola and Lessee include any proprietary equipment or solutions in the BayWEB Infrastructure that is not interoperable or cannot be made interoperable with the 3GPP standard that FirstNet includes in the nationwide network, then they shall pay for the costs of removing the proprietary equipment or solutions from the BayWEB Infrastructure. Motorola shall pay the costs to implement changes required as a result of modifications to the FCC rules or regulations.

- Future Requirements adopted by FirstNet:

FirstNet's position is that Motorola/BayRICS should bear the costs of compliance with any FirstNet availability, capacity, performance, coverage requirements adopted prior to April 30, 2013. FirstNet's proposed language:

"To the extent allowable under 15 CFR Part 14 et seq., Motorola shall be responsible for the costs of ensuring that the BayWEB Infrastructure operating on the FirstNet Spectrum as of April 30, 2015, complies with any availability, capacity, performance, coverage requirements (such as, disaster management and recovery, network hardening, in-building coverage, service level agreements, key performance indicators, physical network, and cyber security) adopted by FirstNet for the NPSBN.

MSI's believes that language amounts to a potentially uncapped cost liability. Motorola cannot accept additional, undefined requirements as part of its grant, and has proposed this language as alternative.

"FirstNet acknowledges that the BayWEB Infrastructure has been designed under the Grant to meet the current funding levels approved under the Grant, and that any change or additions thereto will constitute a change in scope of the Grant. If FirstNet has additional requirements during the period of the Grant through April 30, 2015 (such as availability, capacity, performance, coverage, disaster management and recovery, network hardening, in-building coverage, service level agreement, key performance indicators, physical network, and cybersecurity adopted by FirstNet for the NPPSBN), then FirstNet shall follow the grant procedures under 15 CFR Part 14 to change the scope of the Grant, if allowable.