Key Factors to Consider for the Governor to Opt-In or Opt-Out of the FirstNet Plan

Under the Middle Class Tax Relief and Job Creation Act of 2012 (the “Act”), FirstNet will deliver a final State Plan to the Governor to make an Opt-In/Opt-Out Decision. The decision identifies whether FirstNet or the state/territory takes on the responsibility to deploy, operate and maintain the State Radio Access Network (RAN). Regardless of the state/territory decision, the RAN must interconnect with the national FirstNet core network.

Key Steps – National Deployment

The State/Territory Decision: One time

**Opt-In**  —  RAN only — FirstNet takes on responsibility to deploy, operate, and maintain RAN

- Funds to build network — funded by FirstNet/partner
- Funds to operate/upgrade network — funded by FirstNet/partner
- User fees — funded by individuals/agencies
- Continuing consultation — staffing funded for by the state/territory, as needed or requested

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**Opt-Out**  —  RAN only — state/territory takes on responsibility to deploy, operate, and maintain RAN

Alternative plan approval process —

- submission to and approval by FCC of the interoperability requirements under the Act of the alternative RAN plan
- application to and approval by NTIA of Act requirements (including ongoing interoperability cost effectiveness, and comparable security, coverage, timelines, and quality of service) to negotiate spectrum lease terms with FirstNet
- negotiation of spectrum capacity lease with FirstNet

- Funds to build network — funded by state/territory resources with potential NTIA grant for some portion
- Funds to deploy, operate, and maintain network including compliance with national network policies and use of national core — funded by state/territory resources
- User fees — funded by individuals/agencies

The Agency Decision: Ongoing

Agency by Agency buying of FirstNet services — once network is deployed
**Opt-In/Opt-Out Process**

**OPT-IN**

1. **State Plan Socialized with SPOC**
2. **FirstNet Delivers State Plan**
   - Governor Accepts FirstNet Plan
   - FirstNet Deployed
   - FirstNet Service Available to Purchase

**OPT-OUT**

1. **State/Territory Opt-Out Notification**
   - 90 Days
   - No additional action required by state

   - 180 Days
     - State Completes RFPs
     - State Submits Alternative State Plan to FCC
     - State Alternatives Plan Demonstrates Compliance with FCC Technical Advisory Board Report and Interoperability with National Network Deployment Based on FirstNet Network Policies
     - FCC Reviews Alternative State Plan

   - Potential Legislative Approval
     - Yes
     - State May Apply to NTIA for RAN Construction Grant Funding
     - State Alternative Plan Demonstrates, Among Others, Cost-Effectiveness and Comparable Completion Timelines, Security, Coverage, QoS
     - Yes
     - State Negotiates Acceptable Spectrum Lease Terms with FirstNet
     - State Deploys FirstNet
     - State Pays Fees to Use FirstNet Core
     - Yes
     - FirstNet Service Available to Purchase

   - No
     - State May Apply to NTIA for RAN Construction Grant Funding
     - State Alternative Plan Demonstrates, Among Others, Cost-Effectiveness and Comparable Completion Timelines, Security, Coverage, QoS
     - Yes
     - State Negotiates Acceptable Spectrum Lease Terms with FirstNet
     - State Deploys FirstNet
     - State Pays Fees to Use FirstNet Core
     - Yes
     - FirstNet Service Available to Purchase

   - No
     - Disapproval

**Questions? Contact FirstNet at info@firstnet.gov | www.firstnet.gov | 571-665-6100**