

FIRST RESPONDER NETWORK AUTHORITY
BOARD RESOLUTION 18
EXAMINATIONS OF THE BTOP PROJECTS
FEBRUARY 12, 2013

WHEREAS, Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012 (Act) which mandates the creation of a nationwide interoperable wireless broadband network that will enable law enforcement, firefighters, emergency medical service professionals, and other public safety officials to more effectively communicate and perform their missions;

WHEREAS, the Act creates the First Responder Network Authority (FirstNet), an independent authority within the Department of Commerce's National Telecommunications and Information Administration (NTIA), charged to take "all actions necessary" to build, deploy, and operate the network, in consultation with State, local, tribal, and territorial entities;

WHEREAS, in 2010, the National Telecommunications and Information Administration (NTIA) awarded grants to seven public safety projects through the Broadband Technology Opportunities Program (BTOP), as authorized by the American Recovery and Reinvestment Act of 2009;

WHEREAS, in May 2012, NTIA partially suspended the BTOP-funded public safety projects, due to the uncertainty as to whether these grant recipients would be able to comply with the terms and conditions of their grants, and with the goal of ensuring that these projects proceeded in a manner that supported development of the nationwide interoperable network, and that any taxpayer dollars would be prudently expended;

WHEREAS, the FirstNet Board adopted a resolution (Board Resolution 6) at its meeting on September 25, 2012, in which it sought to examine the seven BTOP-funded public safety projects and provide input to NTIA as to whether and how these projects can support the development of the nationwide, interoperable public safety network;

WHEREAS, as part of these examinations, several Board members visited all seven of the BTOP public safety grant recipients and evaluated each of the recipient's progress towards completing the installation of 700 MHz public safety Long Term Evolution (LTE) networks;

WHEREAS, the Federal Communications Commission granted FirstNet a license to use the 700 MHz public safety broadband spectrum on November 15, 2012;

WHEREAS, the BTOP public safety grant recipients have informed FirstNet that they intend to seek to have NTIA's approval to lift the partial suspension of their BTOP funding, and to enter into lease agreements with FirstNet to use the 700 MHz public safety broadband spectrum licensed to FirstNet;

WHEREAS, as a result of these examinations, the FirstNet Board has preliminarily concluded that these recipients' projects could provide substantial benefits to the development of the nationwide, interoperable public safety broadband network;

NOW THEREFORE BE IT RESOLVED that the FirstNet Board hereby directs its Board member Sue Swenson to negotiate, on behalf of FirstNet, spectrum lease agreements with BTOP public safety grant recipients to use the 700 MHz public safety broadband spectrum to further the development of the nationwide interoperable public safety broadband network. The negotiations with the BTOP public safety grant recipients shall last no longer than 90 days after the date of this resolution; however, such negotiations may be extended for a brief period of time upon mutual consent of FirstNet and a recipient. The full Board shall approve the lease agreements.

LET IT FURTHER BE RESOLVED that after any public safety grant recipient has entered into a spectrum lease agreement and Sue Swenson is satisfied that the recipient has complied with the necessary conditions, Sue Swenson shall seek Board approval to send a letter to the Assistant Secretary for Communications and Information, NTIA's Administrator, on behalf of the FirstNet Board that supports any recipient request to lift the partial suspension of its BTOP funding.

I, the undersigned, Secretary of the First Responder Network Authority, do hereby certify that the above is a true and correct copy of a resolution adopted at a meeting of the Board of the First Responder Network Authority on February 12, 2013, at which a quorum was present and voted.

A handwritten signature in black ink, appearing to read 'Uzoma Onyeije', written over a horizontal line.

Uzoma Onyeije, Secretary