

**MISSISSIPPI WIRELESS COMMUNICATION COMMISSION**

**May 7, 2015 Meeting Minutes**

Place: Woolfolk Building - DFA, Room 145  
501 North West Street  
Jackson, MS

<b>Commission Members Present:</b>	
MS Association of Fire Chiefs	Lariviere, Mr. Tom (Chairman)
MS Department of Public Safety	Magee, Mr. Ken (Vice Chairman)
MS Emergency Management Agency	Biggers, Ms. Deb
MS National Guard	Causey, Lt. Col. Ray
MS Department of Corrections	Fisher, Commissioner Marshall L.
MS Association of Supervisors	Gray, Mr. Steve
MS Department of Transportation	Huff, Mr. Willie
MS Department of Information Technology	Johnson, Mr. David
MS Department of Corrections	McAfee, Ms. Audrey
MS Highway Patrol	Smith, Mr. Timothy
MS Department of Health	Vaughn, Mr. Wayne
MS Association of Police Chiefs	Waggener, Chief Perry
<b>Advisory Board Members Present:</b>	
Public Utilities - Chairman	Beckett, Representative Jim
Wildlife, Fisheries & Parks - Chairman	Bounds, Representative C. Scott
Energy - Chairman	Burton, Senator Terry
Public Property - Vice-Chairman	Doty, Senator Sally
<b>Also in Attendance:</b>	
FirstNet	Parkinson, Edward
Governor's Office	Songy, Joey

Chairman Tom Lariviere called the meeting to order and welcomed distinguished guests: Senator Doty, Senator Burton, Representative Beckett, Representative Bounds, and Mr. Edward Parkinson, Director of Governmental Affairs from FirstNet to the proceedings. He then entertained a motion to approve the minutes from the April 2, 2015, meeting, as they were transmitted. Mr. Timothy Smith made a motion to approve the minutes and it was seconded by Mr. Ken Magee. The motion carried with none opposed.

Ms. Vicki Helfrich gave the MSWIN Project Update for April 2015. She provided information on the number of MOUs executed, radios loaned out for coverage testing, and events the WCC Staff assisted in during the month which included the MS Office of Homeland Security Exercise, Spring Break in Harrison County, 177 Airlift Wing Exercise in Gulfport, and a Joint Exercise between MS Military

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Department and the City of Oxford/Lafayette County. Ms. Helfrich also outlined MSWIN User and Network activity, Zone usage broken down by talkgroups, and Airtime/PTTs per hour.

Generator inspections will be finalized soon and we will begin the ground inspections, HVAC and generator services toward the end of May. Ground inspections consist of weed removal and checking the sites for grounds issues. HVAC and generator service PMs will prepare the sites for hurricane season. Motorola is also engaged in RF PMs in Phase 3. WCC staff conducted Phase 3 site inspections for the last few months due to the expiration of the system warranty for Phase 3 in March. Motorola has agreed to handle some of the repair issues that were discovered but there are other items such as road repairs, tower lights, and exposed grounding issues that are the responsibility of the WCC. These repairs are currently underway.

Mr. Bill Buffington gave an update on build-out reporting the WCC was able to complete the extensive FEMA forms regarding colocation at Hancock County and on two new build sites at Camp Shelby, one in Perry County and one in Forrest County. He reported Lana Nicks helped to gather all of the required documents and to fill out the new forms that are required by FEMA regarding endangered species. He projected the three new sites would be going vertical soon.

Ms. Helfrich gave an update on contract status reporting the contract with Buford Goff & Associates, is being extended for QA/QC Services throughout the remainder of the MICG grant. Butler Snow's legal services contract is being renewed. Maintenance contracts with River Radio, Upchurch Services, and Taylor Power Systems have been extended. The SBA tower lease agreement amendments have not been executed by the vendor and returned to us yet, although they acknowledged to ITS that they would be mailed as soon as possible on several occasions. The MICG grant extension request was submitted to MS Homeland Security and Commissioner Barnes said he did not see a problem with the request being approved. The BTOP grant ends on September 30, 2015, and must be finalized by that time. Written verification has been requested from NTIA to authorize the use of federal funds to deconstruct our LTE equipment. Verification has not been received to date.

Senator Burton asked if the WCC could put the dollar amounts on the contract status report for the next meeting and Ms. Helfrich agreed.

Ms. Helfrich gave an update on projections through the end of FY15 reporting that funds left are approximately \$2.9 million. Operating expenditures are projected to be approximately \$450k - \$500k per month leaving the remainder of the funds for maintenance and repair. There is another payment to Motorola to maintain the RF and the microwave. There are also multiple repairs needed such as tower light repairs, access road repairs, grounding issues at some sites, and generator repairs at several sites, including the replacement of one generator which will be \$18k to replace plus the labor to install it. After all of these expenditures, it is projected that approximately \$30k will be remaining at the end of FY15.

Chairman Perry Waggoner gave an update on the Procurement Committee reporting there was one request that came to the Committee in December from Desoto County in the form of a two-part request of \$8.9 million worth of equipment and another \$3 million request for additional subscriber units and P25 flashes. He said that at the time, Desoto didn't have their Board's approval for the \$3 million request, so they were allowed to explain the request to the WCC, but their request was tabled awaiting their Board's approval. He explained the DeSoto County Board has recently approved the request and made a motion that the \$3 million request for subscriber units and P25 flashes for

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Desoto County be approved. The motion was seconded by Col. Ray Causey. The motion carried with none opposed.

Chairman Willie Huff gave the Governance Committee update reporting that a rule change is being proposed to allow for subsequent approval of purchases from agencies that have need for a small amount of purchases over and above whatever their threshold limit was for projects which have been previously approved by the Committee or Commission. He presented a proposed rule change which states that subsequent radio purchases, for previously approved projects, up to \$100k per project or fiscal year may be reviewed for approval by the Executive Officer and over \$100k per project or fiscal year may be reviewed for approval by the Procurement Committee. He reported this rule change would do two things: (1) enable agencies to buy additional radio equipment for previously approved projects without having to come back to the full Commission for approval; and (2) enable these entities to not have to comply with the thirty day notice requirement for requests that must be brought before the Commission. Mr. Perry Waggoner said he liked the new language because as Procurement Committee Chairman, he was seeing small requests for additional subscriber units that are already on state contract from entities that already had projects approved by the committee and the full Commission. He said in his opinion, there was no reason the staff couldn't be given the authority to handle these additional requests on their own.

Mr. Huff then asked the Commission whether or not they wanted to review the rule changes as proposed before voting to submit them, or if they wanted to vote on it. Mr. Ken Magee asked how the approval process worked. Lana Nicks was asked to explain the process and said once the proposed rule change is submitted to the Secretary of State's office; it would undergo a 25-day comment period. After the comment period, the final rule would be submitted and it would become a rule in 30 days. Mr. Steve Gray asked for clarity regarding if a subsequent request comes in that is between \$100k-\$250k currently, the procurement committee approves it. He asked Mr. Huff to clarify if the new language is proposing that any subsequent request above \$100k can now be approved by the procurement committee. Mr. Huff said yes, on subsequent requests that have already come before the Commission for the primary approval of the project.

Chairman Lariviere took a motion to approve the rule change as proposed. Mr. Waggoner made the motion to approve the rule change as proposed. The motion was seconded by Mr. Huff. The motion carried with none opposed.

Chairman Lariviere recognized Mr. Joey Songy from the Governor's office and welcomed him to the meeting.

Mr. David Johnson gave the update on the approval of expenditures reporting expenses for the month of April 2015 were just over \$1.1 million. He pointed out that the WCC has begun a transition from General Fund Appropriation to the FY14 Deficit Carryforward Fund stating that those two funds both expire at the end of this year, so as the first column (General Fund) is depleted, expenditures will be processed using the next column (FY14 Deficit Carryforward). Revenue in the Integrated Public Safety Communications Fund was a little over \$1,800.00 for fees collected for use of the system and the balance was a reimbursement to the agency for flood-related grant reimbursements. Grant funds expended were \$3,080.00. Regarding the detailed expenditures for the month, as Ms. Helfrich mentioned, SBA has not signed the contract amendments yet and any of the leases that have expired have not been paid. When SBA provides the signed amendments, lease amounts will be paid and the equipment rental figures will increase.

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Chairman Lariviere took a motion to approve the expenditures. Mr. Wayne Vaughn made the motion to approve the expenditures. Mr. Steve Gray seconded the motion. The motion carried with none opposed.

Mr. Ed Parkinson then provided an update on FirstNet. The update included the vision for FirstNet, strategy and consultation, consultation and outreach, state consultation process as well as the draft RFP recently released by FirstNet. Questions were then entertained by Mr. Parkinson from the Commissioners.

Questions revolved around who can purchase excess capacity from FirstNet, how FirstNet plans to utilize government assets, potential user fees, and how public safety would be provided priority over the network.

Mr. Ken Magee asked why wasn't FirstNet willing to enter into a long-term agreement on the spectrum lease with the state of Mississippi? "Are you willing now to come to the table and leverage Mississippi's network that we've had to gain experience that can be learned from utilizing our system that is ready to deploy?" Mr. Parkinson pointed out that the National Telecommunications Information Administration (NTIA) is separate to FirstNet. When the lease negotiations first took place, FirstNet had nothing to do with it. Sue Swenson was working with Vicki and our counsel was not FirstNet council, it was NTIA, so when the decisions were made at that point, certain interpretations of the laws were NTIA's counsel's interpretations. It wasn't really FirstNet that was rejecting the terms of the agreement.

Mr. Parkinson went on to say the biggest issue was with the state signing a public-private partnership (PPP) at that stage. Had the state signed with a commercial vendor that would've maybe taken away from the value of the system across the nation. When vendors look at the value of our spectrum across the county, they're not looking at just a state's area. They're looking at project, they're look at the entire country. It would've been poor business practice to have allowed that to occur. The fact that the legislation that created FirstNet, cheated the State of Mississippi out of your original BTOP design, was not the State of Mississippi's fault, and I'm very sympathetic towards that. Are we in a position where we can actually sign something going forward? We're not quite there, but that's another purpose of my trip down was to work with Damon and Vicki to see whether or not that's a solution. The truth still stands today, if we allow states to go out there and sign with other carriers that may or may not be the carriers that we select, that will then lead to bigger issues regarding the spectrum and potential technical issues. I'm very willing to work with them over the next few weeks to see whether there's an option out there, but I cannot stand up here and give you a guarantee and say I can, but I am absolutely willing to try.

Chairman Lariviere then asked if they deploy the system and then the user fees do not support the system, what would happen. Mr. Parkinson said if the carriers decide the value of the excess capacity isn't worth what the models say it is, FirstNet will pack up their tents and go home, and commented if it was easy, or if a private carrier could make money with it, they would've already done it. He said the question is how do we get there. Lt. Col. Ray Causey said everyone is forgetting the logistics costs involved. Mr. Parkinson said they have to make sure FirstNet can generate the tools and services that people will want to use and FirstNet's goal is to drive those user fees down to as close to \$1.00 as possible.

Mr. Timothy Smith then said there is an analogy that the State of Mississippi has worked very hard to offer a S-Class Mercedes and the feds are coming in offering us to trade that in on a '78 Pinto and

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we'll still have to finance it by paying user fees. Mr. Parkinson said the system that is in place in Mississippi for land mobile radio is going to be here for some time. FirstNet is planning for a very a network for those users who will be coming into public safety in four or five years' time. FirstNet will have to make sure the new network is comparable to the system you are using now, or you won't use it. There is no incentive for you to use it.

Mr. Wayne Vaughn asked what are the full implications of opting out? Mr. Parkinson said if a state chooses Opt-Out, it has 180 days in which to develop their alternative state plan that has to meet or exceed the interoperability requirements of the FirstNet plan, go to the FCC and if they sign off on it, you get the opportunity to go back to NTIA and apply for grant funding to deploy the system. No matter what, the financial obligation of deploying that system falls upon the state. In an Opt-in situation, the opposite is true, the financial obligation falls upon FirstNet. Chairman Lariviere asked if that meant using the FirstNet spectrum. Mr. Parkinson said yes. Mr. Parkinson said the state would have an agreement with FirstNet to leverage the FirstNet core, but the spectrum would be shared by everyone on the system. Mr. Buffington said under the same switch which resides in Washington, DC. Mr. Parkinson said yes. Mr. Parkinson said the State of Mississippi doesn't really have the resources to sustain their own network and added there are only actually seven states capable of generating enough income to support the Cadillac-type network and those states will pay for the rest of the country to be on the system.

Vice-Chairman Magee then asked when the law was passed creating FirstNet. Mr. Parkinson said February of 2012. Vice-Chairman Magee said it is frustrating that we had a system that would've provided great coverage all across our state that would've provided a level of care to meet the needs of the citizens equally – nobody would've been beneath it and nobody would've been above it.

Mr. Buffington said in 2007-2008, the State of Mississippi was lobbying Congress to set aside D-Block for public safety and had some success because they earmarked it, but would let carriers do with attached caveats to it for geographical build-out, rural build-out, and timeline. He said they took it to spectrum auction and no one realistically bid on it. He said the only difference in FirstNet's RFP proposal and our original proposal is it going back to commercial carriers again, but with \$7 billion dollars to help build it out, which is only a drop in the bucket, but on a national build-out of a network of this magnitude is nothing. Mr. Parkinson said he disagrees about Auction 73 on D-Block. He said they tried to sell it to the carriers, but it didn't get close to its reserve price because the carriers didn't want to spend \$1.1 billion dollars on a spectrum that they wouldn't control. FirstNet controls the spectrum and will make sure public safety gets access to the spectrum in an emergency. FirstNet isn't giving away the spectrum and all the extra capacity will be leased out to support the network, but we will control the spectrum in order to give priority to public safety. He said that's where the rubber meets the road. Mr. Parkinson said there's been a lot of bad history, FirstNet messed up some of the negotiations, and NTIA... but the point is we can't do this without getting together with you, so I give you my word that I will do the best I can and all I ask is that we keep an open communication. He said the network is going to be deployed across the country and he doesn't anyone to be left behind, so he very much would like to try to work it out.

Mr. Waggener said you've outlined your challenges and now you're saying the network will be built-out across the country, but didn't you say if your revenue does not sustain it, you'll pack up your tents and go home? Mr. Parkinson said they'll know by the end of the year.

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Mr. Huff said your board is made up of fifteen people: four of them are from public safety, eight of them are from the commercial world, and three of them are from the federal government. He said he is concerned about the fact that public safety is one-third of that number. He is also concerned that the funding plan regarding rich states paying for the poorer states. He pointed that is similar to the Highway Trust Fund, which at this time is approximately \$19 billion dollars in the hole. He said the Opt-Out choice sounds like you're telling us we don't have an choice because whatever we do, we have to build a data network if we don't use FirstNet.

Mr. Parkinson said at the end of the day, we have to be competitive and provide a product that will entice you to come over and he understands there is a lot of healthy skepticism. He said once FirstNet is through the RFP process they will know much more. Chairman Lariviere said if there's one thing that can be said about the concept, it's to try to bring a level playing field to all the first-responders throughout the country. He said we did it here in Mississippi and the poorest counties in Mississippi had the same access to a communication system as the more affluent areas. He said to allow first-responders to have access to a system where they have the resources and the data exchange like they have in Washington, DC, we must take the emotions out of it and acknowledge that the effort is applaudable.

Chairman Lariviere then called for any other business. There was none.

Chairman Lariviere then announced a scheduling conflict for the Thursday, June 4, 2015, meeting, and called for unanimous consent to reschedule it to Thursday, June 11, 2015, and everyone agreed. He announced the next monthly meeting will be on June 11, 2015, 1:30 PM, in Room 145 of the Woolfolk Building DFA at 501 North West Street, Jackson, MS.

Chairman Lariviere took a motion to adjourn. Lt. Col. Causey made the motion to adjourn and it carried with none opposed. The meeting adjourned at approximately 3:00 PM.