

**MISSISSIPPI WIRELESS COMMUNICATION COMMISSION
August 6, 2015 Meeting Minutes**

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

Commission Members Present:	
MS Association of Fire Chiefs	Lariviere, Tom (Chairman)
MS Office of Homeland Security	Barnes, Rusty
MS National Guard	Causey, Ray
MS Department of Corrections	McAfee, Audrey
MS Department of Environmental Quality	Harrell, Richard
MS Department of Transportation	Huff, Willie
MS Department of Information Technology Services	Blocker, Michele
MS Highway Safety Patrol	Smith, Timothy
MS Department of Wildlife, Fisheries, and Parks	Thornhill, Curtis
MS Association of Police Chiefs	Waggener, Perry
MS Emergency Management Agency	Wilson, Richard
Advisory Board Members Present:	
Public Utilities - Chairman	Beckett, Representative Jim
Wildlife, Fisheries & Parks - Chairman	Bounds, Representative C. Scott
Energy - Chairman	Burton, Senator Terry

Chairman Tom Lariviere called the meeting to order and welcomed everyone to the proceedings noting the presence of Senator Terry Button, Representative Jim Beckett, and Representative Scott Bounds. He then entertained a motion to approve the minutes from the July 9, 2015, meeting, as they were transmitted. Michele Blocker noted the need for a correction in the first name of Mr. Curtis Thornhill. Mr. Richard Wilson made a motion to approve the minutes with the necessary correction, the motion was seconded by Mr. Perry Waggener and the motion passed with none opposed.

Ms. Vicki Helfrich gave the MSWIN Project Update for July 2015. She provided information on MOUs executed, radios loaned out, and special events the WCC Staff participated in during the month. Special Event Talk groups were issued for multi-jurisdictional interoperability to the US Marshals' Service for search for an escapee from Union County jail; to Warren County for protest at Vicksburg National Park; to Noxubee County for search for a missing person, and to Monroe County for search for missing boaters; and the WCC Staff participated in the Grand Gulf Nuclear Station drill. Ms. Helfrich also provided information on the status of Generator and HVAC PMs, the number of current users on MSWIN, the number of users projected for the end of the 3rd Quarter and on the top twenty (20) MSWIN users.

Mr. Bill Buffington gave an update on build-out status reporting that there has been no change on the FEMA submissions for the Hancock County Co-location and the two (2) Camp Shelby builds. The last report on FEMA submissions this morning was that the person responsible for handling this has returned to work and has been instructed to make every effort to complete the review of the WCC submissions. Mr. Buffington noted that the grant (MICG) has been extended to December 31, 2016 and the WCC will be moving forward to complete site location and finalize due diligence done for these sites by the end of the year. He also indicated that it costs about \$30K dollars to get due diligence and soil surveys completed.

Ms. Helfrich gave an update on contract status reporting that closeout is in process for the MSWIN Broadband Network contract. The commission approved, at the last meeting, a contract amendment for the deconstruction of the network for \$819,360.00. The ITS Board has approved it and a supplemental disposition letter has been received from Congress regarding the decommissioning of the LTE assets; a resolution is still being worked on for the SBA Tower leases and Mark Garriga is assisting with that. Since our last meeting, notification was received that SBA is in the process of an assignment and assumption of the WCC's tower leases and that is possibly what is holding up the process; the MICG grant has been

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION
August 6, 2015 Meeting Minutes
Place: Woolfolk Building – DFA, Room 145, 501 North West Street
Jackson, MS

extended until December 31, 2016; and the WCC's rule change was approved and was effective on July 23, 2015.

Ms. Helfrich then indicated that there were two (2) specific items which she will address. The first was the SBA Tower Leases. She noted that the WCC would like to use FY15 funds to pay these leases which were in arrears. The issue is that there are six (6) tower leases that have come up for renewal and SBA has not yet signed the renewal amendments so their 10% increase cannot be paid. To date we have not been paying those six (6) leases at all. The WCC request, and this has been discussed with counsel, is that ITS pay the lease amounts minus the 10% increase using FY15 funds. Mr. Garriga stated that he does not see an issue with making those payments minus the 10% increase as we are trying to negotiate and not being in too much default should be helpful. Mr. Garriga also noted that with the assignment from one SBA subsidiary to another, if we do nothing we may be considered to be in serious default of payment. Ms. Helfrich stated that the WCC will work with ITS to go ahead and pay the amount which in arrears minus the 10% since the renewals have not been signed and we do still have our equipment on those towers.

Mr. Huff made a motion that ITS pay our lease payments current minus the 10% escalation amounts. Mr. Huff asked if this payment would come out of FY15 funds. Ms. Helfrich indicated that it would because we will not have money to pay those leases in FY16. Col. Causey seconded the motion and the motion passed with none opposed.

The second item for discussion was BTOP/Broadband. Ms. Helfrich stated that the contract amendment has been sent to Motorola. Motorola has approved the amendment and is sending it back to ITS for signatures. It is expected to be wrapped up and finalized in the next week or two. The supplemental disposition letter from the Department of Congress has been received. A copy of that letter is in the packet for Commission review. The letter states that they understand that the State may want to temporarily delay the decommissioning of the project assets as the State awaits potential legislative action regarding our award and that both NOAA and NTIA believe that the delay is appropriated and in the best interest of the tax payer. To ensure that we get the funding for the decommissioning, the State must memorialize and decommission a contract before the end of the current BTOP grant period and draw down the funds and this must be done by September 15, 2015. September 15th will be the last date that funds will be available for draw down for grant funded obligations.

Mark Garriga summarized his legal opinion on the letter in four (4) points.

1. The grant obligation has to be made before the end of the grant period. In this case the grant period ends September 30, 2015, but NTIA wants us to submit our drawdown requests by September 15, 2015, so the first deadline we have to meet is to obligate the funds by September 15. We have already taken steps to get that done.
2. The obligation has to be liquidated no later than 90 days after the end of the grant period (all payments have to be made within 90 days after the grant ends). The close-out period will end around December 30, 2015. This still gives us a little more time to make some decisions.
3. The Federal agency can extend this deadline if they want to. They do not acknowledge that in the letter and we can't count on it, but it can be done.
4. The Federal budget cycle ends September 30, 2015, so Congress has to make a decision in the next few weeks about whether they are going to extend this grant. It appears that various efforts are being made to get this done and we should know something by the end of September.

Ms. Helfrich then noted that once we go ahead and draw down our funds, the question is when we start the actual deconstruction. Ms. Helfrich has talked to our Project Officer at NOAA and explained our predicament which is while Motorola has said they can deconstruct the network in 90 days of notice to proceed, however, if there are delays due to weather, we may not make that timeline. If we wait until

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION
August 6, 2015 Meeting Minutes
Place: Woolfolk Building – DFA, Room 145, 501 North West Street
Jackson, MS

October 1st to start deconstruction we could definitely go past that 90 day timeline. In discussions with NOAA and NTIA they have said verbally that they do not see that as a problem as long as we are deconstructing, they look at that as taking everything back to its natural state. Ms. Helfrich has asked for that in writing, but has not received a written response.

Mr. Huff asked why we would want to wait. Ms. Helfrich stated that if the grant award is extended, we have to develop two tracks.

1. Determine if there is a way to work out a spectrum lease agreement with FirstNet which allows the state to sustain the LTE network and if so, finalize the LTE network.
2. Determine what will do with the remaining grant funds if we are not able to finalize the LTE network.

Mr. Timothy Smith stated that he thought we had voted to go a different direction than FirstNet and asked if we had not already crossed that bridge. Ms. Helfrich stated that she feels that we are where we are right now because of the conversations that are happening at the Congressional level and the because of the efforts that Senator Wicker and Senator Cochran have been making on our behalf to extend the BTOP grant award. Mr. Smith then asked if FirstNet people are still involved. Ms. Helfrich stated that Ed Parkinson was here and that she has had conversations with him but that she has no idea if a spectrum lease agreement would be workable. If we can't come up with a way to sustain our network and take it to them to approve it then there is no option for us to go in that direction. Mr. Smith then said, so we haven't met with FirstNet folk about this? Ms. Helfrich said no, that would be totally separate. FirstNet negotiations are going to be separate from this. As far as being able to sustain the network, Ms. Helfrich noted that in one discussion, FirstNet had indicated that there was some misunderstanding on our request for public/private partnerships; that they thought we were only proposing public/private partnerships that would encumber the spectrum.

There was further discussion about the possibility of starting deconstruction so that it has the least impact to the project and the possibility of starting with one crew, choosing specific sites to start with, etc.

Mr. Huff made a motion to proceed with deconstruction as soon as possible (immediately). Mr. Rusty Barnes seconded the motion and the motion passed with none opposed. Ms. Helfrich stated that the WCC will work with Motorola to work out the details of the deconstruction. Ms. Audrey McAfee asked what will be done with the equipment that will be taken down. Ms. Helfrich stated that State Surplus will handle the housing and selling of the assets.

Chairman Lariviere called for the report of the Procurement Review Committee. Chairman Waggner stated that no requests had come up for review.

Chairman Willie Huff had to leave the meeting but the Governance/Interoperability Committee had nothing to report.

Michele Blocker gave the update on the expenditures reporting expenses for the month of July 2015 as of July 1, 2015 and the FY16 Summary Report. MS Blocker noted that the monthly operational expenses were \$380K thousand dollars; the remaining balance in operating funds is \$1.3M dollars and it is expected that this will be spent on quarterly LMR maintenance and SBA leases. There was no activity on grant funds in July. On the FY16 Summary Report, Ms. Blocker noted the \$10.1M dollars in General Fund Appropriation and \$216K dollars in the Integrated Public Safety Communications Fund. Operating fund expenditures amount was \$482K dollars and there was no grant fund activity to report.

**MISSISSIPPI WIRELESS COMMUNICATION COMMISSION
August 6, 2015 Meeting Minutes**

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

Chairman Lariviere called for a motion to approve the monthly expenditures. Mr. Richard Wilson made a motion to approve expenditures, the motion was seconded by Mr. Perry Waggener and the motion passed with none opposed.

Chairman Lariviere then called for any other business. Senator Burton asked the Commission to appoint a committee made up of the chairmen of the two standing committees and one other Commission member to work with the legislature and discuss ways we might make the Commission more efficient in its operation. The Commission is about ten (10) years old now and it is time for a review.

Senator Burton also asked the amount of grant funds that we will be sending back to the Federal government. Ms. Helfrich stated that amount would be approximately \$33M dollars - \$22M dollars for the WCC and \$11M dollars for UMMC. Senator Burton shared his concerns regarding MS getting behind other states and how much it will cost to build out LTE without federal funding as it appears that LTE and Nextgen is the way to go in the future.

The next meeting will be on Thursday, September 3, 2015, 1:30 PM in Room 145 of the Woolfolk Building DFA at 501 North West Street, Jackson, MS.

Chairman Lariviere asked for a motion to adjourn. Mr. Richard Wilson made a motion to adjourn and it was passed with none opposed. The meeting adjourned at approximately 2:40 PM.