



**FEMA**

**Grant Programs Directorate Information Bulletin**  
**No. 386**  
**June 15, 2012**

**MEMORANDUM FOR:** All State Administrative Agency Heads  
All State Administrative Agency Points of Contact  
All Urban Areas Security Initiative Points of Contact  
All State Homeland Security Directors  
All State Emergency Management Agency Directors

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**SUBJECT: Clarification on Use of DHS/FEMA Public Safety Grant Funds for  
Broadband-Related Expenditures and Investments**

The purpose of this Information Bulletin (IB) is to provide Federal Emergency Management Agency (FEMA) Grant Programs Directorate (GPD) grantees guidance regarding the use of Department of Homeland Security (DHS)/FEMA grant funds for broadband-related expenditures and investments in the 700 megahertz (MHz) public safety broadband spectrum. While some broadband activities (e.g., acquisition, deployment) are temporarily restricted under this notice, this IB explains that grantees may continue to apply grant funds toward low-risk broadband activities (which are further explained in this IB), as well as for other emergency communications and homeland security needs.

This Information Bulletin applies only to **broadband** communications projects that will operate in the 700 MHz public safety broadband spectrum. FEMA GPD will still allow the replacement and/or expansion of existing non-broadband, non-700 MHz land mobile radio (LMR) systems and other communications investments.

The IB was developed in response to enactment of the “Middle Class Tax Relief and Job Creation Act of 2012” (Pub. L. No. 112-96), which:

- Authorizes the creation of a nationwide public safety broadband network (NPSBN) in the 700 MHz spectrum band (based on a single, national network architecture)

- Designates a single licensee – the First Responder Network Authority (FirstNet) – to manage the building, deployment, and operation of the network
- Authorizes FirstNet to hold the 700 MHz spectrum license for the network, which will be based on commercial standards for the Long Term Evolution (LTE) service and which will evolve with technological advancements

In addition, on May 11, 2012, the Department of Commerce National Telecommunications and Information Administration (NTIA) suspended activities on seven public safety demonstration projects funded under the Broadband Technology Opportunities Program (BTOP) (included below). Some of these projects may also be supported with FEMA preparedness funding.

- Adams County Communications Center, Inc. (Colorado)
- City of Charlotte (North Carolina)
- Executive Office of the State of Mississippi (Mississippi)
- Los Angeles Regional Interoperable Communications System Authority (California)
- Motorola Solutions, Inc. (San Francisco Bay Area, California)
- New Jersey Department of Treasury (Northern New Jersey)
- New Mexico Department of Information Technology (Albuquerque and Santa Fe, New Mexico)

NTIA took this action to partially suspend the 700 MHz public safety projects to ensure that they proceed in a manner that supports the development of the nationwide, interoperable network that will help police, firefighters, emergency medical service professionals and other public safety officials stay safe and do their jobs more effectively.<sup>1</sup>

To ensure consistency across the Federal government, FEMA GPD is partially suspending approval of funding for certain broadband investments that will operate in the 700 MHz public safety broadband spectrum until FirstNet can establish the nationwide network technical requirements and architecture.

#### What does this mean for Public Safety?

In establishing the NPSBN and providing the spectrum license to FirstNet, Congress envisions a nationwide interoperable public safety broadband network with a single national architecture to ensure interoperability for public safety entities. The Act calls for the FCC, via its Interoperability Board, to recommend “minimum technical requirements” for interoperability. Until the network architecture and the technical requirements are established, and until grantees have approval from FirstNet to operate in the 700 MHz public safety broadband spectrum, grantees should not be using FEMA preparedness funding for activities that may not support the NPSBN deployment (e.g., large-scale acquisition and deployment of LTE equipment and systems). FEMA GPD is concerned that if grantees are allowed to continue to invest in broadband technologies before FirstNet establishes technical requirements for the network, grantee spending may result in stranded (or stovepiped) investments (that is, equipment that cannot be integrated into the NPSBN because it is incompatible with the network architecture).

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<sup>1</sup> BTOP 700 MHz Public Safety Projects: Conforming Existing State and Local BTOP Projects with the Nationwide Public Safety Network Envisioned by the Middle Class Tax Relief and Job Creation Act Frequently Asked Questions, NTIA BTOP website (<http://www2.ntia.doc.gov/ManagementResources>).

Indeed, the resulting facilities might require the diversion of even more funding to integrate them into the nationwide architecture.

FEMA's goal is to ensure preparedness-funded activities support future Federal efforts to deploy the NPSBN. FEMA GPD is issuing this notice to inform grantees that it will be acting to carefully review all broadband-related investments and funding proposals to ensure projects comply with the provisions of the law, that they are viable and sustainable in this new broadband landscape, and will integrate into the nationwide network.

Grantees that do *not* have authority to operate in the 700 MHz public safety broadband spectrum (e.g., via FCC regulatory action and/or agreement with FirstNet) should not submit requests for, and will not be permitted to use, FEMA preparedness funding for broadband-related acquisition and deployment until they have such authority to operate in the spectrum.

### ***Guidance for all Grantees***

- ***Grantees are advised to delay acquiring and deploying equipment until NPSBN requirements are established.*** Until FirstNet develops final technical and operational requirements for the nationwide network, there is no certainty that projects will be able to comply with them. Therefore, to ensure the prudent use of Federal grant funds and to avoid stranded investments (i.e., investments that do not integrate with the NPSBN), FEMA GPD is hereby advising all grantees to delay broadband acquisitions and deployments of systems operating in the 700 MHz public safety broadband spectrum until FirstNet establishes the architecture and technical requirements for the nationwide system.
- ***Grantees may direct funding toward low-risk broadband investments, including, but not limited to:***
  - Planning for broadband investments, including (but not limited to) developing assessments of existing infrastructure, and engaging the whole community in planning and defining needs
  - Analyzing/transitioning existing narrowband LMR systems currently deployed in the broadband public safety spectrum
  - Site upgrades: Documenting site capabilities, conducting tower analysis, assessing site upgrades and needs
  - Backhaul: Upgrading connectivity capabilities for public safety broadband including network capacity planning and modeling
  - Ancillary equipment: Purchasing LTE test equipment, spectrum analyzers, etc.
- ***In addition to low-risk broadband investments (above), grantees may fund other emergency communications needs, including traditional LMR allowable costs, and other communication priorities, including:***
  - Narrowband planning and investments
  - Emergency communications leadership and governance to manage:
    - Assessments of communication capabilities, needs, and risks
    - Statewide planning to identify and address capability gaps
  - Communications training and exercises
  - Sustainment of current capabilities, including lifecycle replacement of equipment
  - Planning for investments in broadband and other advanced technologies

- Costs for relocating 700 MHz narrowband operations that were authorized and completed before the use of the 700 MHz spectrum was approved for the broadband network deployment

***Guidance for Grantees Not Holding FCC Waivers (most grantees)***

- ***Grantees that do not have authority to operate in the 700 MHz public safety broadband spectrum (e.g., via FCC regulatory action and/or agreement with FirstNet) should not submit requests for, and will not be permitted to use any FEMA preparedness funding for broadband acquisitions and deployments until they have authority to operate in the 700 MHz public safety broadband spectrum.*** The Act requires the FCC to grant FirstNet a single license for use of the 700 MHz public safety broadband spectrum. However, until FirstNet develops final technical and operational requirements for the nationwide network, it is difficult to determine whether broadband-related investments will comply with them, or will integrate into the nationwide network. Therefore, until FirstNet issues such requirements and grantees have obtained authority to operate in the 700 MHz public safety broadband spectrum, grantees should not be submitting requests for, and will not be permitted to use, FEMA preparedness funding for broadband acquisitions and deployments.

***Guidance for Grantees Holding FCC Waivers (21)***

- ***All requests submitted by grantees holding FCC waivers to use FEMA preparedness funding for broadband acquisitions and deployments will undergo a thorough Federal review.*** FEMA GPD will initiate a Federal review of requests for funding for broadband acquisitions and deployments to ensure the proposed project will support the NPSBN. The Federal review will include:
  - An initial review by FEMA GPD to determine purpose, scope, allowability, compliance with specific program requirements, and support of homeland security missions
  - Consultation with other DHS components, including the Office of Emergency Communications, or other Federal agencies, concerning technical compliance
  - FEMA GPD approval or denial of request, and special conditions as necessary

FEMA GPD will continue to collaborate with Federal agency partners to ensure activities support the deployment of the NPSBN, and will support investments in the NPSBN when technical requirements are established. Further, FEMA GPD will continue to maintain an awareness of this evolving technological environment, and keep grantees up to date on future developments.

*Please note: This Information Bulletin applies only to **broadband** communications projects that will operate in the 700 MHz public safety broadband spectrum. FEMA GPD will still allow the replacement and/or expansion of existing non-broadband, non-700 MHz LMR systems and other communications investments.*

Questions regarding this IB, whether the IB applies to your particular project, or guidance on low and high risk broadband investments may be directed to your FEMA GPD Program Analyst or the Centralized Scheduling and Information Desk at [askcsid@fema.gov](mailto:askcsid@fema.gov) or 1-800-368-6498.