

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION
Called Special Meeting

December 22, 2017 Meeting Minutes

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

Commission Members Present:	
MS Department of Public Safety	Magee, Ken (Chairman)
MS Department of Emergency Management	Smithson, Lee (Vice-Chairman)
MS Association of Supervisors	Gray, Steve
MS Department of Transportation	Huff, Willie
MS Department of Information Technology Services	Johnson, David
MS Association of Fire Chiefs	Lariviere, Tom
MS Highway Safety Patrol	Loper, Don
MS Department of Corrections	McAfee, Audrey
MS Department of Environmental Quality	Sanders, Chris
MS Department of Wildlife, Fisheries & Parks	Skipworth, Curtis
MS Police Chiefs	Waggener, Perry

Chairman Ken Magee called the special meeting to order at 11:49 and welcomed everyone. Chairman Magee directed everyone’s attention to the agenda. The first item addressed was consideration of the report and recommendation of the FirstNet RFP Committee of the WCC regarding proposals submitted in response to RFP No. 4023 issued by the Mississippi Department of Information Technology Services (ITS) for Project No. 43823 to design, build, finance, operate, and maintain a statewide wireless broadband system, including the Long Term Evolution (LTE) radio access network (RAN) and state core that will be fully interoperable with the First Responder Network Authority (FirstNet) for the National Public Safety Broadband Network (NPSBN).

Chairman Magee noted that the FirstNet RFP Committee met earlier, and as Committee Chair Chairman Magee then gave the report of the FirstNet RFP Committee to the Full Commission. The Mississippi Wireless Communication Commission, along with ITS, issued RFP 4023 seeking qualified vendors to provide proposals to design, build, finance, operate, and maintain a statewide wireless broadband system operating on 20 MHz of spectrum within the 700 MHz band. This system will include a statewide LTE RAN that will be fully interoperable now and in the future with the FirstNet NPSBN. Proposals were submitted by Rivada Mississippi, LLC (Rivada) and CSpire Public Safety, LLC (CSpire). C Spire later withdrew their proposal from further consideration as they have partnered with Rivada in its response to RFP 4023. The FirstNet RFP Committee spent considerable time reviewing the proposals submitted in response to RFP No. 4023, issued by ITS , for the construction, maintenance, and operation of a RAN in Mississippi, as an alternative to the State Plan proposed by FirstNet. During the Committee Meeting, the FirstNet RFP Committee voted unanimously to award the RFP 4023 to Rivada. Chairman Magee asked for any questions from the Commission Members. Chairman Magee then entertained a motion to approve the only remaining proposal. Chief Tom Lariviere then made a motion that the Commission approve the selection of Rivada Mississippi, LLC and its partner C Spire Public Safety, LLC for a twenty-five (25) year term, pending: approval by the ITS Board and an opt-out decision by the Governor, along with the necessary approvals of the Federal Communications Commission, the National Telecommunications and Information Administration, and the First Responder Network Authority, as well as successful contract negotiations. The motion was seconded by Steve Gray and the motion carried with none opposed.

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The Chairman moved to the second item on the agenda: a recommendation to the Governor regarding his decision, on behalf of the State of Mississippi, to opt-in or opt-out of the State Plan provided to him by FirstNet for the NPSBN, as provided for in the Middle Class Tax Relief and Job Creation Act of 2012.

As the Committee Chairman of the FirstNet RFP Committee, Chairman Magee gave the report of the FirstNet RFP Committee to the Full Commission. The FirstNet RFP Committee spent considerable time comparing the FirstNet/AT&T State Plan for Mississippi and the Alternative RAN Plan provided by Rivada. The FirstNet/AT&T plan provides a interoperable public safety broadband network solution to Mississippi's first responders which includes quality of service, priority, and preemption standards, 98.4% coverage to the state geography and 99.7% coverage of the state population, and incorporates MSWIN infrastructure into its overall network deployment plan, committing to lease towers from MSWIN. One of our objectives has been for the MSWIN's infrastructure to be utilized as part of the FirstNet deployment and the AT&T proposal does so in a way that will increase coverage in rural areas and provide lease payment funding to the WCC. During the FirstNet RFP Committee Meeting, the Committee voted to recommend to the Governor that he Opt-In to the State Plan provided to him by FirstNet for the NPSBN.

The Chairman called for a motion from the Commission to recommend to the Governor to Opt in or Opt out of the FirstNet State Plan for the NPSBN. Commissioner Lee Smithson made a motion based on those reasons expressed by the FirstNet RFP Committee, along with other thoughts and opinions expressed in the course of a thorough discussion of these and related issues in the Commission meeting, that the Chair of the Mississippi Wireless Communication Commission send a letter to the Governor communicating the Commission's recommendation that he Opt-In to the State Plan provided to him by FirstNet for the NPSBN, as provided for in the Middle Class Tax Relief and Job Creation Act of 2012, which letter should also express that the Commission is of the opinion that this option would be the most prudent course to mitigate risk. The motion was seconded by Chief Tom Lariviere. A draft copy of the Opt-In letter to the Governor from the Commission was distributed to each Commission member for review. Chief Willie Huff recommended a change in the draft letter to the Governor regarding the Opt-In decision. It was recommended that the last sentence in the 3rd paragraph be amended. In addition the last sentence of the letter should be struck. Chief Smithson accepted the changes to the draft letter as a friendly amendment. The amended motion carried, with none opposed.

Chief Perry Waggener then requested that the minutes include his comment, voiced in the course of the FirstNet Committee meeting, that he and other members of the Commission were voting for the FirstNet State Plan under duress, having been placed in this position by federal rules and regulations propagated in bad faith, that continue to evolve even as the deadline for state action approaches. Chief Waggener requested that WCC Staff and Counsel explore whether there might be any legal avenues available to extend the opt-in/opt-out deadline. Chairman Magee acknowledged the statement and the request.

With no further business, Chairman Magee entertained a motion to adjourn with all in favor and none opposed. The called special meeting was adjourned at approximately 12:00 pm.