

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION

October 3, 2013 Meeting Minutes
Place: 6th Floor MDOT Conference Room
401 North West Street
Jackson, MS

Commission Members Present:	
MS Association of Fire Chiefs	Vice Chairman Tom Lariviere
MS Office of Homeland Security	Rusty Barnes
MS Department of Transportation	Willie Huff
MS National Guard	Gary Ladd
MS Department of Health	Mike Lucius
MS Department of Public Safety	Ken Magee/Timothy Smith
MS Department of Corrections	Audrey McAfee
MS Department of Information Technology Services	Craig Orgeron
MS Association of Chiefs of Police	Perry Waggener
Advisory Board Members Present:	
Chairman House Public Utilities	Representative Jim Beckett
Vice-Chairman Senate Appropriations	Senator Terry Burton
Vice-Chairman Senate Energy Committee	Senator Giles Ward
Also in Attendance:	
Governor's Office	Thomas McElroy
Governor's Office	Joey Songy

Vice-Chairman Lariviere called the meeting to order at 1:30 PM and welcomed everyone. The Vice-Chairman asked if there were any changes to the September 5, 2013 minutes which had been emailed to Commission members. There were none and the Chairman called for a motion to approve the minutes of the September 5, 2013 meeting as written. Mr. Perry Waggener made the motion to approve. Mr. Willie Huff seconded the motion and the motion passed with none opposed.

Ms. Helfrich was asked to provide the MSWIN Project update. Ms. Helfrich noted that when Change Order #10 is finished, 8-10 additional towers will be added to the network to add more coverage in some of our weak coverage areas. During the month of September, radios were loaned to the Crystal Springs Volunteer Fire Department and MOUs executed with Jackson Public Schools, Benton County, Holly Springs Police and Fire Departments, Forest General Hospital, City of Grenada, Lauderdale County and MOUs are being processed for Lincoln and Prentiss Counties.

Also this month, the WCC staff has worked with Capitol Police and the State Fire Marshal's office setting up talkgroups and programming radios for the MS State Fair. Copiah County Emergency Management is putting MSWIN radios in each of their schools and the WCC staff is working with them to make sure that undertaking is successful. The WCC is still working with surrounding states to ensure that we are interoperable and patches are currently in place with LA, AK, and Baldwin County, AL. In addition, WCC continues to work with locals as issues come up and working on any improvements that can be made to the network and providing information to end-users. During the past month we had 1.123 million Push-To-Talks (PTT) and 277 busies, which is below 0.1%.

During the month of September we also had our LBO Hearing which went relatively well. We have received some requests from LBO for additional information which we have provided and we will continue to respond to any/all of their requests.

Ms. Helfrich stated that in preparation for this weekend's anticipated storm, the WCC is working with entities as they request radios but to date not many requests have been received. The Staff is also working with the Governor's Office to ensure that they have everything they need in place.

Vice-Chairman Lariviere called for the update on Spectrum Lease Negotiations between the State and NTIA/FirstNet. Mr. Joey Songy from the Governor's Office noted that many of the Commission

members were on the conference call last week or earlier this week and received an update on where we were on the Spectrum Lease. He asked Ms. Helfrich to talk about the negotiation process and what has been done over the past 2-3 weeks.

Ms. Helfrich stated that over the last 2 weeks a good bit of time has been spent on trying to work out an acceptable resolution with NTIA/FirstNet. Representatives from the Governor's Office, the WCC, and UMMC met with the Congressional Delegation in Washington on September 17, 2013. They are very interested in the project and want to see it be successful. To date we have not been able to work out a resolution with FirstNet as to the ongoing sustainability of the network. There are some issues that we have to resolve in order to move forward. One is access to the Spectrum. Spectrum Lease negotiations ended on Monday, September 30th and FirstNet has not officially extended negotiations. We could not come to an agreement on the Spectrum Lease and the WCC informed FirstNet we would not sign the Spectrum Lease Agreement; however the grant recipient is the Governor's Office so they are determining next steps. Another is the finalizing our BTOP Grant. Because the State of Mississippi has a network that is ready to be turned on, we have to ensure that we have a way of sustaining that network, not just during the duration of the grant but long term. We have not been able to come to a resolution on this matter.

Mr. Songy added that the rules of the game have changed since we were awarded the grant. That has a lot to do with the reason we can't get the assurances and certainty to feel good about going forward with the build-out and operation of the network as we originally planned. The Governor's Office is considering what the options are; where this leaves us with the system; with the investment; and with the assets. The Commission will continue to be updated as these things are figured out.

A great deal of discussion followed including information that the mission of FirstNet is to build-out a single nationwide network for public safety broadband; that it would be a fee based system; that FirstNet has the authority to retain all revenues; that comments made at a meeting in Washington included that FirstNet would own all the cores; that whether a state decides to opt-in or opt-out, FirstNet would still own and operate the cores and that they would, in fact, own the subscriber base; and that in all the time spent negotiating, FirstNet has made no concessions.

Senator Burton noted that the idea that we have had such a difficult time in finding ways to sustain the system is bothersome and the only thing more bothersome is that someone in Washington can turn off a radio in Mississippi if they choose to because we are on their system.

Vice Chairman Lariviere made the report for the Procurement Review Committee. No matters had come before the Committee this month.

The Vice-Chairman called for the report of the Governance/Interoperability Committee. Mr. Huff stated that he had nothing to report.

The Chairman called for the report of the Revenue Committee. Mr. Gray was absent. There was no report.

The Chairman called for the Report of Monthly Expenditures. Dr. Orgeron stated that the remaining FY13 balance is \$100 thousand dollars. There is approximately \$4.7M dollars in the 3603 fund for FY14 with the total for 3603 fund being \$4.8M dollars. The \$56 Thousand dollar receivable is the money received for hail damage and the final payment of flood reimbursement from FEMA; the Grant balance is approximately \$48.1M dollars. The total expense for the month of September was \$3.8 M dollars with \$3.5M dollars of that for milestone payments for Phase 3 microwave. Mr. Rusty Barnes made a motion to approve monthly expenditures. The motion was seconded by Colonel Gary Ladd and passed with none opposed.

Vice-Chairman Lariviere called for other business. Ms. Helfrich began the discussion of the SLIGP Award from NTIA. She provided a hand out with information about the SLIGP Award and noted that it had been the wish of the Commission that if/when the SLIGP Grant was awarded, she present it to the Commission for them to vote on whether the grant award should be accepted. Ms. Helfrich

recommended that we not vote on this today but wait to see what the disposition of the BTOP grant is which should be known the first of next week.

Questions followed which brought up questions as to the need for MS to accept the award at all. After some discussion, Consul Mark Garriga suggested that the matter be discussed in executive session. At that time Mr. Mike Lucius made a motion to go into closed session to determine if it was necessary to go into executive session. The motion was seconded by Mr. Craig Orgeron and passed with none opposed. All attendees that were not Commission members were asked to exit the room. After some discussion, Mr. Mike Lucius made a motion to go into executive session. The motion was seconded by Mr. Perry Waggener and all members present voted unanimously to go into executive session. Consul for the Commission advised those members of the general public that that the Commission had voted to go into executive session to conduct a strategy session with respect to possible litigation and that an open meeting would have a detrimental effect on the litigating position of the public body. An executive session was conducted by the Vice-Chairman on the subject announced. Upon conclusion of the discussion a motion was made to close the executive session and resume open meeting by Mr. Mike Lucius. The motion was seconded by Mr. Perry Waggener. The Commission voted unanimously to return to open meeting. Consul for the Commission advised those members of the general public still waiting that open session was resuming. At 3:23 PM open session of the Monthly WCC meeting resumed.

The Vice-Chairman recognized Colonel Gary Ladd who made a motion that the WCC decline the NTIA SLIGP Grant Award out of concern for the State's ability to match the grant funding and to meet cash flow demands. We feel it would be inappropriate to move forward at this time. The motion was seconded by Mr. Willie Huff. The motion passed with one member, Dr. Orgeron opposed.

There was no other business for discussion.

The next meeting will be held on November 7, 2013 at 1:30 PM in the MDOT 6th Floor Conference Room. Mr. Willie Huff made the motion to adjourn. The motion was seconded by Dr. Orgeron and passed with none opposed.

The meeting adjourned at approximately 3:28 PM.