



## SUBCHAPTER A—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION REGULATIONS

### PART 500—REVIEW AND APPROVAL OF FEES PROPOSED BY THE FIRST RESPONDER NETWORK AUTHORITY (FIRSTNET)

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AUTHORITY: 47 U.S.C. 1401.

SOURCE: 82 FR 40961, Aug. 29, 2017, unless otherwise noted.

#### § 500.1 Purpose and scope.

Sections 500.2 through 500.5 of this part implement 47 U.S.C. 1428(c) as codified pursuant to the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (Act), which requires the National Telecommunications and Information Administration (NTIA) to annually review fees the First Responder Network Authority (FirstNet) proposes to assess pursuant to 47 U.S.C. 1428(a).

#### § 500.2 General definitions.

*Expenses* means incursions of costs by FirstNet in the course of executing its statutory powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.*, including but not limited to:

- (1) Salaries and Benefits;
- (2) Travel;
- (3) Services: Federal Sources;
- (4) Services: Non-Federal Sources;
- (5) Facilities Rental;
- (6) Supplies, Materials, and Printing;
- (7) Equipment; and
- (8) Other Expenses incurred for future contract award, necessary reserve funds, including for all other permitted purposes under the Act, or other authorized expenses as identified in FirstNet's standard financial documentation.

*Fee* means:

- (1) FirstNet's receipt of money from:

- (i) Network User Fees, including User Fees Associated with State Use of Elements of the Core Network;

- (ii) Lease Fees Related To Network Capacity; or

- (iii) Lease Fees Related To Network Equipment And Infrastructure, as those terms are defined under 47 U.S.C. 1428(a) and 47 U.S.C. 1442(f).

(2) Income received by FirstNet other than from fees authorized under 47 U.S.C. 1428(a) is not directly subject to NTIA review. However, NTIA will consider such non-fee-based income as part of its determination of whether such income, when combined in aggregate with the fees authorized under 47 U.S.C. 1428(a), will be sufficient to recoup FirstNet's total expenses, but not exceed the amount necessary to carry out its statutory powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.* for the fiscal year involved.

*FirstNet* means the First Responder Network Authority.

*Fiscal Year* means the 12-month accounting period for the federal government, which begins on October 1 of a given year and ends on September 30 of the subsequent year.

*Necessary reserve funds* means any amount of money identified by FirstNet in its standard financial documentation to meet expected and unexpected future expenses that may arise in the course of FirstNet executing its statutory powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.*, including but not limited to capital reserve funds, operating reserve funds, maintenance reserve funds, and improvement reserve funds.

*Non-fee-based income received by FirstNet* means FirstNet's receipt of money from any source, transaction, entity, or any other means allowed under 47 U.S.C. 1401 *et seq.*, other than those receipts described above in the definition of "fee."

*NTIA* means the National Telecommunications and Information Administration.

*NTIA's fee review and approval process* means the process by which NTIA executes its duties under 47 U.S.C. 1428(c).