Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands	)))	WT Docket No. 06-150
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band	))))	PS Docket No. 06-229

OPENING COMMENTS OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA AND THE CITY OF OAKLAND, CALIFORNIA IN RESPONSE TO THE THIRD FURTHER NOTICE OF PROPOSED RULEMAKING

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I. INTRODUCTION AND SUMMARY

The City and County of San Francisco, California and the City of Oakland, California ("Undersigned Cities") respectfully submit these comments in response to the *Third Further Notice of Proposed Rulemaking* in the above-captioned proceeding, released on October 3, 2008 ("3rd FNPRM").

In the 3rd FNPRM, the Federal Communications Commission ("Commission") seeks comments on a set of tentative conclusions and proposed rules the Commission has offered as part of its efforts to achieve a nationwide broadband wireless network for public safety use. The Commission's plan is based on a public/private partnership in which the winning bidder of the commercial license in the upper 700 MHz d block ("D Block") would partner with the nationwide licensee of the 700 MHz public safety broadband spectrum ("Public Safety Broadband Licensee" or "PSBL") to construct a broadband network that would serve both commercial and public safety users. (¶ 1.)

After the initial auction of the D Block failed to deliver a winning bid, the Commission issued the *Second Further Notice of Proposed Rulemaking* ("2nd FNPRM"). In the 2nd FNPRM, the Commission sought comments on how the D Block auction rules might be modified to achieve the Commission's goals. Several large cities ("Cities"), submitted comments[1] urging the Commission to abandon its "one size fits all" approach and, instead, allocate the 700 MHZ public safety spectrum block directly to local or regional public safety users.

Cities suggested that the Commission's proposed public/private partnership would not work because the commercial licensee might put profitability concerns ahead of public safety needs. Therefore, Cities lacked confidence that the network, if ever

[1] *See generally*, 2nd FNPRM Opening Comments of the New York Police Department (NYPD), San Francisco, King County, Philadelphia, District of Columbia, as well as the Reply Comments of NYPD.

completed, would serve the needs of local public users. It is likely that many cities would simply choose not to use it.

Cities noted that large urban areas have the technical capability to build regional broadband networks, but would need access to the spectrum and funding. Rather than proceeding once again with an uncertain auction, an untested spectrum sharing plan, and no guarantees that public safety users in the largest urban areas would use the network if and when it is ever completed, Cities urged the Commission to give local public safety agencies control over the 10 MHz of Public Safety spectrum.

The proposed rules in the 3rd FNPRM still fall well short of the mark of achieving a reliable and effective public safety broadband network. Although the Commission makes a commendable effort to revive a failed auction process and still satisfy its public safety requirements, the Commission's plan ultimately succeeds only in "lowering the bar" to make this proposal more attractive to commercial bidders. In so doing, the Commission has further reduced confidence of the public safety community that the proposed network will ever be useful for public safety needs or reliable in times of disaster.

In an effort to attract commercial carriers, the Commission proposes to lower the auction's minimum bid from $3.4 billion to $750 million, extend the build-out time from 10 to 15 years, reduce service coverage requirements from 99.3% to as low as 90% of the population in some areas, impose an exorbitant fee of $48.50 per month for each public safety user, and set commercial grade reliability, performance and hardening requirements that in most cases fail to meet the requirements of public safety users.

Other attempts to provide more certainty for commercial bidders by sacrificing public safety requirements are found throughout the 3rd FNPRM. For example, the Commission's proposed rules clarify the relationship between the D Block licensee, the Public Safety Broadband Licensee, and the local public safety users. Unfortunately, D Block Licensees are granted exclusive control over most aspects of the network's design,

construction and operation, while local public safety users are effectively left out of the decision-making process. (¶¶ 79, 169.) The Commission's tentative conclusion is that local agencies would have no voice in network design and implementation setting service levels, determining who may use the system or what circumstances rise to the level of an "emergency."

In return, the Commission inadequately addresses the significant objections of public safety users merely by finding that "appropriate oversight measures, including reporting requirements, can address these concerns." (¶ 57.) No amount of additional reporting will make this plan acceptable to the public safety agencies serving the Undersigned Cities.

As discussed below, the proposed rules are unworkable for public safety users, and cannot be made workable in their current form. If the Commission adopts these rules, many public safety users simply will choose not participate in the network, if and when it is ever completed. Cities such as New York and San Francisco have already indicated their unwillingness to participate in the proposed network, and the other cities would likely follow suit, unless the proposed rules are radically revised to address the very real concerns identified in these comments.

The Commission is to be commended because its proposed rules take an initial step toward a regional, as opposed to a national, approach by proposing to conduct regional auction of the D Block spectrum concurrently with a nationwide auction. (¶¶ 240-252.) The Commission expresses confidence that nationwide interoperability can be achieved even with multiple licensees exercising D Block ownership and control on a region-by-region basis. Yet the Commission continues to resist allocating the public safety portion of this spectrum on a regional basis.

The Undersigned Cities urge the Commission to take this additional step, and develop a plan for regional public safety entities to control and use the public safety

spectrum within their jurisdictions. The Commission should reject the proposed rules, and instead:

- Postpone the D Block auction until the Commission has the chance to solicit input directly from local public safety users and develop workable alternatives;
- Establish a process that would allow local and regional public safety agencies to directly obtain the license for, build, and operate regional public safety broadband networks; and
- Set baseline interoperability standards that will facilitate development of a national network of regional public safety networks.

II. DISCUSSION

A. THE PROPOSED RULES ARE UNWORKABLE FOR PUBLIC SAFETY USERS, AND CANNOT BE MADE WORKABLE IN THEIR PRESENT FORM

In the 3rd FNPRM, the Commission makes numerous tentative conclusions and proposes a set of rules that purport to add certainty to the D Block auction and public/private public safety network. Clearly, the Commission attempts to make the private side of the public/private partnership more appealing, but in so doing, further weakens the already meager requirements that would protect public safety users. The proposed rules, therefore, only amplify the significant concerns among public safety users about the reliability and utility of the proposed network.

1. Build out and Coverage Requirements

In the 3rd NPRM, the Commission proposes rules for the build-out requirements for the Shared Wireless Broadband Network. (*See* ¶¶ 7 and 149.) These new build-out requirements would extend the timeframe for building the network from 10 to 15 years, with benchmarks of at least 40 percent of the population served in each PSR by the end of the fourth year, and 75 percent by the end of the tenth year. In addition, the coverage

requirements are reduced, from 99.3% to a sliding scale of 90-98%, based on the population density of the Public Safety Region ("PSR"). Applying the Commission's proposed rules to the Northern California Public Safety Region, for example, shows that the network will not be available for many public safety users in this PSR in the near future.[2] For instance, a carrier might meet the fourth-year benchmark by serving only four of the 48 counties in this PSR. Conversely, a carrier might achieve the 94% overall coverage requirement for the PSR, without serving a single customer in the City and County of San Francisco. Details of this analysis are shown in Attachment A.

This example indicates that, even though public safety operations must cover all populations, the Commission's proposed rules do not require the D-Block licensee to ever provide a comparable level of coverage to all populations served within the PSR. In PSRs with both rural and urban areas, the D-Block licensee will develop build out plans based on its commercial business model, and will have no motivation to cover those regions that do not fit its profitability requirements.

The Commission notes that 90% of the US Population is already covered by the top four wireless service providers (¶ 151). It is inevitable that broadband wireless services will approach that same 90% of the population as the demand for affordable broadband increases, and as the cost to deploy the network for the carrier decreases. At that time, there will be minimal differences between what the carriers will commercially offer and what the D-Block Licensee offers. In fact, if local agencies are willing to pay for it, commercial-grade, interoperable, wireless broadband services are available today, via carriers like Verizon and AT&T, which already offer 3G mobile broadband services in most parts of the country.

Local public safety users require more than commercial grade services, however. Public safety users require coverage for all of the populations they serve, and they need it

[2] The Northern California Public Safety Region is a Tier 2 region based on the Commission's breakdown, and 94% of the population will be covered by the end of year 15.

sooner rather than later. The Commission's proposed-build out rules in the 3rd FNPRM actually take several steps backwards and, therefore, are unacceptable to The Undersigned Cities.

2. Network Service Fees

In the 3rd NPRM, the Commission attempts to define a "reasonable" discounted rate for Public Safety wireless service charges for the shared wireless broadband network. (¶¶ 390-395.) The Commission seeks comments as to whether $48.50 per month is a fair "base rate" for a monthly wireless service charge.[3] If this is indeed an accurate estimate of the cost to public safety users, in many urban areas public safety users will likely find it more cost effective and practical to build their own networks.

Based on the proposed rate of $48.50, the aggregate amount that a public safety user would have pay to the D Block carrier will not be financially justified in most urban areas. For the same (or less) financial commitment, public safety users in urban areas could deploy an in-house network, and would likely recoup their initial investment after a just a few years. For example, San Francisco estimates that the cost for an eight (8) site 700MHz 3rd Generation (3G) broadband system, with 7,000 projected users, would cost roughly $3.25 million in capital and operational expenditures for the first 5 years of operation. Under the FCC's plan, the proposed monthly service fee payment of $48.50 per user for the same 7,000 projected users would cost the City a minimum of $4.2 million.

Without a substantial cost savings, there will be no incentive for public safety users to procure services from the D Block carrier. With a locally deployed model, public safety users would have the added advantage of control over the network, and the network's performance, access, and usage. Many local governments in these urban areas, therefore, will find that building, owning, and operating public a safety broadband

[3] The Commission does not base this estimate on any sort of actual cost analysis, but merely takes an average of pricing from existing commercial services. Moreover, the Commission never specifies what services would be included at this rate, or whether the rate is per device or per user.

network will be more cost effective and will better serve their constituents.

3. Emergency Preemption

In the 3rd FNPRM, the Commission lays out a proposed framework for defining emergencies. (¶¶ 86-87.) The Commission describes the following process for triggering access to the D Block spectrum:

> To trigger emergency-based priority access, the PSBL will request, on behalf of the impacted public safety agencies, that the D Block licensee provide such access. Priority access requests initiated by the PSBL will cover a 24-hour time period, and must be reinitiated by the PSBL for each 24-hour time period thereafter that the priority access is required. In the event that the D Block licensee and the PSBL do not agree that an emergency has taken place, the PSBL may ask the Defense Commissioner to resolve the dispute

(¶ 87).

While The Undersigned Cities applaud the Commission's attempt to clarify and define such emergency conditions, we are concerned that the proposed process for declaring an emergency and activating priority access to spectrum is burdensome and time-consuming and may, therefore, be unacceptable for many local public safety users. Emergencies and incidents happen locally, on a day-to-day basis. Emergency situations sometimes require immediate response and bandwidth intensive applications must be deployed in real time.

The process for triggering emergency priority access is completely unworkable for situations of this type. To effectively respond to emergency or disaster incidents, local governments must have the immediate decision-making ability to control network assets. This decision-making capability can be guaranteed only through local control of the network.

4. Local Control Issues

In the 3rd NPRM, the Commission creates several mechanisms that purport to allow the PSBL to maintain some level of control over the D-Block licensee. (¶¶ 186, 289.) The Commission proposes that the D Block licensee(s) develop a "capability to provide monthly usage reports covering network capacity and priority access so that the

Public Safety Broadband Licensee can monitor usage and provide appropriate feedback to the D Block licensee(s) on operational elements of the network." (¶ 202.) The PSBL would then use these reports to administer access to the shared broadband network "in consultation with local, regional and state public safety agencies." PSBL administration functions would include "establishing access priorities and service levels, authenticating and authorizing public safety users, approving equipment and applications for public safety end users of the network, and interacting with the public safety community to facilitate an understanding of the opportunities made possible by subscribing to the interoperable shared broadband network and the procedures for doing so." (¶ 202.)

The Commission further proposes changes to the organization and governance of the PSBL, including clarifying the PSBL's non-profit status and funding sources, and establishing restrictions on PSBL business relationships and financing. (¶¶ 345-374.) In addition, the Commission proposes changes to the composition and election of PSBL's Board of Directors and requirements for public meetings. (¶¶ 407-414.)

While The Undersigned Cities appreciate these efforts, the Commission has done very little of substance to ensure that the PSBL will properly represent the interests of localities and end users. The Commission's proposed changes to the makeup and governance of the PSBL are mostly cosmetic and do very little to instill confidence among local public safety entities that the PSBL will represent their interests or respond to their local needs. In fact, we have no confidence that any national organization, regardless of its makeup, can adequately take the place of local government when making such critical public safety decisions.

Instead, the Undersigned Cities urge the Commission to implement a process by which the Public Safety Broadband License would be held locally or regionally. This would guarantee that regional agencies have input into decision-making processes regarding the local network design, build-out and usage of the system.

Under the proposed rules, while the PSBL would control the authentication of

local public safety users, the proposed rules do not establish what will happen in an emergency when rapid additions to the emergency work force may be necessary. Moreover, in an emergency local public safety officials must first request that the PSBL seek emergency priority from the D Block carrier.[4] The Undersigned Cities have little confidence that the PSBL will be urgent and aggressive in representing the local public safety user's interest. In addition, many of these decisions will require detailed knowledge of local circumstances, which the PSBL is unlikely to possess.

Another concern is accountability. By giving up control of network build-out and daily operations, local agencies also give up all accountability for the D-Block licensee to meet the needs of the local entity during an emergency. For example, local governments often contract with vendors to build-out their networks. If those vendors do not meet performance or coverage needs, local governments have the ability and authority to find the vendors in default of the contract. If local governments give up that control, they would have no leverage to require that the D-Block licensee meet public safety's requirements.

It is unrealistic to expect the PSBL or PSST to effectively monitor, staff, and manage the local build-outs of the Shared Wireless Broadband Network. It cannot be left up to the PSST to verify performance requirements of the D-Block licensee, as the PSBL does not maintain technical and project management staff to continually monitor and validate performance. They also do not know the specific needs of the local pubic safety users. Local governments, as the primary user of such a network, must have the capability to exert some measure of local control. Additional reporting requirements will

[4] As we describe above, under the proposed rules a local agency must first request that the PSBL (located perhaps thousands of miles away from the scene of the emergency) recognize that an emergency has occurred in the jurisdiction, and then request that the PSBL seek the permission of the D Block licensee to activate priority access measures. (¶ 87.) This convoluted process could endanger public safety. Public safety users cannot afford to waste time and resources in long distance debates with national gatekeepers, while life and property is at risk locally in their jurisdictions.

not take the place of actual participation in the design, build-out, and operation of the local network functions.

With this proposed plan, the Commission would take precious spectrum away from local public safety agencies and allow commercial carriers to decide how the network will be deployed, with only the PSBL to safeguard the interests of the public safety user. Unfortunately, the PSBL would have neither the incentive nor the enforcement authority to protect local interests, and the Commission will have left local governments with no other options for deploying a mission-critical network for their first responders.

5. Application Usage

In the 3rd NPRM, the Commission tentatively concludes that limiting the types of applications that could be deployed over the system would not support the goal of building a shared wireless broadband network. (¶106.) Nonetheless, applications have a significant impact on network performance. For example, 4G applications (both for public safety, as well as commercial users) will likely require even more bandwidth than necessary today. While The Undersigned Cities agree that would be counterproductive to define all appropriate uses of the network, it would also counterproductive to have those uses dictated by a national entity. In order to maximize network flexibility and enable quick response to emergency situations, local governments should have control over applications that are deployed on the local network. To ensure nationwide interoperability, however, the Commission could simply specify a standard application package that would be available on all local networks.

6. Economies of Scale

In the 3rd NPRM, the Commission concludes that a public/private partnership would lead to economies of scale for the network deployment, (¶ 52.) While The Undersigned Cities generally agree with this statement, we note that there are other ways

to provide economies of scale for a Public Safety Broadband Network, none of which the Commission mentions.

Specifically, many agencies are planning deployments of 700 MHz Narrowband Land Mobile Radio (LMR) Systems, for voice interoperability. In addition, regional entities are building out private data networks that are hardened and built to local public safety needs. Significant economic advantages are available to regional entities, including access to tested and hardened site locations, experienced technical and installation staff, existing power system enhancements, and backhaul construction, all of which can be leveraged if the 700 MHz broadband network were built out in conjunction with the local LMR and Private Data Networks. Further, the cost of adding broadband to an LMR deployment would be minimal as compared to building a broadband network. Because regional agencies will be required to maintain these existing investments, they should be allowed to leverage them to reduce the costs of deploying the 700 MHz broadband spectrum. By upgrading and expanding their existing networks to the higher data rates, local governments could leverage their investments to make more efficient use of this valuable spectrum.

7. Eligibility for Use of the Shared Wireless Broadband Network

In the 3rd NPRM, the Commission redefines, modifies, and clarifies those entities that will be eligible to use the Shared Wireless Broadband Network. (¶¶ 322-331.) The Undersigned Cities have a number of concerns with these proposed rules.

First, The Undersigned Cities request further clarification and definition from the Commission before it makes a ruling on modifying eligibility requirements in Part 90.15. Specifically, the Commission should give further examples (rather than just hospitals and critical infrastructure entities) and determine the eligibility of rulings on transit agencies, ports, special districts, and the like.

Second, network access and usage coordination in day-to-day activities, as well as

emergency situations, is the responsibility of local agencies. Real-time decisions about who needs access to the network, what information they need, and how to deliver that information, should be local decisions, not national. Local control would allow local public safety users to determine, with urgency, who should have access to the network and the levels of usage for individual entities. These policies should be determined locally, based on the individual agencies needs.

8. Network Technical and Performance Requirements

In the 3rd FNPRM, the Commission makes tentative conclusions concerning the technical and service levels required by the proposed shared network. (¶¶102-131.) The Commission states that "specifying the technical requirements as completely as possible at this time, and reducing the issues that will be left to post auction negotiation, will provide greater assurance to potential bidders regarding the commercial viability of the shared wireless broadband network while ensuring that the network meets public safety's needs." (¶ 103.) In most cases, however, these standards are little more than commercial grade standards, which are generally unacceptable for a public safety grade network.

In particular, the network performance capabilities of the network (*see* ¶ 121) detailed by the Commission do not require minimum throughput levels. Rather, the Commission states that they "*serve only as design objectives*." (*Id*. [emphasis added].) The Commission further believes that "*it would not be practical or appropriate to apply these data rates as the minimum for any given device at any particular time or location*." (*Id*. [emphasis added].)

These statements would unnecessarily reduce the performance requirements for the winning bidder. Minimum throughput levels are always a requirement in local public safety contracts. Yet, the Commission would leave this critical aspect of the network open for debate and negotiation. This is not acceptable.

Moreover, the Commission proposes that these network design objectives include data speeds *of at least 1 Mbps in the downlink direction and 600 Kbps in the uplink direction.*[5] (*Id*. [emphasis added].) Yet, carriers using 3G technologies today are touting speeds of 700 Kbps – 1.7 Mbps (download) and 500 Kbps-1.2 Mbps (upload).[6] Considering the D-Block licensee will be deploying a 4G network technology, the proposed data speeds should be – at a minimum – comparable to the best speeds available nationwide today.

These critical network performance requirements should not be left to negotiation, but rather defined and mandated. The Undersigned Cities believe that the proposed Commission rules do not ensure that the public safety broadband network will meet either the day to day or emergency performance needs of first responders.

9. Interoperability

In the 3rd NPRM, the Commission discusses how it intends to ensure that interoperability will be achieved with a shared wireless broadband network. (¶¶ 113-115.) The Undersigned Cities commend the Commission's efforts to establish baseline interoperability standards. We believe such standards will be necessary to our goal of the development of regionally controlled public safety networks. However, interoperability requires more than simply establishing the common radio network Air Interface as the standard throughout the network.

Nationwide interoperability will be achieved not through the underlying network technology (i.e. LTE or WiMAX), but primarily through application interoperability and network provisioning. If the network is not provisioned properly, security threats and

[5] The Commission also specifies that edge of coverage data rates be a minimum of 256 Kbps in both downlink and uplink directions in urban environments, 128 Kbps for suburban and rural areas, and 64 Kbps on highways, all at 70 percent loading conditions. (¶ 121.)

[6] *See* AT&T marketing information at http://www.wireless.att.com/learn/why/technology/3g-umts.jsp?wtSlotClick=1-001AEQ-0-1&WT.svl=calltoaction

access issues will continue to exist as users travel outside of their home zones. One example would be accessing state and local databases (including CLETS and NCIC), which have strict requirements for network security and provisioning. Without local control over applications and provisioning, it will be difficult for agencies to access such information.

10. Modification of D Block Auction

As the Commission learned, it was infeasible to award public safety spectrum through a commercial auction at a $3.4 billion reserve bid. In the 3rd FNPRM, the Commission proposes to eliminate this reserve and lower the minimum bid requirements to $750 million, and possibly less. (*See* Appendix F.) The Undersigned Cities are concerned that this reduction will result in awarding the D Block to a less reliable or financially sound commercial operator, with very few requirements to meet and little incentive to build anything that will actually be useful to public safety users. The possibility of obtaining the license at a lower bid may attract commercial carriers with little experience with public safety grade systems, and may encourage reduced network service levels and technical standards, which would mean less reliability and reduced service quality. Moreover, allowing the technology platform to be determined by competitive bid, rather than what is appropriate to ensure public safety, may discourage public safety usage.

The Undersigned Cities believe that the alternative plan to incorporate regional auctioning may be preferable to a nationwide auction. The Commission's alternative proposal to auction spectrum at the Regional Planning Committee ("RPC") level, however, appears to be little more than a fall-back position if the national auction fails again. Moreover, some RPCs remain too large a geographic area for effective deployment. We urge the Commission to put further thought into a workable regional

allocation plan, not only for the D Block spectrum, but also for the public safety spectrum, as we discuss below.

B. IF THE COMMISSION ADOPTS THESE RULES, MANY LARGE CITIES MAY NOT PARTICIPATE IN THE PROPOSED NETWORK

The defects highlighted above are merely illustrative of the deeply flawed nature of the rules proposed in the 3rd FNPRM. The Undersigned Cities are convinced that the Commission's proposed rules are unworkable for public safety users, and cannot be made workable in their current form. If the Commission adopts these rules, many public safety users simply will not participate in the network, if and when it is ever completed. The Commission acknowledged the concerns of local public safety entities in the 3rd FNPRM and has made efforts to reach out to San Francisco and other cities for input.

We urge the Commission to continue to meet with local and regional agencies to discuss their unique needs and the potential resources they might contribute to a nationwide PSBN. By working directly with both large and small local agencies, the Commission will obtain valuable information that will help the Commission develop a realistic, workable plan for a nationwide PSBN. The Commission must resist the urge to act without careful consideration of the concerns expressed by the Undersigned Cities and other local and regional agencies that have voiced reservations with the Commission's plan.

The Undersigned Cities are aware of concerns about the ability to extend the PSBN to rural and low-density parts of the country if some urban areas opt out of the nationwide network. The alternative proposed by the Commission, however, will result in a network that simply will not work for many urban areas. By working directly with

local agencies, the Commission can develop a solution that will work for all agencies, big and small.[7]

C. PUBLIC SAFETY SPECTRUM MUST BE ALLOCATED REGIONALLY

The Undersigned Cities urge the Commission to establish regional "carve outs" for the 700 MHz public safety spectrum, which is currently licensed to the PSBL. The Commission should establish a regional licensing process for those public safety entities that both request a license and can demonstrate the capability to build and operate such a network. To ensure interoperability, the Commission should specify an underlying network interface technology and radio access technology. This would ensure regionally owned and controlled networks have the ability to interconnect with neighboring networks.

The Commission has already taken the first steps toward a regionally controlled network, by proposing a regional auction of the D Block spectrum. Similar to the commercial regional licensee arrangement proposed and discussed by the Commission in Paragraphs 111 and 116, regional public safety licenses could be awarded and licensees required to enter into arrangements both with the D Block license winners as necessary to ensure interoperability between networks. Additionally, mechanisms established by the Commission to ensure that regional D Block licensees coordinate with and establish interconnection standards with other regional systems could be extended to regional public safety licensees to ensure nationwide interoperability.

[7] See, for example, the Opening Comments of the City of Seattle (King County Regional Communications Board) in this Rulemaking, at pp. 5-6. Seattle describes several possible ways to encourage the extension of urban network "lily pads" to rural jurisdictions. The Commission has not explored these or any other innovative approaches in any meaningful way. We believe that opening a dialogue with local jurisdictions would yield many workable alternatives to the nationwide, public/private partnership approach the Commission proposes.

The Commission seeks comments on a proposed rule change offered by Alcatel-Lucent ("ALU") that would allow regional public safety entities to build and operate a network until such time as the D Block Licensee is ready to operate the network in that region. (¶¶ 294-304). The Commission correctly identifies concerns regarding the method by which local agencies would be compensated for the value of the network which they would hand over to the D Block Licensee. This problem can be resolved by simply allowing local agencies to retain ownership and control of the assets they have installed and paid for, while requiring local agencies to negotiate a spectrum sharing agreement with the D Block Licensee to share the 700 MHz spectrum. This could be a regional service level agreement ("SLA"), similar to the national SLA envisioned by the Commission.

III. **CONCLUSION**

The Undersigned Cities respectfully request that the Commission postpone the D Block auction until more workable rules can be established. We urge the Commission to solicit input directly from the large cities before developing these rules. The Undersigned Cities further request that the Commission establish a process that would allow local and regional public safety agencies to directly obtain the license for, and to build and operate, regional public safety broadband networks. Finally, we urge the Commission to implement a set of baseline standards to ensure nationwide interoperability among the regional entities.

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Respectfully submitted,

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ATTACHMENT A

40% of Population in the PSR at the end of the 4th Year

County	% of Region 6 Population *(derived from year 2000 census data)*
Santa Clara	12.7
Alameda	10.9
Sacramento	9.2
Contra Costa	7.2
Total :	**40.0**

75% of Population in the PSR at the end of the 10th Year

County	% of Region 6 Population *(derived from year 2000 census data)*
Santa Clara	12.7
Alameda	10.9
Sacramento	9.2
Contra Costa	7.2
Fresno	6.0
San Francisco	5.9
San Mateo	5.3
San Joaquin	4.3
Sonoma	3.5
Stanislaus	3.4
Monterey	3.0
Solano	3.0
Total :	**74.4**