

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)	
)	
)	
The City and County of San Francisco, the City of Oakland and the City of San Jose)	PS Docket No. 06-229
)	
Request for Waiver of the Commission’s Rules to Deploy a 700 MHz Interoperable Public Safety Broadband Network)	
)	

COMMENTS OF MOTOROLA SOLUTIONS, INC.

Motorola Solutions, Inc. (“MSI”), submits the following comments in support of the request for waiver of the City and County of San Francisco, the City of Oakland, and the City of San Jose (the “Bay Area Cities”).¹ The Federal Communications Commission (“Commission”) should grant the request because good cause exists for a waiver and doing so would facilitate the timely deployment of the planned 700 MHz public safety wireless broadband network in the San Francisco Bay Area.

As explained in their waiver petition, the Bay Area Cities seek a waiver of the 60-day time limit for entering into a spectrum lease with the Public Safety Broadband Licensee (“PSBL”) imposed on 700 MHz public safety broadband waiver recipients in the Commission’s *Waiver Order*.² The Bay Area Cities expressed an intention to execute a new lease with the PSBL and assign the rights and responsibilities of the new lease to the Bay Area Regional

¹ See Waiver – Expedited Action Requested, filed by the City and County of San Francisco, the City of Oakland, and the City of San Jose, PS Docket No. 06-229 (filed Dec. 23, 2011) (“*Bay Area Waiver Petition*”).

² See Requests for Waiver of Various Petitions to Allow Establishment of 700 MHz Interoperable Public Safety Wireless Broadband networks, PS Docket No. 06-229, *Order*, 25 FCC Rcd 5145, ¶¶ 26-27 (2010) (“*Waiver Order*”).

Interoperable Communications Systems (“BayRICS”) Authority, which is authorized pursuant to the May 2, 2011 Joint Powers Authority Agreement appended to the *Bay Area Waiver Petition*. Granting the requested waiver would serve the public interest by removing legal uncertainty and providing a clear path for the Bay Area Cities to move forward with their plans concerning the deployment of a 700 MHz public safety broadband network. MSI supports this waiver request and the assignment of the public safety lease rights and responsibilities to BayRICS.

This waiver was made necessary by legal concerns regarding the name of the lessee and the signer of the previously-executed spectrum lease for the Bay Area Cities’ 700 MHz public safety broadband network. These concerns can be addressed by granting the waiver, which will allow the Bay Area Cities to execute a new spectrum lease with the Public Safety Spectrum Trust and will result in the continued deployment of the public safety broadband network that was the basis of the May 11, 2010 waiver order. It is important to note that this waiver will not constitute a change in the real parties involved in the deployment of the public safety broadband network the Commission previously approved: the Bay Area Cities are the same entities to which the Commission issued its earlier waiver.

The Commission should grant the waiver because these changes are largely formalities and because they will serve the public interest by helping “to realize the public safety benefits that these early deployments can provide.”³ The waiver is also consistent with the Commission’s stated reasons for requiring the execution of a standard lease within 60 days, which were to create consistency among the broadband deployments and to “ensure that jurisdictions are fully committed to moving forward with a productive relationship with the PSST, ERIC and the

³ *Waiver Order*, ¶ 27.

Commission.”⁴ Here, the waiver will only reinforce the parties’ commitment to the project by ensuring that any legal uncertainty surrounding the existing lease is eliminated. As such, the Commission should promptly approve the waiver request.

Respectfully submitted,

/s/ Catherine Seidel
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⁴ *Id.*, ¶¶ 25-27.