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January 30, 2012

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *In the Matter of Requests for Waiver of Various Petitioners to Allow Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*, PS Docket No. 06-229, FCC 10-79

Dear Ms. Dortch:

On January 10, 2012, Todd J. Zinser, Inspector General of the U.S. Department of Commerce, sent a memorandum to Lawrence E. Strickling, Assistant Secretary for Communications and Information, National Telecommunications and Information Administration (“NTIA”) entitled: “Misrepresentations Regarding Project Readiness, Governance Structure Put at Risk the Success of the San Francisco Bay Area Wireless Enhanced Broadband (“BayWEB”) Project (hereinafter the “Memorandum”). The Memorandum pertains to the processes and procedures pursuant to which Motorola Solutions, Inc. (“Motorola”) received a \$50.6 million grant under NTIA’s Broadband Technologies Opportunities Program (“BTOP”) for the build out of the BayWEB Project.

The City of Oakland, City and County of San Francisco, and City of San Jose -- Petitioners of an Expedited Waiver Request¹ in the above referenced docket recognize the Commission’s desire to provide a complete record in this proceeding by filing a copy of the Memorandum in the docket.²

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).

² *Public Safety and Homeland Security Bureau Seek Comment on Bay Area Petition for Waiver of Deadline For Entering into 700 MHz Lease*, Public Notice, PS Docket No. 06-229 (rel. Jan. 10, 2012).

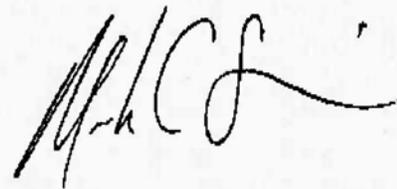
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The Petitioners are well aware of the Memorandum and the review conducted by the Inspector General. Petitioners cooperated fully with the Inspector General throughout the review process and appreciate the Inspector General's thoroughness in conducting the review and preparing the Memorandum.

As the Inspector General states in the Memorandum, there are lessons to be learned from the BTOP application process surrounding this matter and the Petitioners duly note them. As described more fully in Petitioners' Request for Waiver in the above-referenced docket, the instant Petition, in fact, results from the need to remedy certain errors and omissions that occurred in the early days of the BayWEB Project, which resulted in the issuance of the spectrum lease to an unauthorized party. It is, however, critical to point out that despite any deficiencies that may have existed in the BTOP application process or the issuance of the original spectrum license, the BayWEB project is progressing. Bay Area jurisdictions established the Bay Area Regional Interoperable Communications Systems ("BayRICS") Authority in August 2011, formalizing their relationship and creating a regional body to coordinate and manage interoperable public safety communications. The agreement between Motorola and BayRICS has been voted on and approved by the BayRICS Board of Directors, and the contract has been signed by both parties.

Thank you for your attention and consideration.

Respectfully submitted,



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