

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

In the Matter of PS Docket No. 06-229

Quarterly Status Report for the San Francisco Bay Area
Cities and the BayRICS Authority for the development
of a 700MHz Public Safety Broadband Network

**Quarterly Report #8
April 19, 2012**

I. Introduction

In accordance with paragraph 64 of the Federal Communication Commission's May 12, 2010, *Waiver Order*, Petitioners must file quarterly reports apprising the Commission of progress of system development in three areas; planning, funding and deployment. The following report summarizes the status of the Bay Area Wireless Enhanced Broadband ("BayWEB") Project for the period of January 20, 2012 through April 19, 2012.

II. Planning and Governance -- BayRICS JPA

The Bay Area Regional Interoperable Communications Systems Joint Powers Authority ("BayRICS Authority" or "JPA") is the governance entity designated by Bay Area jurisdictions to oversee the planning, deployment and operations of the BayWEB Project. The JPA conducts monthly meetings to develop governance and administrative policies, negotiate and administer a master agreement with Motorola and coordinate site and backhaul use agreements for the BayWEB project. To date, the JPA Members (all of which have a Board of Director's Seat) are the State of California, Alameda County, Contra Costa County, East Bay Cities, the City and County of San Francisco, the City of San Jose, Santa Clara County, San Mateo County, the City of Oakland, Marin County and Sonoma County.

On January 19, 2012, the BayRICS Authority approved a Build, Own, Operate and Maintain ("BOOM") Agreement with Motorola Solutions, Inc. (Motorola) for BayWEB by a 10-2 vote (1 abstention). The JPA also met on March 1, 2012 and April 5, 2012. Meeting agendas, minutes and supporting documents are available at <http://www.sonomasheriff.org/BayRICS/Meetings/>.

III. Funding and Deployment -- BTOP Grant

The BayWEB project receives major funding through a Broadband Technology Opportunity Program ("BTOP") grant awarded by the National Telecommunications and Information Administration ("NTIA") to Motorola Solutions Inc. ("Motorola") for the construction of a middle-mile network to support a 700 MHz public safety wireless broadband system. This funding includes a \$50.6 million grant from NTIA and a \$21.9 million match by Motorola to deploy the middle-mile network in the Bay Area region. Motorola has also agreed to contribute an additional \$20-\$25 million to site development.

Additional funding and resources from the BayRICS Authority, Motorola and member jurisdictions have been pledged outside of the Grant and are currently being expended to perform certain site- and backhaul-related tasks necessary to support the network.

Significant deployment efforts conducted to date include:

- The BayRICS Authority has concluded a long series of negotiations with Motorola, culminating in an executed Build, Own, Operate and Maintain (BOOM) agreement spanning a ten-year operation cycle, as well as the transfer of all assets provided by the BTOP Grant to the Authority at the end of the BOOM period.
- Motorola staff and contractors, in conjunction with the many Public Safety Jurisdictions who will be users of the network, have evaluated hundreds of sites and conducted countless site visits, which have formed the basis for a series of engineering studies focused on most advantageously employing the antenna site resources already in existence in the region, as well as environmental and historic preservation analyses.
- Working with individual jurisdictions, Motorola has refined the system design to the best collocation sites available and has entered into detailed Site Access & Use agreements with each site's owner/controller and has provided Lease Exhibit Drawings and other collateral to support the efforts of the owners in making sites available for use in the system.
- Site owners/controllers have begun the process of obtaining zoning approval, permits and, where necessary, lease modifications to allow the build out of the network on the sites.
- An equipment provider has been selected by a competitive bidding process, as have installation and optimization resources.
- Negotiations with the Bay Area Rapid Transit (BART) are being finalized to provide needed resources for high-performance backhaul and additional radio sites to enhance system coverage and performance.
- Discussions with other fiber providers, such as the Corporation for Education Network Initiatives in California (CENIC) are proceeding to provide additional backhaul and regional connectivity solutions within California and the western United States.
- The Authority and Grantee have begun the planning, drafting and documentation of a device and fixed-network maintenance and support plan.

Selection of a Numbering Administrator and Development of a Numbering Scheme

On January 9, 2012, the FCC Public Safety and Homeland Security Bureau (Bureau) issued the PLMN ID Order (*See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, Order, DA12-25, (PSHSB rel. Jan. 9, 2012) (PLMN ID Order)*), requiring Waiver Recipients to submit their choice of numbering administrator for approval and, provided that the Bureau approves the submission, complete the development of a numbering scheme by March 31, 2012.

On February 8, 2012, all twenty-one Waiver Recipients filed a joint request asking the Bureau to approve the selection of Science Applications International Corporation (SAIC) as the numbering administrator.

On March 16, 2012, the Bureau issued an Order (*See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, Order, DA12-423, (PSHSB rel. March 16, 2012)*), approving SAIC to serve as the common numbering administrator. The Waiver Recipients, through the Operator Advisory Committee, have diligently worked with SAIC on the development of the numbering scheme.

The San Francisco Bay Area Cities verify that they completed the development the numbering scheme by the March 31, 2012 deadline as required by the PLMN ID Order. The San Francisco Bay Area Cities also verify that they have no new information regarding SAIC's licenses or affiliations that might call into question its ability to serve as a fair and impartial administrator.

Common language on selecting Option 1 of the IIG's work

In the *Waiver Order*, the Commission required that Waiver Recipients be capable of supporting roaming on all other Waiver Recipients' systems, as well as public safety systems deployed in the future.¹ Further, the Commission has required that technical roaming capability, for both home-routed traffic and local breakout traffic, be available on the date that a Petitioner's network achieves service availability.²

Consistent with the *Further Order's* requirement that each Waiver Recipient certify its compliance with this condition in its quarterly report that follows its date of service availability, this is to certify the San Francisco Bay Area Cities has complied with the Commission's condition. Specifically, the San Francisco Bay Area Cities and other waiver recipients created a working group of industry proposals to develop a methodology for technical roaming capability. Ultimately, the Waiver Recipients, including the San Francisco Bay Area Cities, jointly elected a methodology that provides for a centralized service to provide such roaming capability, provided by an IPX Service Provider.³

Spectrum Act and FirstNet Legislation

On February 22, 2012 President Obama signed H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2012. Title VI of this legislation, *Public Safety Communications and Electromagnetic Spectrum Auctions* (the "Spectrum Act"), established spectrum allocations, funding and governance structure for the First Responder Network Authority (FirstNet), a nationwide wireless broadband network for public safety. Although FirstNet represents a great opportunity for public safety in the Bay Area, the details of the plan to allocate spectrum to the FirstNet Authority have raised significant and time-sensitive concerns for the Bay Area and the BayWEB broadband wireless project.

On December 23, 2011, the City and County of San Francisco, City of Oakland and City of San Jose ("Petitioners") filed a Petition for Waiver with the Commission to waive the Commission's rules to allow the Cities to enter into a new lease with the Public Safety Spectrum Trust for use of the 700 MHz public safety spectrum covering the entire BayWEB geographic area. Once the new lease is executed, the Cities have stated their intention to seek approval from the Commission and the PSST to assign the lease to the BayRICS Authority. No action has been taken by the Commission on this Petition as of the date of this Report. In addition, the Commission has issued a Public Notice seeking comment on the transition of Waiver Recipients to FirstNet under the Spectrum Act.

Also related to the Spectrum Act, on April 3, 2012, the BayRICS Authority received information that the NTIA has proposed a temporary, partial suspension of grant funding allocated specifically for LTE equipment (core servers, eNodeB antenna and equipment, end user devices), to give the FirstNet Board time to consider technology design and solutions. NTIA has urged grantees to continue to pursue and spend grant funds on site and backhaul acquisition and remediation. NTIA did not specify the length of the suspension.

Motorola had anticipated beginning to order equipment for installation on the qualified sites as early as April 2012. However, Motorola indicates that these orders will now be delayed to comply with the NTIA direction. However, Motorola and the BayRICS Authority are continuing to work aggressively to

¹ See, Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, 25 FCC Rcd 5145 (2010) (*Waiver Order*).

² See, Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, 25 FCC Rcd 17156 (2010) (*Further Order*), at para. 9.

³ Additional technical information is available from the Waiver Recipients upon request.

complete site, backhaul and other preliminary work not affected by the partial suspension, so that we are prepared to proceed with equipment deployment as soon as the suspension is lifted.

Given the uncertainty with FirstNet Legislation, the anticipated BayWEB system startup date of second quarter 2013 may be delayed, depending on the length of the NTIA suspension.

IV. Consultation with the PSST

The BayRICS Authority has provided a copy of this quarterly report to Chief Harlin McEwen of the Public Safety Spectrum Trust (“PSST”). Mr. McEwen has reviewed the draft and has acknowledged that the BayRICS Authority consulted with the PSST as required before submitting this report.

Respectfully submitted,

_____/s/_____
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