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June 14, 2012

Secretary
Federal Communications Commission
Washington, DC 20554

Re: Dockets 12-94, 06-0229
Ex parte communication pursuant to Section 1.1206 of the Rules

Dear Madame Secretary:

The Bay Area Regional Interoperable Communications System Authority ("BayRICS Authority") hereby summarizes a meeting June 13, 2012 among PSHSB Chief David Turetsky, Deputy Chief Jennifer Manner, Special Counsel Erika Olsen and Brian Hurley, Chief Counsel, Policy and Licensing Division, and BayRICS Authority representatives Barry Fraser, Nick Miller and Jim Hobson. Also in the meeting for the FCC were Behzad Ghaffari and Rasoul Safavian.

The BayRICS Authority representatives reviewed the special features of the application filed by San Francisco, San Jose and Oakland December 23, 2011, and the expectations expressed there that BayRICS would become a successor in interest to any waiver grant and attendant lease rights for 700 MHz public safety broadband spectrum now statutorily assigned to the new entity known as FirstNet.

Handed out at the meeting was the attached summary of BayRICS supplemental comments filed June 8th in the captioned dockets.

Sincerely,

James R. Hobson
for BEST BEST & KRIEGER LLP

cc: Jennifer Manner, FCC

FCC PSHSB Staff

- Both BayRICS and its partner, Motorola, would be adversely affected if the FCC were to adopt NTIA's call "to dismiss any pending 700 MHz public safety waiver applications and to terminate existing leases in the public safety spectrum."
 - BayRICS' reasons are provided in the attachment and further detailed below.
 - Motorola's reasons are given in part in a letter to NTIA asking for an end to the temporary suspension of BTOP funding,
<http://apps.fcc.gov/ecfs/document/view?id=7021920907>
- The Bay Area is a densely populated urban area with a high risk of the occurrence of natural or man-made disasters. Bay Area public safety has an urgent need now for access to valuable new broadband tools for public safety, and cannot wait for two years or longer until FirstNet is available.
- Existing commercial data services are not an adequate replacement for a dedicated public safety broadband network, even on a temporary basis.
- The United States Department of Homeland Security currently ranks the Bay Area as the fourth highest urban area in the nation for risk. The region has identified both terrorism and natural hazard incidents that pose significant threats to Bay Area population and infrastructure.
- Imagine the chaos that a major quake will cause the Bay Area. Existing commercial networks will not support the level of real-time sharing of pictures and video of damage, dynamic routing of displaced victims to evacuation centers, medical triage, and the ability to share this data simultaneously among Police, Fire and EMS first responders.
- Aside from major incidents, public safety requires the prioritized and secure information and data exchanges not currently available on commercial networks. BayWEB will enable needed information-sharing technologies, including regional notification/warning networks, automated license plate readers, automated citation devices, automatic vehicle location technology, public safety geo-spatial tools, control devices for traffic signals, automated fare collection, public safety mobile data applications, and next-generation 911 technology.
- Attempts by Bay Area public safety officials to use commercial services have been plagued with service disruptions caused by network congestion, especially during highly attended public events and other incidents in which the general public conducts high levels of wireless usage in concentrated areas.

- While a public safety system is engineered to anticipate locational spikes in traffic caused by concentrations of user devices, commercial networks are engineered with the expectation that such spikes will simply result in dropped calls. Commercial networks are also engineered to provide coverage where the majority of commercial users are located, not necessarily where an emergency response incident occurs.
- Bay Area public safety agencies have been preparing to migrate to BayWEB beginning less than 12 months from now. Agencies have developed two-year budget plans and have intentionally avoided procurement of commercial data service costs, anticipating BayWEB service availability beginning in the Second Quarter of 2013. The City and County of San Francisco alone has included funding in its Fiscal Year 2012-2014 budget for the migration to BayWEB of up to 600 devices in squad cars and emergency response vehicles.