

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

In the Matter of)
)
NPSTC Broadband Task Force and Public) WT Docket No. 06-150
Safety Spectrum Trust Technical)
Recommendations for 700MHz Broadband)
Deployments and) PS Docket No. 06-229
)
Implementing a Nationwide, Broadband,)
Interoperable Public Safety Network in the 700
MHz Band)

To: Chief, Public Safety and Homeland Security Bureau

COMMENTS OF

San Francisco Bay Area Region

The San Francisco Bay Area Region respectfully submits these comments in response to the Public Safety and Homeland Security Bureau’s (“Bureau”) Public Notice of March 17, 2010 in the above-captioned proceedings. The Public Notice seeks comment on the recommendations of the Public Safety Spectrum Trust (“PSST”) and the National Public Safety Telecommunications Council Broadband Task Force (“BBTF”) regarding “the minimum requirements necessary to allow localities and regions to build out local systems as part of the 700 MHz nationwide, interoperable wireless broadband public safety network.”¹

As the Bureau is aware, the San Francisco Bay Area has submitted a request for waiver of the Commission’s rules to enable it to begin deployment and operation of a wireless public safety broadband network using the 700 MHz public safety spectrum. In the San Francisco Bay Area and in most urban areas across the nation, public safety first responders continue to lack access to interoperable wireless broadband communications, and the public safety spectrum in the 700 MHz band is prime spectrum to correct this deficiency. Historically in the San Francisco Bay Area region, spectrum deficiencies and the fragmented release of spectrum has been the primary cause of public safety interoperable communications issues. We believe that the 700MHz spectrum will prove to have the greatest impact on public safety technologies and communications

¹ See Public Notice, *Comment Sought on NPSTC Broadband Task Force and Public Safety Spectrum Trust Technical Recommendations for 700 MHz Public Safety Broadband Deployments*, WT Docket No. 06-150, PS Docket No. 06-229, DA 10-458 (PSHSB rel. Mar. 17, 2010) (“Public Notice”).

effectiveness within our lifetimes. It is critical to do this right for the safety of our communities.

The San Francisco Bay Area region appreciates the outreach and collaborative efforts demonstrated by the National Public Safety Telecommunications Council through the Broadband Task Force activities and by the Chair of the Public Safety Spectrum Trust. We feel a strong commitment to the overall public safety mission and effective and interoperable communications by these organizations and these outreach efforts to waiver seekers.

The San Francisco Bay Area is in agreement with the PSST recommendations with the following comments.

I. SAN FRANCISCO BAY AREA GENERALLY SUPPORTS THE RECOMMENDATIONS AS THE PIONEERING ACTIONS NECESSARY TO DEPLOY AN INTEROPERABLE PUBLIC SAFETY BROADBAND NETWORK ACTION ON WAIVER REQUESTS; DEVELOPMENT OF STANDARDS FOR OPERATIONS AND TECHNOLOGY OVER TIME

The San Francisco Bay Area urges the Commission to move forward on its long-pending waiver petition expeditiously in the wake of the National Broadband Plan submitted to Congress last month. It is important for the Commission to adopt those PSST and BBTF recommendations that foster meaningful *and* prompt deployment, granting the maximum authority to regional/local builders to construct while retaining the authority with the Public Safety Broadband Licensee (“PSBL”) necessary to achieve interoperability in the spectrum across the nation.

The initial requirements imposed on local/regional builders can be supplemented as relevant technical and interoperability standards are resolved in the future, particularly at the application level. Implementing all technical requirements, such as SMS messaging, could be premature and require costly upgrades for public safety at a later time. Both the Broadband Task Force and the Public Safety Spectrum Trust are in agreement and acknowledge that there are several open issues and matters for future study. The recommendations thus serve as an important and pragmatic starting point for developing longer term interoperability standards, but also recognize that additional work is necessary to meet the Commission’s ultimate objectives.

The San Francisco Bay Area believes that granting of our waiver request, subject to conditions that relate to the deployment of the LTE basic network infrastructure and capabilities, will allow for immediate deployment consistent with the Commission’s objectives. As explained below, full implementation of *all* of the recommendations at the outset of service is not necessary as a prerequisite for 700 MHz public safety licensees to initiate service. The San Francisco Bay Area recommends that we exclude the SMS-MMS messaging, at this time so as to avoid the potential costs of changing out equipment.

Indeed, allowing the San Francisco Bay Area region and other regional public safety entities to begin the deployment of their basic LTE infrastructure at 700 MHz as a condition of waiver can help industry and the Commission in determining the level of standardization required, and will provide valuable information to the Public Safety Community as technical and operations standards are developed for the nationwide public safety broadband network.

II. D BLOCK

Recommendation 5 (“Durability of Operator Use of Spectrum”) discusses what will occur should the D Block be assigned to local government/public safety, or should it be auctioned to a third party. In the rapidly changing world of technology, the San Francisco Bay Area contends that the D-Block is necessary for an effective public safety interoperable network. The San Francisco Bay Area believes that the D Block Auction should be delayed until a comprehensive study can assess the impact on the Public Safety Community. By delaying the auction and allowing the waiver seekers to deploy regional networks, a comprehensive assessment or study of 700MHz LTE could be conducted in multiple environments (urban and rural). The Public Safety organizations forming the “Public Safety Consensus Group” have made a compelling argument that the D Block should be provided to public safety. There is a strong sentiment in the public safety community that we are building a highway that will be congested the day of the ribbon cutting during the inaugural rush hour commute. Since this spectrum is a very finite and valuable resource, we cannot ignore the plea of Public Safety Consensus Group. We have concerns that the lobbying efforts by the carrier industry are currently stronger than the voice of public safety. We question whether public safety users are being regulated- rather than the industry regulated to protect the public and public safety first responders. Recent public meetings have demonstrated that the cellular industry and the FCC do not clearly understand public safety requirements for reliability and the channelized communications needs of public safety such as “one to many” communications. The discussion and recommendation that “public safety should relax or be more flexible on its communications requirements” is not palatable as we send 1st responders into burning towers. The same logic, if applied to the automobile industry, would suggest that the public should “relax” its requirements for safe vehicles or crash standards, as it isn’t profitable for the automobile industry. We worry that without sufficient study of this issue, raised by the Consensus Group and the Chair of the Public Safety Spectrum Trust (PSST), that we will be sitting in a room in five years discussing an expensive way to repair this error. The FCC’s promise to find additional spectrum in the future for Public Safety seems to acknowledge the requirement for additional spectrum however it appears that this policy is doomed to repeat the errors of the past. The San Francisco Bay Area has seen first hand the FCC’s past actions of releasing fragmented spectrum in the Bay Area over the three decades and across the nation. This (historical) fragmented release of spectrum has been the primary contributing factor to interoperable and effective communications problems that were highlighted in reports beginning in 1998 and highlighted dramatically in 9/11. Although the FCC is looking for “hard data”- it is a challenge to provide data without the current ability to study deployed 700MHz LTE networks. Without further investigation and study, holding a pre-mature auction of the

D-block could cause irreparable damage to the public safety mission and be the most significant detractor of effective public safety communications.

III. FUNDING OF THE PSST

The PSST's comments in Recommendation 1.e.vii ("Agreement") suggest the Operators provide funding to the PSST to support its responsibilities and management. The San Francisco Bay Area Region believes that the PSBL should be able to recover some "reasonable" fees for coordination and management responsibilities of this network from regional builders comparable to fees for frequency coordination activities. It would be our assumption that these fees alone may not be sufficient to allow the PSST to adequately execute their mission. The San Francisco Bay Area therefore believes that the FCC should provide program funding through the Public Safety Division or the Federal Government through the budget of the Department of Homeland Security (OIC).

IV. GOVERNANCE

The San Francisco Bay Area believes the composition of the Board of the PSST requires the addition of new members to adequately reflect public safety within urban areas. While this issue is not addressed directly in the BBTF recommendations, we are aware that the Chair of the PSST is in agreement with adding additional seats at the PSST table. The San Francisco Bay Area region supports the addition of representatives from: the Major Sheriffs Association, the Metro Fire Chiefs and the Major Cities Police Chiefs to provide a balanced public safety perspective

The San Francisco Bay Area supports the Operator Advisory Committee (OAC), that participation by local builders/Operators in the OAC should be a condition of the Agreement or granting of any "early builder" waiver.

CONCLUSION

For the foregoing reasons, the San Francisco Bay Area Region generally supports the PSST and BBTF Recommendations and appreciated being involved in the process of developing these bodies of work and documents. We believe that our regional public safety broadband strategy will prove to be a replicable and cost effective model for a mission critical public safety network. We need our network to be reliable and available when the earthquake faults “slip”, when firemen rush into burning buildings and police officers lay their lives on the line to protect their community.

Respectfully submitted,



Sheriff Greg Ahern, Alameda County
As Executive Sponsor of BayWEB
And the Regional Mutual Aid Coordinator

And



Laura A. Phillips, General Manager
Bay Area Urban Area Security Initiative
On behalf of the San Francisco Bay Area
Interoperable Communications participants
For BayRICS and BayWEB.

April 6, 2010