

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

In the Matter of)
)
Public Safety and Homeland Security Bureau)
Seeks Comments on Petition for Waiver to)
Deploy 700 MHz Public Safety Broadband)
Networks)

PS Docket No. 06-229

Comment Date: October 18, 2010

The San Francisco Bay Area Urban Area respectfully submits these comments in response to the Commission’s request for such in regards to PS Docket No. 06-229; **The Public Safety And Homeland Security Bureau Seeks Comment On Petitions For Waiver To Deploy 700Mhz Public Safety Broadband Networks**, and specifically in response to the following issues:

- 1) Eligibility under Section 337
- 2) Addressing overlapping requests
- 3) Issues related to the timing of Bureau action and the volume of waivers received in relation to the Commission’s overall interoperability
- 4) Any impact such additional waivers may have on the budget of the Public Safety Spectrum Trust (PSST)

1) We recommend redefining Section 337 by allowing additional users other than those whose “sole purpose is to protect the safety of life, health or property”. By allowing these additional users, including public utilities and others whose eligibility isn’t apparent, networks can dramatically decrease the cost, through the use of subscriber fees, of maintaining and managing said networks. More importantly, interoperability with these unpermitted users is essential in that almost any catastrophic event requires coordination with these utilities and other non-public services agencies charged with response support, critical recovery activities and protection and management of critical infrastructure. In addition to supporting the response and recovery efforts, addition of these other users will provide a more economical business model for operation and sustainment by allowing agreements to be made between the Public Safety First Responder community and the other “Public Service Providers”. We envision those charged with protecting our electrical utilities, water supplies and other critical infrastructure to use this network for that purpose. The Bay Area Urban Area concurs with the comments filed by the State of New Mexico in this matter, and “urge the Commission to adopt a regulatory regime under Section 337 allowing 700 MHz public safety waiver recipients to partner with electric utilities and other CII infrastructure entities in order to promote funding and build out of portions of the 700 MHz public safety network as envisioned by the Commission in its May 2010 Waiver Order.”

2) We realize the eagerness of some waiver seekers to implement a system without going through a process to reach out to surrounding agencies or States to gain regional support and participation. Unfortunately, this could result in a multitude of smaller systems reducing seamless interoperability, compounded by issues with connecting those surrounding systems for roaming and home system connectivity. A single wireless device may need to hop across multiple EPCs and PLMN IDs to connect with its home system. We recommend the Emergency Response Interoperability Center (ERIC), in cooperation with National Institute of Standards and Technology (NIST), identify and publish a

preliminary network design, using a defined minimum number of EPCs, for the national broadband plan, before any additional waivers are granted. We also believe that coordination of systems can be valuable through the current State Interoperability Committees and/or RPC's. We believe it is prudent to require both coordination and sharing of assets, such as core equipment, for larger geographic footprints such as the size of states.

3) With respect to the Commission's referral to NPSTC's recommendation that IF each Public Safety agency were to receive a PLMN ID, the number of such networks should not exceed 100; it's our position, and an option given in the NPSTC report, that a single PLMN ID be adopted, making, in essence, a single nationwide network, governed by the PSST, with regional management. We feel, even with a maximum of 100 nationwide PLMN IDs, a network designed thus would be virtually unmanageable.

Certain restrictions must be applied if the Commission is to follow this recommendation of a single PLMN ID network. A limited, geographically separate, minimum number of Evolved Packet Cores (EPC) with adequate connections between them must be established. We believe matters such as this should be in the forefront of the Emergency Response Interoperability Center (ERIC) responsibilities. In regards to the Commission's request for comments on an appropriate timeframe for the Bureau's action on additional waivers, we feel no action should be taken without first resolving the issue of whether this network should be made up of multiple, smaller networks (multiple PLMN IDs) or a single, nationwide network with a single PLMN ID. Bearing in mind that there are still significant questions about the initial interoperability rules and until many of the outstanding questions are answered, by adding additional players through granting additional waivers, it will be more difficult to manage the dialogue.

4) The Bay Area Urban Area believes that with the proposed addition of more Waivers, the PSST Budget will need to be re-evaluated, as indicated in our comments on the PSST Budget respectfully submitted on July 7, 2010, we felt at that time that the proposed budget was not sufficient to cover the expenses associated with the expected workload of the PSST to provide the level of support necessary to the initial class of Waiver Seekers. We would certainly support a review of the budget should additional waivers be considered.

DATED: October 18, 2010

Respectfully submitted,

BAY AREA UASI

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