

County of Santa Clara



City of San José



September 8, 2010

Honorable Gary Locke
Secretary of Commerce
U.S. Department of Commerce
14th and Constitution Avenue NW
Washington, DC 20230

Subject: Broadband Technology Opportunity Program (BTOP) grant award to San Francisco Bay Area

Dear Secretary Locke:

We are writing to request that you suspend, or postpone, the recent National Telecommunications and Information Administration (NTIA) Broadband Technology Opportunity Program (BTOP) grant award to the San Francisco Bay Area until concerns regarding the procurement and vendor selection process have been addressed and well understood. The process utilized to select the vendor for this project does not reflect our standard for accepted procurement practices.

Additionally, as one of the three Bay Area cities to petition the original FCC 700 MHz waiver, the City of San Jose joins with many other regional partners which have significant questions regarding the grant application process and the proposed implementation that need to be answered to ensure a successful project. Representing over two million residents, the participation of San Jose and the County of Santa Clara is essential to the eventual success of this effort. Furthermore, in a letter dated June 7, 2010 to Mr. Joseph Bissonnette, NTIA, the City of San Jose is on record of its support and desire to participate in BTOP.

We look forward to working with you and your staff in carrying out a transparent and fully coordinated BTOP project that will help safeguard the lives and property of all residents in the San Francisco Bay Area residents.

Honorable Gary Locke
Re: BTOP Grant
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For more information please contact: Deanna Santana, Deputy City Manager, City of San José at (408) 535-8280; Teresa Reed, Assistant Fire Chief, City of San José, UASI Approval Authority Member at (408) 277-5457; Emily Harrison, Deputy County Executive, County of Santa Clara at (408) 299-5116; or Kirstin Hoffman, Director of Emergency Services, County of Santa Clara at (408) 808-7802. Thank you for your attention to this request.

Sincerely,



Chuck Reed
Mayor

Sincerely,



Jeffrey V. Smith
County Executive

CC: Honorable Dianne Feinstein, Senator, California
Honorable Barbara Boxer, Senator, California
Honorable Jerry McNerney, Representative, District 11, California
Honorable Anna Eshoo, Representative, District 14, California
Honorable Michael Honda, Representative District 15, California
Honorable Zoe Lofgren, Representative District 16, California
Honorable Ronald V. Dellums, Mayor, City of Oakland
Honorable Gavin Newsom, Mayor, City and County of San Francisco
Debra Figone, City Manager, City of San Jose
Dan Lindheim, City Administrator, City of Oakland
Emily Harrison, Deputy County Executive, County of Santa Clara
Renee Domingo, Director of Emergency Services, City of Oakland
Scott Frizzie, Director of Regional Operations, CalEMA
Vicki Hennessy, Director, City of San Francisco DEM
Kirstin Hoffman, Director of Emergency Services, Santa Clara County OES
Rich Lucia, Undersheriff, Alameda County Sheriff's Department
Monica Fields, Deputy Chief of Administration, City of San Francisco Fire Department
Teresa Reed, Assistant Fire Chief, San Jose Fire Department
Marek Gootman, Patton Boggs LLP

Attachment: June 7, 2010 to Mr. Joseph Bissonnette, NTIA.

June 7, 2010

Mr. Joseph Bissonnette
Communications Policy Advisor
Broadband Technology Opportunities Program
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

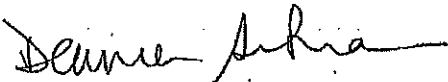
Re: *The San Francisco Bay Area Wireless Enhanced Broadband Project (BayWEB)*,
Easygrants ID: 7309

Dear Mr. Bissonnette:

This letter is submitted in support of the above-referenced application by Motorola, Inc. ("Motorola") under the Broadband Technology Opportunities Program ("BTOP") and responds to your email of May 27, 2010 to Mr. Derek Phipps of Motorola.

If this application is successful and Motorola is awarded the BTOP grant funds, the City of San Jose (the "City") plans to participate in the BayWEB project. More specifically, the City will negotiate in good faith to enter into the requisite lease agreement with the Public Safety Spectrum Trust Corporation ("PSST") so that the 700 MHz spectrum may be used for the public safety system described in Motorola's BTOP application.

Sincerely,



Deanna J. Santana
Deputy City Manager

CC: Rob Davis, Chief of Police
Diane Urban, Deputy Chief, Bureau of Technical Services
Teresa Reed, Assistant Fire Chief
Chris Godley, OES Director