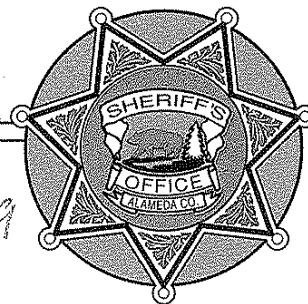


Alameda County Sheriff's Office

LAKESIDE PLAZA, 1401 LAKESIDE DRIVE, 12th FLOOR, OAKLAND, CA 94612-4305



Gregory J. Ahern, Sheriff
Coroner - Public Administrator - Marshal
Director of Emergency Services

PF
MME9
D.S.

(510) 272-6866

October 15, 2010

Mr. Chuck Reed, Mayor
City of San Jose
200 East Santa Clara Street, 18th Floor
San Jose, CA 95113

Dear Mayor Reed:

I have received your letter dated October 12, 2010, in which you requested answers to six specific questions regarding the National Telecommunications and Information Administration's Broadband Technology Opportunity Program grant which was recently awarded to Motorola and for which I am the Executive Sponsor. I believe that the following responses are comprehensive:

1. What are the 193 sites that Motorola will use to build out the BayWEB project?

The list of sites is preliminary and confidential. Many of these sites are mission critical public safety installations and public release of this information could be extremely detrimental to public safety in the region. I can provide a list of sites within San Jose. However, as San Jose provided to the UASI, all available shovel ready site locations within the city for this project, your staff most likely possess this information.

2. What is Motorola expecting local jurisdictions to provide in terms of site preparation, utilities, etc.?

As provided to Chris Flatmoe's technical working group on 9/28/2010, site readiness is defined as follows: Sites must be provided in "installation ready" conditions, which means the site is accessible, available, ready and suitable for Motorola to install the intended equipment or software at the site consistent with Motorola's design requirements, connection with the system consistent with Motorola's design requirements. : (i) site access by authorized personnel of Motorola and its subcontractors; (ii) the site is accessible by vehicle; (iii) the site has available tower or other space to install the Equipment or Software, and for Motorola to perform its related installation, operation, maintenance and other services; (iv) the site has

available, adequate and accessible electrical power (including electrical outlets, distribution, equipment and connections); (v) the site has adequate telephone or other communication lines (including modem access and adequate interfacing and networking capabilities); (vi) the site has, if applicable, adequate wind and ice loading capabilities; (vii) the site has adequate air conditioning if the site is inside a building requiring air conditioning for the proper operation, use and maintenance of the equipment or software; (viii) the site is in full compliance with all necessary construction and building permits, zoning requirements or variances, licenses, and any other governmental (including FCC and FAA) approvals, and with all environmental laws and regulations; (ix) the site has structural integrity and is in full compliance with all applicable and reasonable safety and security requirements, including grounding and applicable industry and OSHA standards; and (x) the site has other physical characteristics as may be reasonably requested by Motorola, including compliant with R-56 standards.

3. What equipment are local governments expected to purchase to make BayWEB operable? What is the per unit cost? What are the annual fees?
 - a. Recognizing that the local governments are expected to provide installation ready sites and facilities, the only equipment purchase that local governments would be expected to make for BayWEB to become operable to them is devices.
 - b. Motorola intends to offer a device portfolio at competitive price points when products become available. Additionally, the Public Safety LTE network will be compliant with the 3GPP standard and as a result other manufacturers may offer devices that can be purchased and utilized on the network.
 - c. Motorola's commitment to the NTIA is to provide affordable broadband service at a basic user fee that is competitive with what is currently available within the public carrier market. Recognizing that the final Basic User Fee will be defined within the Build Own Operate Maintain agreement which has not yet been negotiated, Motorola expects a Basic User Fee that will be fixed for ten (10) years and is estimated to be roughly half of what could be expected for 4G service currently offered by carriers in the marketplace.

4. What annual or monthly subscription fees are local governments/public safety agencies expected to pay to access the broadband network? Is there a minimum number of subscribers required in a region or city?
 - a. Motorola's commitment to the NTIA is to provide affordable broadband service at a basic user fee that is competitive with what is currently available within the public carrier market. Recognizing that the final Basic User Fee will be defined within the Build Own Operate Maintain

agreement which has not yet been negotiated, Motorola expects a Basic User Fee that will be fixed for ten (10) years and is estimated to be roughly half of what could be expected for 4G service currently offered by carriers in the marketplace.

- b. Motorola's sustainment plan with NTIA requires a minimum of approximately 50,000 devices on the network across the ten (10) Bay Area Counties. There is no commitment for where those devices are located other than within the ten (10) Bay Area Counties.
5. For how long and under what terms will the participants be obligated to Motorola for maintenance and other costs of the system beyond the initial pilot period of three years?

Users will not be obligated to pay maintenance costs for the BTOP funded network. Motorola will Operate and Maintain the network for a minimum of ten (10) years. I should point out that there is no pilot period within Motorola's BTOP award and Contract with NTIA.

6. Under what authority have local jurisdictions been obligated to the terms and conditions of the BayWEB public/private partnership?

None of the ten counties proposed for participation in the BTOP, or the cities/special districts within the ten counties, have been obligated to any terms or conditions. Participation in BTOP is purely voluntary and will require formal action on the part of the governing bodies of each public entity that chooses to enjoy the benefits of BTOP.

Also, as you know, the Cal EMA review was recently concluded and shed a very positive light on the entire process leading up to the award of the BTOP grant. I am more confident than ever that this will be a very successful program which will provide incredible resources to the men and women who daily protect our communities. As the Executive Sponsor, I look forward to working with you and all of the cities and counties within our region to enhance public safety. Hopefully, you will find this information helpful. Should you have any additional questions, please do not hesitate to contact me.

Sincerely,



Gregory J. Ahern
Sheriff – Coroner

GJA/rtl/daw