

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

In the Matter of:)
Transition Process for 700 MHz Public)
Safety Broadband Waiver Recipients) PS Docket No. 12-94
) PS Docket 06-229
)
)

To: Chief, Public Safety and Homeland Security Bureau

ADDITIONAL COMMENTS OF BAYRICS AUTHORITY

Bay Area Regional Interoperable Communications Systems Authority, (“BayRICS”) submits this supplement to its earlier comments on the transition process for 700 MHz public safety broadband waiver grantees pending establishment and operation of FirstNet as nationwide system licensee.¹

As detailed below, the BayWEB project administered by BayRICS has completed, or nearly finished, the most difficult and time-consuming milestones toward its regional access system deployment. Together with its partner, Motorola Solutions, Inc. (“MSI”), BayRICS believes the remaining tasks could still be completed within original MSI’s BTOP grant deadlines.

MSI had been poised to fully complete the project within the next 12 months. However, the remaining project schedule has become uncertain due to the NTIA-imposed partial suspension of funding for LTE equipment. The partial suspension, announced on April 2, 2012,

¹ The First Responder Network Authority (“FirstNet”) was created by Congress in Public Law 112-96, Section 6201.

has caused a month-for-month slippage of the project, because the LTE ordering, manufacturing, staging and installation, plus the field testing and commissioning are all critical path milestones for the program.

Although these LTE-related milestones remain to be met, the most complicated and challenging tasks have already been completed. The tasks performed by MSI to date have centered around (i) arriving at a contractual agreement with the BayRICS Authority, the governing body of the Bay Area's public safety jurisdictions' interoperability planning and execution, (ii) arriving at contractual agreements with multiple local governmental jurisdictions throughout the Bay Area to make sites available for the system, and (iii) the necessary iterative technical reviews and creation of documentation to assure that the sites are technically capable of being used in the system and to allow the site owners and controllers to begin the necessary environmental and zoning and permitting processes.²

Remaining tasks and milestones, such as environmental assessment, site remediation, network build and network testing, present much less risk due to the accomplishments made to date. In addition, many of the remaining tasks can be accomplished concurrently, significantly reducing additional time required for project completion. However, many of the remaining tasks are contingent on the procurement of LTE equipment, and therefore cannot begin until NTIA authorizes grant funds to be expended on such equipment. This delay in procurement requires some additional time (currently estimated at eight weeks) to remobilize the project team once LTE equipment can be ordered.

² On June 25, 2012, MSI provided a letter to the NTIA indicating its acceptance of the partial suspension amendment, describing the work performed under the BTOP grant to date and identifying proposed project modifications required by the suspension. The NTIA subsequently requested certain changes to the letter. This letter will be provided to the Commission as soon as a final draft is available.

The following table provides a summary of major project milestones, current status and estimated time required to complete each milestone:

MILESTONE	STATUS
Network Design	100% complete
Environmental Assessment	~ 50% complete (will complete concurrently with equipment order lead time)
Site Identification	100% complete
Team remobilization (required due to NTIA partial suspension)	Estimated 8 weeks to complete
Equipment Procurement	0% -- Originally scheduled for 2 nd Quarter 2012, currently on hold pending NTIA direction. Will require 24 week lead time after orders are placed.
Site Review and Remediation	~40% -- Review continues with structural analyses and changes necessary to optimize the backhaul configuration. Site remediation will be complete by April, 2013.
Network Build	12 weeks
Network Testing	8 weeks

To achieve these results, MSI has spent in excess of \$3 million in BTOP grant and matching funds, and the BayRICS Authority has committed more than \$1 million in member fees and grant funding. In addition to this cash commitment, BayRICS member jurisdictions have contributed significant in-kind resources since the start of the BayWEB effort, including office space, utilities, administrative support, and staff time for governance, administration, contract negotiations and project management, estimated at almost 5,000 hours. Individual BayRICS member jurisdictions have contributed another 5,000 staff-hours for site identification and evaluation. These site-related tasks include:

- Negotiating, legal review and approval of 13 site use agreements
- Escorting MSI on-site during over 544 individual site review visits
- Reviewing over 200 site design documents required for zoning, permitting and other approvals
- Negotiating site lease modifications for some sites

In addition to these actual costs, BayRICS jurisdictions are making commitments for future spending on the project. For example, San Francisco has budgeted \$592,000 in one-time and recurring costs over the next two years to pay for site leases, permitting, planning and real estate fees, and additional staff time to escort MSI on sites during the site preparation and equipment installation stages of the project. This budget does not include additional staff time (1 FTE x two years) for project management and coordination of San Francisco's portion of the project. It also does not include anticipated device costs and service charges, or \$600,000 budgeted for devices and service costs over next three years.

These budget commitments can be multiplied over the five counties and dozens of individual cities that are currently committed to participate in BayWEB as soon as it is activated. These significant resource commitments have come at a time of unprecedented local government budget shortfalls, but the Bay Area believes the project is important enough to justify these contributions. However, if our spectrum rights are terminated, these investments are at risk of becoming stranded. Both the BTOP grant and the master regional agreement between the BayRICS Authority and MSI are conditioned upon access to spectrum. If the spectrum is not made available to the Bay Area, the entire project would be placed in jeopardy.

Dated: June 27, 2012

Respectfully submitted,

_____/s/_____

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