



To: Bay Area UASI Approval Authority

**From: Barry Fraser, Interim General Manager
BayRICS Authority**

Date: October 11, 2012

**RE: Item 8: Report from the Bay Area Regional Interoperable Communications
System Joint Powers Authority (BayRICS JPA)**

1. BayRICS Administration

The BayRICS Authority will hold its regular monthly Board of Directors meeting on Thursday October 11, 2012 at 1:30 PM. The BayRICS Board is expected to adopt a 12-month Maintenance and Monitoring Agreement for the BayLoop microwave network and authorize distribution of a Memorandum of Understanding template between the seven BayLoop member entities and BayRICS. The BayRICS Board is also expected to discuss ways to promote the use of the regional "Fleetmap" radio coordination plan and the selection of a permanent general manager.

2. 700MHz Spectrum Waiver, Spectrum Act and FirstNet Update

Staff is monitoring a number of activities by the Federal Communications Commission (FCC), National Telecommunications and Information Administration (NTIA) and the First Responder Network Authority (FirstNet) related to public safety broadband spectrum and nationwide network deployment.

3. FCC Spectrum Transition Order

On July 31, 2012 the Federal Communications Commission issued an Order terminating all waivers and spectrum leases for the 700 MHz Public Safety Broadband Spectrum, effective September 2, 2012. The FCC also developed a procedure whereby early builders may obtain "Special Temporary Authority" (STA) for spectrum rights to continue work on projects, if they can demonstrate that they have made substantial progress toward deployment of their networks.

Because BayRICS members have made substantial investment in our BayWEB network, staff applied for an STA on August 20, 2012. On September 20, 2012 the FCC dismissed the Application. Although BayRICS argued that the most complex and time consuming tasks of network deployment had been substantially completed and that the BayWEB network



could be deployed well in advance of most estimates of the time it will take to deploy FirstNet in the Bay Area, these arguments were not persuasive to the FCC.

The FCC had indicated that only a few jurisdictions will meet the deployment requirements established in the Order. In addition, even if the STA had been granted, it would have been effective for only six months. The FirstNet Board will eventually make the permanent decision on these spectrum rights.

On October 2, 2012 the FCC's Public Safety and Homeland Security Bureau issued a notice of its intent to grant to FirstNet a 10-year license for use of the existing public safety broadband spectrum and the 700 MHz D Block. This grant will be effective thirty days after the Notice is published in the Federal Register.

The BayRICS Board is expected to consider recommendations for next steps at the October 11 meeting. These alternatives include immediate development of a proposal to seek spectrum rights directly from the FirstNet Board.

4. Spectrum Auctions

The FCC also released a Notice of Proposed Rulemaking on the incentive auction process on September 28, 2012. The incentive auction will provide funding for the FirstNet nationwide network deployment. Staff will review this rulemaking and report at the November BayRICS Board meeting.

5. FirstNet Board Update

The Middle Class Tax Relief and Job Creation Act of 2012, signed into law in February 2012, created FirstNet, an independent authority within the Department of Commerce's National Telecommunications and Information Administration (NTIA). Congress directed that FirstNet be run by a 15-person Board of Directors, with the Secretary of Homeland Security, the Attorney General, and the Director of the Office of Management and Budget named as permanent members of the Board. On August 20, 2012 the Acting Secretary of the Department of Commerce announced the remaining 12 members of the FirstNet Board.

The FirstNet Board held its initial meeting on September 25, 2012. The Board adopted bylaws and several administrative resolutions at this meeting, including establishment of several committees and approval of a service agreement with the NTIA. Most importantly for the Bay Area, FirstNet also adopted a resolution that directs FirstNet's Planning and technology Committee and NTIA director to examine the BTOP public safety grant projects and "provide input to the NTIA as to whether and how these projects can support the development of the nationwide, interoperable public safety network." At least one FirstNet board member suggested during the meeting that these projects might be allowed to proceed as "demonstration projects" prior to FirstNet network deployment.



BayRICS staff has contacted FirstNet Board members to follow up on these comments and to provide additional information.

6. FirstNet Network Architecture Notice of Inquiry

In addition, FirstNet Board discussed a proposed Notice of Inquiry (NOI) seeking public comment on the conceptual presentations regarding network architecture and development of public safety applications. NTIA released this NOI on October 1, 2012, with comments due on November 1, 2012. Staff will work with the Technical Advisory Committee to develop a response to the NOI.