



**Sonoma County Public Safety Consortium  
Joint Powers Authority**

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Santa Rosa, CA 95404  
(707) 543-3668

September 1, 2009

The Honorable Gary Locke, Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Secretary Locke:

I'm writing this letter on behalf of the public safety agency members of the Sonoma County Public Safety Consortium, urging you to change the grant guidelines/requirements for the Recovery Act Broadband Technology Opportunities Program (BTOP) for the next round of funding. Our County was in the process of submitting an application for BTOP grant funding for a public safety broadband communications project when we learned we would not be eligible for the funding. The County's project proposal met all requirements, including reaching underserved/rural areas. However, due to the requirement that "applicants must provide service to the entire territory of each census block of the proposed funded service area, including households and businesses" (as described in V.C.2.d of the Notice of Funding Availability), we were unable to submit our application. The nature of the County's proposal met one of the five BTOP statutory purposes, namely to "improve access to, and use of, broadband service by public safety agencies". Although our design required a private and secured network in order provide for security of public-safety-sensitive information and the operational safety of our public safety officials, our public-safety-only broadband communications project was entirely consistent with the following guidance from the "Broadband Initiatives Program; Broadband Program Notice" of July 9<sup>th</sup> 2009<sup>1</sup>:

- (2) *Not favor any lawful Internet applications or content over others...* Furthermore, this requirement applies only to Internet applications and content, that is, those that traverse the public Internet. Awardees may offer managed services such as telemedicine, public safety communications, and distance learning, which use private connections or virtual private networks, rather than the public Internet. This approach ensures that awardees do not distort the Internet's neutral environment for applications and content, while giving them the flexibility to design their networks in a technically efficient manner and the ability to provide services that may require enhanced quality of service or separate connections for privacy and security reasons.

<sup>1</sup> Federal Register / Vol. 74, No. 130 / Thursday, July 9, 2009 / Notices, Page 30 of 32,  
[http://www.ntia.doc.gov/frnotices/2009/FR\\_BBNOFA\\_090702.pdf](http://www.ntia.doc.gov/frnotices/2009/FR_BBNOFA_090702.pdf)

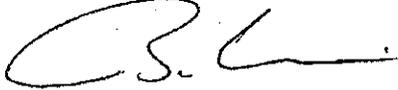
We understand that other aspects of the above-mentioned Program Notice are contradictory to this guidance and, therefore, prohibitive to our application for BTOP funds but we are writing now to ask for clarifications and revisions to the program's requirements and guidance. In researching the American Recovery and Reinvestment Act, we understand that the only statutory requirement regarding this issue is that the NTIA, "in coordination with the [Federal Communications] Commission, publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section, including, at a minimum, adherence to the principles contained in the Commission's broadband policy statement (FCC 05-15, adopted August 5, 2005)."<sup>2</sup> Furthermore, the Commission's broadband policy statement provides directions to "providers of telecommunications services" and "consumers" but it does provide direction to this BTOP statutory purpose of "improve[d] access to, and use of, broadband service by public safety agencies."

We therefore believe that the NTIA has the authority and responsibility to adjust the BTOP requirements and allow public safety broadband projects to meet their necessary level of protection of sensitive information not interconnecting to the public Internet. ~~We ask that this allowance be provided only to public safety networks and only the degree it supports the section of the Broadband Program Notice cited above.~~

A short description of our project is contained on the following page. We are eager to submit an application for funding for it as we are confident it can meet not only BTOP's public-safety statutory purpose but also the Recovery Act's goals for spurring overall economic growth; creating jobs; and stimulating use of broadband services by community anchor institutions. We ask for your assistance in adjusting the Program's requirements to allow our application.

Thank you for your consideration.

Sincerely,



**BILL COGBILL**  
Sheriff-Coroner

Chair, Oversight Committee, Sonoma County Public Safety Consortium

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<sup>2</sup> American Recovery and Reinvestment Act, § 6001(j), 123 Stat. at 512, Page 401 of 407, [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=fh1enr.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=fh1enr.pdf)

*County of Sonoma – BTOP Project Description*

*This project would provide access to critical public safety data by increasing the bandwidth and spectral efficiency used in existing public safety mobile data computers (MDC).*

*The County's proposal would include a request to purchase commercial air cards and/or modems that can be used by the law enforcement officers to access state and federal applications, such as California Law Enforcement Telecommunications System (CLETS), Calgang, Calphoto, Department of Justice, as well as internal County applications. In addition, the grant request would include the build out of wireless "hotspots" to access these same applications in the more remote and rural areas where the commercial carriers do not have broadband coverage. Access to the data provided by these applications can greatly enhance law enforcement's ability to more successfully respond to calls for service and incidents because they will have all the possible information related to the individuals immediately available. This means great public safety for our community and the more tools our law enforcement official have to protect us the better they can serve us all. Information is powerful and it can save lives. We should be doing everything we can to insure that the information is available to our officers in the field so they can do their jobs as safely and appropriately as possible.*

*Although this proposal would not include providing broadband coverage to consumers, it would reach those communities via law enforcement services. There are many rural and underserved areas on our North Coast that law enforcement does not currently have access at all to this critical information due to the lack of broadband technology currently available. This grant funding would create the opportunity for our rural and coastal communities to be better served by our law enforcement community, in addition to the entire geographical area of the County of Sonoma.*