Before the
Federal Communications Commission
Washington, D.C. 20054

In the Matter of	)	
	)	
Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands	)	PS Docket No. 13-87
	)	
National Public Safety Telecommunications Council Petition for Rulemaking on Aircraft Voice Operations at 700 MHz	)	RM-11433
	)	
National Public Safety Telecommunications Council Petition for Rulemaking to Revise 700 MHz Narrowband Channel Plan	)	RM-11433
	)	
Region 24 700 MHz Regional Planning Committee Petition for Rulemaking	)	WT Docket No. 96-86 PS Docket No. 06-229
	)	
State of Louisiana Petition for Rulemaking	)	RM-11577

REPLY COMMENTS OF THE COMMONWEALTH OF VIRGINIA

The Commonwealth of Virginia, Department of State Police ("Commonwealth"), by its counsel, hereby submits reply comments on behalf of its Statewide Agencies Radio System ("STARS") in response to the August 22, 2016 Order on Reconsideration and Further Notice of Proposed Rulemaking (FCC 16-111) in the above proceeding, inviting comments in the Further Notice of Proposed Rulemaking on amendments to the Commission's rules to allow for the expanded use of non-trunked mobile repeaters on State and Reserve Channels, as well as other matters.

INTRODUCTION

STARS is a twenty-one state agency public safety grade statewide integrated voice and data radio system. STARS uses digital trunked VHF narrow band land mobile radio

technology for the infrastructure and relies heavily on 700 MHz digital vehicular repeater systems (DVRS) in approximately 3,200 vehicles to support portable radio public safety grade communications within the network.

In 2004 the Commonwealth entered into a contract with Motorola to design, construct and implement a new comprehensive statewide public safety communications system, and the current STARS system was designed and built under Motorola's guidance. STARS is a statewide shared land mobile radio system utilizing Part 90 public safety channels, Part 22 VHF paging channels, and Part 80 VHF maritime channels. The Commonwealth applied for various waivers from the Commission to acquire and operate the Part 22 and Part 80 channels, which the Commission has granted. In the middle of the Commonwealth's construction of STARS, the Commission adopted new rules creating a new consolidated band of public safety narrowband channels, and prohibiting deployment of new narrowband operations outside of that range.[1] The Commonwealth obtained a waiver from the Commission to continue deployment of STARS at that time.[2]

AMENDMENT OF THE TRUNKING RULES

In the Further Notice of Proposed Rulemaking, the Commission suggested that Section 90.537 of the Commission's rules should be amended to specifically exempt vehicular repeater systems (VRS) from trunking.

Of the ten Comments filed in response to the Further Notice of Proposed Rulemaking, two Comments did not address trunking (from P25 Compliance Assessment Program Advisory Panel and TIA). Of the eight Comments which addressed trunking,

[1] Second Report and Order, 22 FCC Rcd 15289 (July 31, 2007)

[2] Order, FCC 07-195, 22 FCC Rcd at 20293 (November 14, 2007)

100% agreed that trunking was not appropriate for VRS, and six of the eight favored reforms of the trunking rules beyond the Commission's suggestions.

The Pennsylvania State Police gave an excellent explanation of why trunking was unnecessary and inappropriate for VRS, and supported the Commission's proposed change.

APCO (Association of Public Safety Communications Officials) supported the FCC change, without any enhancements.

The Region 20 700 MHz Regional Planning Committee suggested a broader change to the regulation, but still supported extended use of the spectrum by STARS for VRS conventional operations.

The NPSTC (National Public Safety Telecommunications Council) Comments supported the FCC proposal to exempt VRS from trunking requirements, and also supported broader trunking reforms.

The NRPC (National Regional Planning Council) and Cal OES (The California Governor's Office of Emergency Services) support the exclusions of VRS from the FCC trunking rules.

Finally, Motorola's Comments call for all mobile units to be exempt from trunking, but only if they are low power (5 watts or less).

The Commonwealth's Comments suggested that the trunking requirements should not be applicable to VRS, or to any other mobile or portable units.

The Commonwealth does not have the necessary information at this time to indicate that broader reforms are needed (beyond exempting VRS from trunking), as suggested by some commenters.

The Commonwealth disagrees with Motorola's suggestions of a 5 watt power limit. The Commonwealth believes that many VRS units can operate at 10 watts, and that there may be special circumstances (search and rescue communication with officers inside buildings and in rugged terrain) when occasional use of 10 watts is appropriate, without causing interference. There is no evidence in the record to support a 5 watt limitation.

The Comments of the Commonwealth and of the Pennsylvania State Police show the practical need to do away with a trunking requirement for VRS. No Comments were filed supporting continued trunking for VRS or claiming that trunked VRS units were commercially available as a practical matter.

The Comments received in this proceeding clearly show that the Commission should amend its rules to exempt VRS from any trunking requirement.

CONCLUSION

For the foregoing reasons, the Commonwealth respectfully requests that the Commission amend Section 90.537 and other rules as needed to permit non-trunked use of 700 MHz channels by DVRS and other portable to portable or mobile to mobile devices.

Respectfully submitted,

Commonwealth of Virginia
Department of State Police

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Its Counsel

November 9, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2016, a copy of the foregoing Comments of the Commonwealth of Virginia was sent by email to john.evanoff @fcc.gov.

Peter E. Broadbent, Jr.

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