

November 12, 2019

Lisa M. Fowlkes, Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: PS Docket No. 19-255, DA 19-1131
Public Safety and Homeland Security Bureau (PSHSB) seeks comment on a joint request by the Commonwealth of Pennsylvania (the Commonwealth) and FirstEnergy Corp.

Dear Chief Fowlkes:

In response to the request of the Federal Communications Commission ("Commission"),¹ the State of Maryland offers comments herein relative to the request of our neighbor, the Commonwealth of Pennsylvania, as contained in the Commission's Public Notice, DA 19-1131. In the instant matter, the Commonwealth seeks confirmation that a waiver issued in 1999 extends to both the 800 MHz and Very High Frequency ("VHF") bands. In the alternative, the Commonwealth and FirstEnergy seek a new waiver permitting the sharing of certain licensed frequencies in both the 800 MHz and VHF bands.

Maryland believes that a plain reading of the 1999 waiver supports the use of both frequency bands in a shared land mobile radio communications system. The original waiver stated, "*to construct and operate a shared network on Public Safety and I/LT [Industrial/Land Transportation Category] frequencies (including any stations they subsequently add to the system) . . .*"² There are frequencies for both public safety and the Industrial/Land Transport services found in multiple bands and there seems to be no language found in the waiver that places a limitation on the use of 800 MHz channels only. As such, it could be assumed that the use of licensed VHF and 800 MHz frequencies for both the Commonwealth and FirstEnergy could be employed as the incorporation of spectrum in shared systems supports the Commission's long held view related to the maximization of spectral resources.

¹ We seek comment on whether the quoted language, considered in context, applies only to the addition of 800 MHz facilities as opposed to both 800 MHz and VHF facilities. We seek comment on the advisability of Petitioners adding VHF channels to their shared systems and on their request to add future VHF channels without specific Commission authorization.

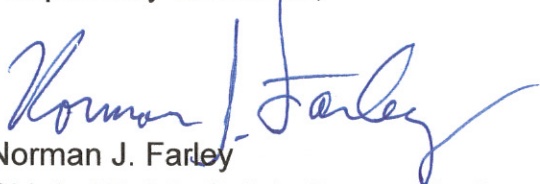
² In 1999, the Wireless Telecommunications Bureau granted Petitioners a waiver "to construct and operate a shared network on Public Safety and I/LT [Industrial/Land Transportation Category] frequencies (including any stations they subsequently add to the system) . . ." Commonwealth of Pennsylvania and GPU Energy Request for Waiver of Section 90.179 of the Commission's Rules, Order, 14 FCC Rcd 14029, 14036, para. 15 (WTB 1999).

If the Commission finds that the original waiver does not permit the aggregation of VHF frequencies into a combined system, Maryland supports the Commonwealth's request for a waiver to permit multiple band spectrum sharing with FirstEnergy. Experientially, Maryland understands the significant propagation challenges of using high frequency bands, such as 700 and 800 MHz, in the mountainous terrain found throughout much of Pennsylvania. We share a long common border and have also faced similar deployment challenges in our far western mountainous counties. While there are advantages and disadvantages to the use of VHF frequencies, they possess superior propagation characteristics in mountainous counties; many more of which are found in the Commonwealth than Maryland's twenty-three counties.

The new Pennsylvania network employs the public safety P25 standard which is an aid in permitting interoperability between the Commonwealth and Maryland. Our Maryland State Police troopers are equipped with multiband radios and both states are working together to promote interoperability between law enforcement officers working in border areas. It should also be noted that systems using spectrum from both Part 22 and Part 90 pools is not uncommon. Large parts of the Commonwealth of Virginia's State Agency Radio System ("STARS") uses considerable spectrum from both Parts 22 and 90. We believe that the request of Pennsylvania is not extraordinary and consistent with well-established public safety communications system practices.

As such, should the Commission determine that the existing waiver is inadequate to permit spectral resource sharing between the Commonwealth and FirstEnergy, Maryland supports the issuance of a new waiver permitting the inclusion of VHF and other band licensed (and relevant future licenses) into a waiver. Maryland believes that either accepting the original waiver as permitting VHF use or the issuance of a second waiver would be in the public interest and support public safety communications in both states.

Respectfully Submitted,



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