

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In reference to

WT Docket 96-86

PS Docket 13-87

REQUEST FOR WAIVER

**Missouri Department of Public Safety
MOSWIN NETWORK**

The Missouri Department of Public Safety respectfully requests a waiver of rule FCC 90.559 (b) which requires Station Identification be made on the lowest frequency utilized in a group of trunked channels assigned the licensee for its Statewide 700 MHz Buildout of State License Channels, under authorization WPTZ785, within the Missouri Statewide Interoperability Network (MOSWIN). While 90.559 (c) does not specifically contain language require the lowest frequency be utilized for Station Identification when utilizing 700 MHz spectrum exclusively relative to 90.559 (b), we feel the spirit of 90.559 (b) applies to the Geographic State License 700 MHz narrowband spectrum being implemented within the Missouri Statewide Interoperability Network (MOSWIN) under the Missouri Statewide Geographic License and seek relief due to the rule being published in August 11, 2014 along with previously constructed sites and a statewide 700 MHz channel plan implementation that has been in place and implemented prior to the published rule. Some previously built MOSWIN 700 MHz sites do not comply with the 90.559 (b) Station Identification Requirement being implemented by the lowest channel.

Appendix A contains a list of MOSWIN 700 MHz channels and the channel plan at each MOSWIN site.

Background and Status of Existing Radio Operations: The Missouri Department of Public Safety has implemented and operates the Missouri Statewide Interoperability Network utilizing 700 MHz State License Spectrum under FCC authorization WPTZ785 with initial system activation on January 1, 2013. The MOSWIN network utilizes VHF High Band spectrum (150 MHz), 800 MHz public safety spectrum in addition to 700 MHz State License Geographic Spectrum in its build. The popularity and availability of multi-band radios allows for wide area networks to utilize subscribers that roam between sites and between bands as well as allowing MOSWIN to integrate with existing 800 MHz Project 25 systems. Planning for the DPS build-out of the MOSWIN network and the establishment of the statewide 700 MHz channel plan promotes efficient frequency reuse of the State License 700 MHz Geographic spectrum with planning starting as early as 2012 when the decision was made to add 700 MHz sites to the MOSWIN network in an effort to enhance system coverage. The first phase of implementation of MOSWIN 700 MHz sites, listed in Appendix A, is to be completed no later than 4Q 2014.

Control Channel functionality: The Control Channel function in Project 25 systems is a centralized channel that supports and controls subscriber radios by managing data streams and coordinating users in talkgroups as they operate on the wide area system. In MOSWIN radios that operate throughout Missouri, MOSWIN System Administration strongly urges entities with users on the system to program the identified Control Channel list into all subscriber radios to ensure effective access to the network. Since the Control Channel designated at each site is constantly broadcasting and sending messages to subscriber units in the field, the MOSWIN network (or any other Project 25 network) doesn't allow a Control Channel pair to be designated as BSI (Base Station Identification) as the periodic Station Identification function would interrupt the constant service to subscribers being provided by the system Control Channel. Subsequently, at sites where the Control Channel is designated as the lowest channel 700 MHz frequency in use at the site, the site frequency plan cannot be configured to be compliant with 90.559 (b).

Impacted Agency Details: MOSWIN supports hundreds of agencies that utilize the network for interoperable purposes and/or day to day communications. All agencies that sought to access MOSWIN's 700 MHz site addition have adhered to the state's direction to program the Control Channel list for all sites, existing and future into their subscriber equipment to ensure access to the site with minimal delay. While a subscriber radio isn't required to have a specific Control Channel programmed in it to affiliate with a specific site, a radio will review its Control Channel list to identify the appropriate Control Channel prior to initiating a full band scan in the radio to identify the control channel used at a specific site. In the MOSWIN network the control channel information for the next adjacent site is provided to the radio as the radio moves between sites. However, when a radio is turned off in a vehicle and driven across the state, it may not receive the proper adjacent Control Channel information so a Best Practice in Missouri has been to program all of the Control Channels established for all sites in the system in every radio to minimize the need for a radio to initiate a full band scan in the radio as that can take 10 minutes or more, depending on the subscriber unit. MOSWIN System Administration promotes best practices for its users to include all active control channels in the network to be programmed into subscriber units, whenever possible.

Grant of a Waiver is in the Public Interest and Promotes FCC Goals: The Missouri Department of Public Safety, as administrator of the MOSWIN network supporting public safety communications throughout Missouri, request a waiver of FCC rule 90.559 (b) which requires the lowest channel utilized at a fixed site utilizing public safety the bands 769-775 MHz and 799-805 MHz to be utilized for Station Identification. MOSWIN is a Project 25 trunked multi-band hybrid VHF/700/800 MHz statewide public safety network that provides state, local and federal interoperable communications capabilities amongst Missouri's First Responder community currently supporting over 21,000 individual radios and over 800 agencies. MOSWIN developed in late 2012 a System Control Channel list that included a number VHF High Band control channel pairings, a number of 700 MHz control channel pair and several 800 MHz control channel pair which are utilized throughout the network as Control Channels for the MOSWIN network. Further, MOSWIN System Administration recommended to all of

its user agencies that this Control Channel list be programmed into all radios that support multi-band operation. The established Control Channel list drove the development of the MOSWIN 700 MHz channel plan for the MOSWIN 700 MHz sites utilizing State Geographic Spectrum under WPTZ785 listed in Appendix A. While some site channel plans listed in Appendix A utilize a control channel from the master list that is not the lowest frequency utilized at the site, several sites designate the lowest channel as control channel in the site channel plan. In future 700 MHz implementations beyond the MOSWIN sites listed in Appendix A MOSWIN System Administration will seek to strike a balance between utilizing channels other than the lowest channel at each 700 MHz for control channels thereby enabling Station Identification to be used on the lowest channel when possible and minimizing the need for user agencies to reprogram radios to ensure effective system access.

Several assigned Control Channels in the MOSWIN network's 700 MHz sites are the lowest channel utilized at the site. Subsequently, changing the designated Control Channel at a site would impact many users at all levels of government and to ensure their radio access the MOSWIN network in an optimum manner, these agencies may feel the need to reprogram their subscriber units with the corrected Control Channel list. We feel putting MOSWIN user agencies in a position to consider reprogramming their subscriber devices to ensure quick access to each site is a burden that agencies should not have to suffer. Requiring agencies to reprogram their radios with new control channel lists would be burdensome to users and in requiring the establishment of new control channels for all MOSWIN users the underlying purpose of the rule would be frustrated as applied to this case.

MOSWIN System Administration feels that relief from 90.559 (b) is warranted as complying with the rule, in this instance, would be burdensome to the user community as it would feel compelled to reprogram thousands of new radios with newly assigned Control Channels in order to ensure their users have unfettered access to the MOSWIN network, as necessary, to facilitate necessary communications with little return from the resources committed.

FCC Approval of the DPS waiver request is consistent with Commission Goals

To Promote Licensee Flexibility and Spectrum Efficiency: The MOSWIN network seeks to maximize its usage of the Statewide 700 MHz Geographic License authority under WPTZ785 by efficiently integrating the channels available (Ninety Six (96) 12.5 KHz channel pair) into the MOSWIN network. To accomplish this identified channel pairings are efficiently reused throughout the MOSWIN network with geographical separation between co-channel sites. This process ensures that new sites and channel pair can be implemented as new needs surface from the user community and funding is available for system expansion. The utilization of established control channels at each site should minimize the instances where agencies are required to reprogram their subscriber fleets whenever a new MOSWIN tower site is implemented in their area. This master channel plan subsequently allows for enhancement to the network with minimal cost and reprogramming efforts to MOSWIN user agencies.

Grant of a Waiver Would Not Undermine Commission Rules or Objectives:

In conclusion, the Missouri Department of Public Safety does not consider the grant of a waiver in this instance to undermine the Commission's rules nor do we consider the grant of a waiver to be inconsistent with Commission objectives. The waiver request supports efficient spectrum use in an expanding wide area network support public safety users. In addition, since MOSWIN 700 MHz sites are utilized under a geographic license, no site based license or authorization exists for each implementation of the 700 MHz State License spectrum at each location. If the Station Identification rule is to assist Commission field personnel investigating interference or other issues from a specific site, there would be no license to refer to identifying the lowest channel in use for Station Identification. MOSWIN has made its licensing plan available to the Commission and will continue to make it available as requested. Station identification at each MOSWIN 700 MHz site utilizing State License geographic Spectrum will be FCC authorization WPTZ785.

Appendix A

MOSWIN 700 MHz Site list

Within its 700 MHz Geographic State License build-out, the Missouri Department of Public Safety will have implemented by 3Q 2014, thirteen (13) fixed RF site implementations to supplement the overall MOSWIN network at the following locations:

Rockport, Missouri (Atchison County, Missouri)

29-30	769/799.18125 MHz CC-P
113-114	769/799.70625 MHz
185-186	770/800.15625 MHz
273-274	770/800.70625 MHz
653-654	773/803.08125 MHz
773-774	773/803.83125 MHz CC-A



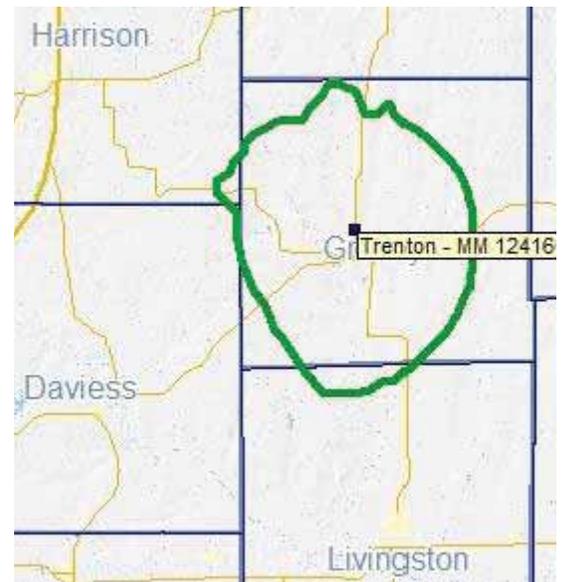
Columbia, Missouri (Boone County, Missouri)

65-66	769/799.40625 MHz CC-P
145-146	769/799.90625 MHz CC-A
229-230	770/800.43125 MHz
269-270	770/800.68125 MHz
649-650	773/803.05625 MHz
725-726	773/803.53125 MHz



Trenton, Missouri (Grundy County, Missouri)

73-74	769/799.45625 MHz CC-P
113-114	769/799.70625 MHz
233-234	770/800.45625 MHz CC-A
273-274	770/800.70625 MHz



653-654 773/803.08125 MHz
 773-774 773/803.83125 MHz

Sikeston, Missouri (Scott County, Missouri)

73-74 769/799.45625 MHz CC-P
 113-114 769/799.70625 MHz
 233-234 770/800.45625 MHz CC-A
 273-274 770/800.70625 MHz
 653-654 773/803.08125 MHz
 773-774 773/803.83125 MHz



Jefferson City, Missouri (Cole County, Missouri)

29-30 769/799.18125 MHz CC-P
 185-186 770/800.15625 MHz
 645-646 773/803.03125 MHz
 765-766 773/803.78125 MHz CC-A
 813-814 774/804.08125 MHz



849-850 774/804.30625 MHz

Stoutsville, Missouri (Monroe County, Missouri)

69-70 769/799.43125 MHz

149-150 769/799.93125 MHz

189-190 770/800.18125 MHz

309-310 770/800.93125 MHz CC-P

729-730 773/803.55625 MHz

809-810 774/804.05625 MHz CC-A



(Maywood) Palmyra, (Marion County, Missouri)

109-110 769/799.68125 MHz CC-P

193-194 770/800.20625 MHz

265-266 770/800.65625 MHz CC-A

305-306 770/800.90625 MHz

689-690 773/803.30625 MHz



769-770 773/803.80625 MHz

Canton, Missouri (Lewis County, Missouri)

29-30 769/799.18125 MHz CC-A

145-146 769/799.90625 MHz CC-P

185-186 770/800.15625 MHz

229-230 770/800.43125 MHz

645-646 773/803.03125 MHz

725-726 773/803.53125 MHz



Kingdom City, Missouri (Callaway County, Missouri)

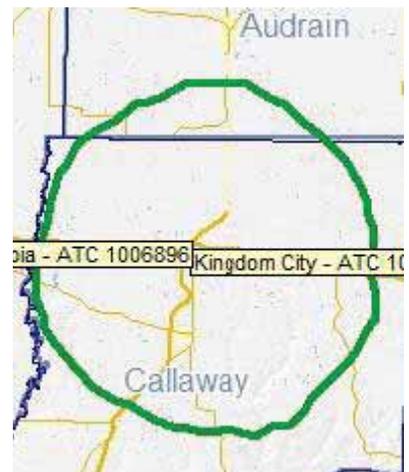
73-74 769/799.45625 MHz CC-A

113-114 769/799.70625 MHz

233-234 770/800.45625 MHz CC-P

273-274 770/800.70625 MHz

653-654 773/803.08125 MHz



773-774 773/803.83125 MHz

Leasburg, Missouri (Crawford County, Missouri)

109-110 769/799.68125 MHz CC-A

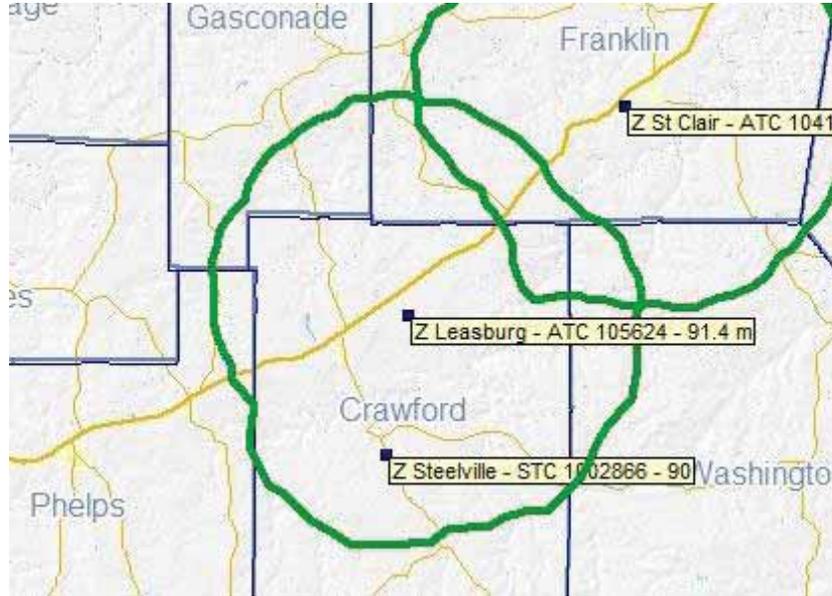
193-194 770/800.20625 MHz

265-266 770/800.65625 MHz CC-P

305-306 770/800.90625 MHz

689-690 773/803.30625 MHz

769-770 773/803.80625 MHz



Joplin (Jasper), Missouri (Jasper County, Missouri)

65-66 769/799.40625 MHz CC-A

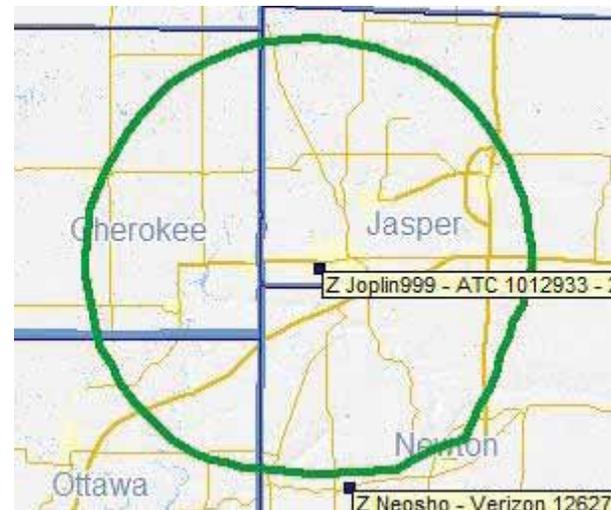
145-146 769/799.90625 MHz CC-P

229-230 770/800.43125 MHz

269-270 770/800.68125 MHz

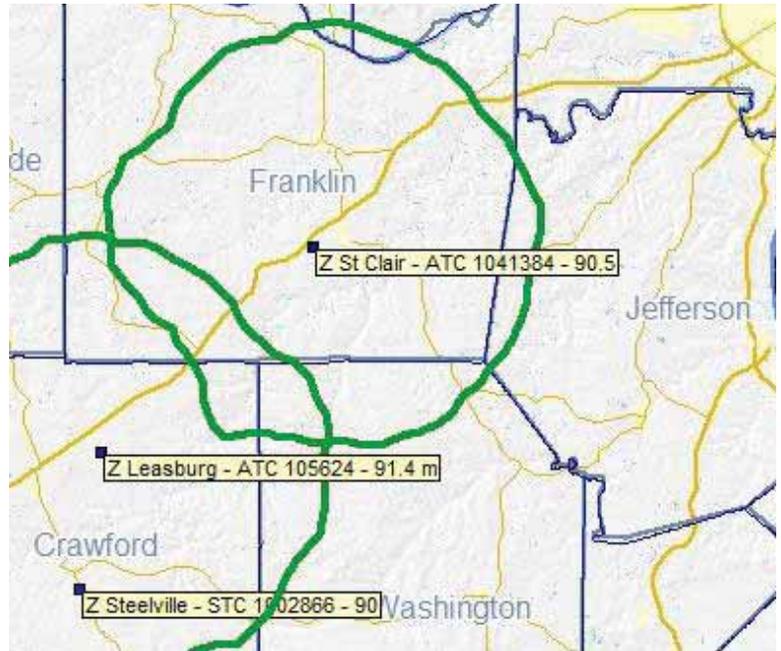
649-650 773/803.05625 MHz

725-726 773/803.53125 MHz



St Clair, Missouri (Franklin County, Missouri)

33-34	769/799.20625 MHz
105-106	769/799.65625 MHz
225-226	770/800.40625 MHz
313-314	770/800.95625 MHz
693-694	773/803.33125 MHz CC-P
733-734	773/803.58125 MHz CC-A



New Madrid, Missouri (New Madrid County, Missouri)

109-110	769/799.68125 MHz CC-P
193-194	770/800.20625 MHz
265-266	770/800.65625 MHz CC-A
305-306	770/800.90625 MHz
689-690	773/803.30625 MHz
769-770	773/803.80625 MHz



Should any questions arise from this filing, do not hesitate to contact Stephen T. Devine, Assistant Director of the Missouri Statewide Interoperability Network (MOSWIN) at Stephen.devine@dps.mo.gov or 573-522-2382

Regards,

Stephen T. Devine, Assistant Director-MOSWIN
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cc: Bryan Courtney, MOSWIN Director