

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)	
)	
Implementation of Sections 309(j) and 337)	
Of the Communications Act of 1934 as Amended)	WT Docket No. 99-87
)	
Promotion of Spectrum Efficient)	
Technologies on Certain Part 90)	
Frequencies)	

To the Commission:

**PETITION FOR RECONSIDERATION
BY THE STATE OF FLORIDA**

1. The State of Florida, State Technology Office (“Florida” or “the State”), submits this Petition for Reconsideration of the Second Report and Order (FCC 03-34), released February 25, 2003, in the above referenced matter. As a licensed user of public safety spectrum, and an agency with regulatory responsibility for other state and local public safety agencies within Florida, we have a direct concern about potentially harmful consequences of this rule to users of interoperability channels, and offer possible solutions for consideration by the Commission. We applaud the Commission for guiding the radio spectrum toward more efficient use and look forward to spectrum relief below 512 MHz as migration to narrowband migration proceeds.

2. We petition the Commission to reconsider the first two bullets of paragraph 2 of the 2nd Report and Order (“2nd R & O”), which states, “...beginning six months after publication of the 2nd Report and Order in the Federal Register,” the following is prohibited:
 - A) *Any applications for new operations using 25 kHz channels, and*

 - B) *Any modification applications that expand the authorized contour if the bandwidth is greater than 12.5 kHz.*

3. Many state and local government agencies are currently licensed for interoperability (mutual aid and other multi-agency use) channels, and may have future need to apply for new licenses or modifications. These channels are not necessarily recognized nationally or by FCC Rule, but many

have been in use for decades by multiple agencies. These interoperability channels satisfy critical public safety needs throughout Florida in the frequency bands below 800 MHz, and in some instances, with our neighboring States as well (see ¶ 6). It would be inadvertent for state or local government agencies to allow licenses to expire when the stations are clearly in operation and are intended to remain so, however such expirations occasionally occur. Given that no reinstatement period exists, a “new application” would have to be submitted for such expirations. Such applications filed after the “6-month” window of the 2nd R & O would be subject to narrowband requirements. Similarly, the expansion of existing interoperability radio systems would be subject to narrowband requirements after the “6-month” window.

4. Radio frequencies below 800 MHz for interoperability communications within and specific to Florida are recognized in the following statewide communications plans:

- State of Florida, Law Enforcement Communications Plan
- State of Florida, Emergency Medical Services Communications Plan
- State of Florida, Portfolio of Services
- Florida-Region 9 Plan for Public Safety Radio Communications

Some of the specific interoperability radio frequencies used within Florida that are affected by the 2nd R&O are:

154.265 MHz	(Fire Mutual Aid, red)
154.280 MHz	(Fire Mutual Aid, white)
154.295 MHz	(Fire Mutual Aid, blue)
154.950 MHz	(Law Enforcement Emergency)
155.340 MHz	(Medical Resource Coordination)
155.370 MHz	(Law Enforcement Intercity)
460/465.275 MHz	(Law Enforcement Emergency)
463/463.175 MHz	(EMS Medical Resource & Scene Coordination)
463/468.175 MHz	(EMS Medical Coordination)

5. Another statewide radio frequency, 154.920 MHz, is an interoperability channel currently licensed by the State of Florida for use as an emergency and car-to car channel by the Florida Highway Patrol. Additionally, DEA, FBI, U. S. Customs, the Marshall Service as well as the Secret Service use this

channel to communicate with the Florida Highway Patrol.

6. The State of Georgia also identifies 155.370 MHz as their “Intercity Police Channel” on a statewide basis. It serves the same purpose as within Florida and provides interstate interoperability as well. As of 3/21/03, a search on the ULS database for “Frequency/State Results” provided 420 records for 155.370 MHz within Georgia.
7. A 3/19/03 search on the ULS database for “Frequency/State Results” produced 279 records for 155.370 MHz within Florida, used for Law Enforcement Intercity communications. A search on Florida’s Law Enforcement Emergency channel, 154.950 MHz, retrieved 137 records. While only 32 records were produced for 154.920 MHz, it is an interoperability channel for Federal-State interoperability. A search on Florida’s Law Enforcement Emergency channel, 460.275 MHz, produced 43 records, and 53 records for 465.275 MHz. Additional ULS database searches can be performed for the remaining frequencies; but, the point has been established. These radio frequencies are licensed by many public safety agencies for a common purpose – interoperable radio communications.
8. We recognize the narrowband radio frequencies in the VHF and UHF bands for Calling and Tactical use (i.e., VCALL, VTAC, UCALL and UTAC channels) and support all common channels with a common naming convention nationwide. As future amendments of our state plans occur, we expect to include these and other state-specific narrowband channels for interoperable communications within those plans. This will effect a more graceful migration to narrowband operations with a goal of achieving full migration by all public safety agencies on or before January 1, 2018.
9. Any one agency prohibited from implementing or expanding one or more of the interoperability channels below 512 MHz at the established 25 kHz bandwidth will impact our interoperable radio communications capability statewide. Such an action would compromise the statewide integrity of that channel by disabling communications between agencies using different bandwidths. The effect of this rule on Florida’s interoperability channels would be to either freeze all future growth and improvement in such systems (since funding is not available for a statewide equipment replacement), or would fracture the basis of interoperability by creating “islands” of users with dissimilar equipment. Therefore, we urge the Commission to respond favorably to this Petition for Reconsideration.

10. We request the Commission to:

- modify the rule to allow an exemption from the rule, until January 1, 2018, for new or modified applications on recognized interoperability frequencies, or
- grant a broad waiver of the rule for applications on interoperability channels, or
- give favorable consideration to individual requests for waiver if accompanied by a “letter of support” justifying operations on bandwidths greater than 12.5 kHz. Such a “letter of support” would be prepared by the governmental body having jurisdiction over the State’s communications plan for the frequencies, indicating that the applicant is included in the State’s communications plan. Furthermore, the waiver should require an acknowledgement from the applicant for achieving full migration to 12.5 kHz operations within their authority on or before January 1, 2018.

11. For any additional information concerning this petition, contact Ms. Kimberly Bahrami, Chief Information Officer of Florida’s State Technology Office at (850) 410-4777, e-mail kimberly.bahrami@myflorida.com.

Respectfully submitted,

Kimberly Bahrami, CIO
State Technology Office
State of Florida

March 27, 2003

CWW&RBF: Petition for Reconsideration to WT 99-87.doc

cc: Joint Task Force Agency Heads
Statewide Working Group, Domestic Security Interoperable Communications
Florida Executive Interoperability Technology Committee