

Congress of the United States
Washington, DC 20515

November 20, 2007

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Dear Chairman Martin:

We write to you in support of the Commonwealth of Virginia's ("Commonwealth") recent Petition for Reconsideration (Petition) submitted to the Federal Communications Commission (FCC) on September 24, 2007. This Petition argues that the Commonwealth of Virginia's new statewide public safety radio communications system, which is in the middle of a five-year implementation program, will be significantly harmed unless the Commission modifies Paragraphs 333-344 of the Second Report and Order ("R&O") (FCC 07-132), released on August 10, 2007.

The Commonwealth has requested that the Commission modify portions of the R&O to permit the Commonwealth to complete deployment of its Statewide Agencies Radio System ("STARS") by 2009 and to authorize reimbursement of the Commonwealth's rebanding costs for this project through its completion. We write to inform the Commission of our full support for this request.

Specifically, we support the Commonwealth's requests that the FCC stay and modify the provisions of Paragraphs 333-344 of the Second Report and Order (R&O) to: (i) permit continued authorization and deployment of statewide radio public safety systems in Channels 63 and 68 and the upper on megahertz of Channels 64 and 69 through January 31, 2009; (ii) allow the owner of a statewide radio public safety system (such as Virginia) to obtain reimbursement for all its costs incurred in the installation of a statewide radio public safety system which was constructed for and was in the process of construction and implementation as of the date of the of the R&O, and allow certification of all such contracted for equipment as being in use as of August 30, 2007; (iii) reconsider the \$10 million cap on rebanding costs; and (iv) such other relief as may be just and appropriate.

We agree with the Commonwealth argument in the Petition that portions of the R&O prohibiting new public safety narrowband operations in portions of the 700MHz spectrum would seriously disrupt the Commonwealth's public safety and homeland security functions by limiting STARS deployment and creating public safety communications systems which could not communicate with each other.

We also concur with the Commonwealth that the portion of the R&O limiting cost reimbursements to radios in operation as of August 30, 2007 (with a \$10 million cap) would cause serious financial harm to the Commonwealth, which is in the middle of a very expensive state-wide deployment of a state of the art system contracted for in 2004. The Commonwealth

believes that it should be able to recover all of its STARS rebanding costs regardless of whether contracted equipment was in operation as of August 30.

We stand by the Commonwealth's questioning of the accuracy of the Commission's \$6 million national estimate for the 700 MHz rebanding costs, back the Commonwealth's belief that its own rebanding costs will be well in excess of \$3 million, and request that the Commission reexamine its national cost estimate.

We are encouraged by the FCC's recent decision made in FCC 07-195 granting the Commonwealth "limited waiver relief of the prohibition on new narrowband operations outside of the consolidated channels after August 30, 2007." While this is a positive step forward, we understand that this ruling is temporary pending the full consideration of the Commonwealth's Petition for Reconsideration and we urge the FCC to make a similar ruling during its full consideration of the Commonwealth's Petition.

Finally, we sincerely hope that the FCC will reverse the denial put forth in FCC 07-195 that states, "We deny Virginia's request that it be permitted to include in the narrowband certifications due October 23, 2007 all handsets and vehicle mounted repeaters it expects to deploy after August 30, 2007."

Thank you for your consideration of this matter.

Sincerely,


JOHN W. WARNER
United States Senator


JIM WEBB
United States Senator


FRANK R. WOLF
Member of Congress


RICK BOUCHER
Member of Congress


JAMES P. MORAN
Member of Congress


BOB GOODLATTE
Member of Congress


ROBERT C. "BOBBY" SCOTT
Member of Congress


THOMAS M. DAVIS, III
Member of Congress

Virgil Goode Jr.

VIRGIL H. GOODE, JR.
Member of Congress

J. Randy Forbes

J. RANDY FORBES
Member of Congress

Eric Cantor

ERIC CANTOR
Member of Congress

Thelma Drake

THELMA DRAKE
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