



West Virginia Statewide Interoperable Radio Network

Statewide Interoperable Coordinator

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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: RM-11433

Public Safety and Homeland Security Bureau Seeks Comment on Petition for Waiver of Rules Filed by the State of Maryland Requesting Permission to Operate Air-to-Ground Radio Equipment in 700 MHz Secondary Trunking Channels

Dear Ms. Dortch:

The State of West Virginia wishes to submit a Comment supporting the Petition for Waiver referenced above as filed by our neighbor, the State of Maryland. In the Maryland Petition, the State seeks authority to utilize unused 700 MHz radio channels, currently identified as “secondary trunking channels” in support of law enforcement, emergency medical services (“EMS”), and other public safety operations. These are all programs important to the people of West Virginia as well as all Americans and our state has no intention of supporting a non-P25 interoperability technology that would require these 25 KHz channels.

West Virginia has an important EMS program. Our goal is to increase the quality of pre-hospital care for West Virginia's citizens by providing EMS workforce development assistance programs, reasonable provider regulations, and increased operational awareness throughout the State. Similarly, the West Virginia State Police focus daily on providing statewide enforcement of criminal and traffic laws with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state and maintaining the safety of the state's public streets, roads, and highways. Through a long common border with the State of Maryland, our West Virginia law enforcement and EMS personnel frequently interoperate with state and local first responders in the Maryland counties of Allegany, Garrett, and Washington.

Support for the Maryland Petition is important to West Virginia for several reasons. As part of a critical strategy for transporting critically injured trauma patients, the helicopters of the Maryland State Police could be utilized to transport victims to Shock Trauma in Baltimore or

other critical care facility in Maryland. West Virginia also believes that the Maryland Petition represents a unique opportunity to evaluate a potential nationwide air-to-ground 700 MHz communications strategy. Maryland has unique geographic features that facilitate a national test-bed as its terrain ranges from flat land proximate to the Atlantic Ocean and Chesapeake Bay to rugged mountainous areas similar to conditions found in many other parts of the country.

West Virginia noted the comments filed by the Telecommunications Industry Association, in which the Association stated, “integral to the increased efficiency in spectrum use is the protection from harmful interference¹. As TIA has previously advocated, the Commission should take maximal care with regards to interference protection for public safety communications².” West Virginia concurs that it is critical to take all reasonable precautions to prevent interference and in the Petition filed by Maryland, we note that the proposed spectrum is fallow throughout the United States and through compliance with 47 CFR §90.543 and 47 CFR §90.548, as well as the proposed aircraft power limitation of two watts effective radiated power (“ERP”), we believe that substantial interference prevention will be afforded to other users of the eight (P25) frequency pairs included under 47 CFR §90.531(b)(7). Notwithstanding our belief that interference will be mitigated, if approved by the Commission, the Maryland system will provide an opportunity to assess and evaluate the issues of concern identified by TIA before nationwide use, as proposed by the National Public Safety Telecommunications Council (“NPSTC”), is further evaluated by the Commission.

In terms of nationwide interoperability, West Virginia is particularly supportive of the interoperability channel name and channel use standardization model advocated in the Petition. We note that Maryland is working closely with NPSTC and will be willing to make modifications in nomenclature should the model be extended nationwide and incorporated into the standards developed by APCO and NPSTC with the American National Standards Institute (“ANSI”).

In summary, West Virginia supports Maryland and urges the Commission to approve the Waiver request. It is our belief that the Maryland model should be evaluated carefully and if proven to be effective within the technical limitations of Part 90 Subpart R, the Commission should consider further the request of NPSTC to replicate the Maryland model on a nationwide basis.

Respectfully submitted,



G. E. McCabe

Statewide Interoperability Coordinator

¹ See Reply Comments of the Telecommunications Industry Association as filed in RM-11433 on July 25, 2011.

² See, e.g., Comments of TIA, WT Docket No. 11-69, ET Docket No. 09-234 (filed Jun. 27, 2011) at 3.