

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended)	
)	
Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies)	WT Docket No. 99-87
)	
Narrowbanding Memorandum Opinion and Order)	
)	
47 C.F.R. § 90.209(b))	

**REQUEST FOR WAIVER OF COMMISSION RULES
EXPEDITED ACTION REQUESTED**

King William County, Virginia (“the County”), pursuant to Section 1.925 of the Commission’s rules and the guidelines issued in the Public Notice, DA 11-1189, hereby submits this Request for Waiver of the January 1, 2013 deadline for transitioning to narrowband operations in the 150-174 MHz VHF Band.¹ The County respectfully requests that the Commission grant this waiver request to continue operating on existing 25 kHz channels through September 30, 2013, in order to allow the County to complete the implementation of a new countywide 800MHz, P25, digital, trunked public safety communications network along with VHF 12.5kHz paging and interoperability channels . The system is owned and operated by Hanover County and King William will be a tenant. As required by Section 1.925, the County believes and will demonstrate in this petition that “(i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.” The County further believes that this petition follows the recommended content guidelines defined in the Public Notice, DA-11-1189, and addresses the facts applicable to the specific narrowbanding migration path defined by the County.

¹ Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowbanding Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, DA 11-189, released July 13, 2011.

I. BACKGROUND

King William County is located in the central region of the Commonwealth of Virginia covering 286 square miles and is surrounded by Hanover County, New Kent County, King and Queen County, Caroline County and the Town of West Point. The County supports communications interoperability and mutual aid operations with these jurisdictions on a daily basis.

Approximately 32 Sheriff's Deputies, 120 Fire & Rescue, and 16 Town Police Officers protect the lives and property for a population of 15,935. These responders are supported by mutual aid agreements with neighboring Counties and the Virginia State Police.

Currently, only the Fire/Rescue Department operates on a 25 kHz LMR communications system using one (1) Part 90 VHF repeated pair for voice and paging. The current number of mobile and portable subscriber radios, of various ages, on the system is approximately 85 for Fire & Rescue. The systems operate from one (1) transmitting and receiving site. Based on a recent equipment survey about 5% of the existing subscriber radios may be capable of operating in the 12.5 kHz mode. The remaining 95% of the subscriber radios must be replaced as they will not operate in the 12.5 kHz mode. The base radios and system infrastructure are also of various ages dating back to the early 1990's or before and are almost universally not capable of being converted to operate in the 12.5 kHz mode. Due to the need for a paging channel and interoperability through mutual aid it is anticipated that the County will not be able to relinquish the current VHF assigned frequency.

The County has been aware of the Commission's narrowbanding requirements for our VHF communications system and as detailed below is well into the planning and implementation process. The County is committed to meeting these narrowbanding requirements. Because of the age of our existing communications equipment and our need for improved interoperability, coverage, features and capabilities offered by new state of the art mission critical communications networks, the County has made the decision to enter into a contract with Motorola Solutions, Inc. to implement new dispatch consoles, logging recorder and subscribers to operate on Hanover County's ASTRO 800MHz, P25, 15-site, trunked system. The County's goal is to provide two-way mission critical and support communications throughout the County for the benefit and safety of life and property of all public safety and government users, and the citizens they serve.

Additionally, as is identified through the Department of Homeland Security (DHS) and the Commonwealth of Virginia's Interoperability Plan communications interoperability is a critical component of overall operations. Through the implementation of the 800 MHz, P25 system and the incorporation of the VHF frequencies the city will achieve internal and external interoperability thus addressing the goals of DHS and the Commonwealth. This migration to a new P25 trunked system will be accomplished Countywide allowing the County to migrate to a more efficient spectrum use of the 800MHz band.

In DA 11-1189, the Commission provided guidance to licensees for submission of Requests for Waiver of the narrowband deadline. It emphasized that Requests for Waiver of the deadline will be subject to a high level of scrutiny under the waiver standards set forth in Section 1.925 of the Commission's rules, which requires the waiver petitioner to demonstrate either that "(i) [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the waiver would be in the public interest; or (ii) [i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative."²

Relevant to the Commission's assessment of the Waiver Request, it recommended that petitioners provide information addressing the following to show that the waiver Request has met the Commission's waiver standard under Section 1.925:³

- Steps already taken to plan for, initiate, and complete the transition to narrowband operations
- System size and complexity
- Whether system equipment is narrowband-capable or must be replaced or upgraded
- Whether the licensee plans additional system upgrades or improvements in addition to converting to narrowband operation
- Funding sources, including whether the licensee's budget requires government approval or a multi-year budget process

² 47.C.F.R. §§ 1.925(b)(3)

³ DA 11-189, released July 13, 2011, page 3.

- Whether the licensee’s narrowbanding schedule is affected by neighboring systems due to interoperability relationships or other interdependencies
- Plans to minimize the negative impact of extended wideband operations on co-channel and adjacent channel operations, including a description of the spectrum environment in the affected area

The Commission further requested that licensees should provide a proposed timetable for completion of narrowbanding that includes the following elements:

- What steps in the process have been or will be taken prior to January 1, 2013
- Anticipated dates of commencement and completion of:
- Replacement or retuning of mobiles/portables
- Infrastructure replacement or retuning

When addressing the above factors, the Commission recommends that licensees explain how (i) they have worked diligently and in good faith to narrowband their systems expeditiously; (ii) their specific circumstances warrant a temporary extension of the deadline; and (iii) the amount of time for which a waiver is requested is no more than is reasonably necessary to complete the narrowbanding process.

II. NARROWBANDING STEPS TAKEN TO DATE OR PRIOR TO JANUARY 1, 2013

The County has implemented and completed a number of specific steps to date and is committed to completing additional steps by year end toward meeting the Commission’s narrowband requirements, including but not limited to the following:

1. Completed a survey of existing mobile and portable subscriber radios and base station radio equipment to determine the capability of current radio equipment to operate in 12.5 kHz mode via a software update.
2. Hired a consulting firm to assist the County in writing and administering a RFP for a new communications system.

3. Completed a countywide coverage and capacity analysis and developed the corresponding proposed site plan. As described earlier the County has purchased dispatch consoles, logging recorder, control stations, subscribers and pagers to operate on Hanover County's ASTRO system. We will use our (1) one VHF 12.5 kHz frequency for paging of our Fire/Rescue Volunteers and interoperability.
4. Utilized a cooperative procurement vehicle to purchase a new communications system.
5. Negotiated a contract with Motorola Solutions to install, implement and optimize our newly designed Public Safety communications system.
6. Developed a detailed plan and project completion schedule to migrate to a countywide interoperable 800MHz Project 25 network, and obtained a vendor detailed pricing proposal to design the system including new subscriber equipment, and provide ongoing maintenance services. See the project timetable below.

Milestone	Completion Date
Contract Award	November 19, 2012
Contract Design Review	December 12, 2012
All Infrastructure/Subscriber Equipment Ordered	January 10, 2013
Fixed Equipment Installation	May 3, 2013
Dispatch Console Installation	May 23, 2013
System Optimization	June 3, 2013
Subscriber Installation and Programming	June 15, 2013
System Training	July 10, 2013
System Testing and Cutover	August 3, 2013
Final Acceptance and System Cutover Completed	August 25, 2013
Finalize Documentation	August 28, 2013

7. Developed the funding request for the complete project and submitted to the King William County Board of Supervisors for approval. The funding proposal has been reviewed and approved by the Board.
8. A Contract Design Review (CDR) will be conducted to review the design and verify the equipment list. System design will be completed by the vendor and approved by the County. Upon completion of the CDR the infrastructure equipment will be ordered.

Pursuant to the Section 1.925 of the FCC rules, the County has no other viable alternative than to proceed with the plans currently in place. Insufficient time exists to properly plan and execute an alternative approach which would satisfy the January 1, 2013 deadline. Because the aging base radios and system infrastructure are not capable of being converted to operate in 12.5 kHz mode, the system needs to be replaced.

Such mandatory replacement of the infrastructure provides the County the opportunity to migrate to a new state of the art countywide network that will provide our first responders with an effective and reliable communications network that will promote safety of life and property, and would be in the public interest. Failure to provide the system in lieu of another narrowbanding alternative will be inequitable, unduly burdensome and contrary to public interest.

III. **REQUEST FOR WAIVER**

King William County has planned for the replacement of its aging communications system and is committed to meeting the FCC's narrowbanding requirements as defined in this Request for Waiver. The County fully expects to meet this mandatory narrowbanding requirement as quickly as possible, in line with the above project completion schedule. Because most of our system infrastructure equipment is not capable of conversion to 12.5 kHz operation, we are in the process of totally replacing our system with an 800MHz, P25 system along with a VHF 12.5kHz conventional paging and inoperability channel. All existing infrastructure, including (but not limited to) base stations, antennas, and coax systems, will be replaced by new state of the art trunked and VHF 12.5 kHz equipment.

The County respectfully requests that the Commission grant this waiver request to continue operating on existing 25 kHz channels through September 30, 2013, in order to allow the County to complete the implementation of its new public safety communications network. This requested 8 1/2 month extension allows the County time to complete the system per the optimum milestone schedule shown above plus a reasonable time for schedule slippage and unforeseen setbacks, such as severe weather conditions, delay in availability of parts and equipment, and public safety emergencies. The underlying purpose of the Commission's narrowbanding rule would not be

frustrated by the Commission grant of this Waiver. The Waiver Request does not extend the date for narrowbanding the County's 25 kHz operation to a lengthy or indefinite date, but instead petitions for a finite time extension to permit the implementation of a new interoperable countywide network.

IV. CONCLUSION

As detailed above, the County believes we have shown that a grant of this Waiver Request for a 8 ½ month period would be in the public interest, could actually promote extended interoperability with neighboring Counties, not harm any other licensee, and not frustrate the Commission's underlying goals of its narrowbanding order. The County urges the Commission to recognize that we are in the process of implementing a new 800MHz, P25 ASTRO system and that we have no other viable alternative than to proceed with the plans currently in place.

The County respectfully requests that the Commission grant this Waiver Request to continue operating on the existing 25 kHz channel through September 30, 2013, to allow the County to complete the implementation of a new countywide public safety communications network.

Respectfully submitted,



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