

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

In the Matter of)	
)	
Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012)	PS Docket No. 12-94
)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band)	PS Docket No. 06-229
)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands)	WT Docket No. 06-150

REPLY COMMENTS OF THE COMMONWEALTH OF VIRGINIA

The Commonwealth of Virginia, Department of State Police (“Commonwealth”), by its counsel, hereby submits Reply Comments on behalf of its Statewide Agencies Radio System (“STARS”) in response to the Comments filed by third parties in the March 7, 2013, Notice of Proposed Rulemaking (“NPRM”) in the above matter (FCC 13-31) inviting comments on the implementation of the Public Safety Spectrum Act. Specifically, the Commonwealth wishes to note its support for the Comments urging that FirstNet should pay for the relocation costs of incumbent 700 MHz public safety narrowband systems.

INTRODUCTION

STARS is a twenty-two state agency public safety grade statewide integrated voice and data system. STARS uses a digital trunked VHF narrowband system, which relies heavily on a 700 MHz digital vehicular repeater system (DVRS) in over 3,000 public safety vehicles to support portable based public safety communications. STARS is accordingly an incumbent public safety narrowband system within the new public safety broadband spectrum. The Commonwealth, on behalf of STARS, wishes to express its concerns that the costs of relocating

this incumbent statewide public safety system should be paid by FirstNet as an initial step in the transition process to the new national public safety network.

REPLY COMMENTS

Each of the National Public Safety Telecommunications Council (“NPSTC”), the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) and the State of Illinois (“Illinois”) have noted that payment of relocation costs of incumbent public safety 700 MHz narrowband systems is an appropriate expenditure which FirstNet should bear. See, NPSTC Comments at p. 4-6, APCO Comments at p. 7 and Illinois Comments p. 1-3.

The Commission has previously recognized in principle that the relocation costs of 700 MHz public safety narrowband incumbents should be paid for (through the D block auction) as part of the cost of clearing the spectrum. While the D Block auction which was to fund the relocation failed, the Public Safety Spectrum Act now grants FirstNet authority to determine eligible costs in broadband deployment, and pay for these costs.

The Commonwealth would urge the Commission to find that clearing the 700 MHz spectrum of incumbent 700 MHz narrowband public safety operations is a necessary first step in broadband deployment, and to work with FirstNet in authorizing and implementing payment of these relocation costs.

The Illinois Comments show the complexity and costs of relocation for a large incumbent state public safety 700 MHz narrowband system with large quantities of vehicular repeaters. Currently the Commonwealth estimates that relocation of its STARS equipment alone will cost in the range of \$5.5 million, which is an amount that would be a severe financial burden to absorb.

From the standpoint of fairness and practicality, FirstNet is the appropriate source of funding for relocation costs.

CONCLUSION

The Commonwealth urges the Commission to find that FirstNet is the appropriate source of 700 MHz narrowband public safety incumbent relocation costs, and to work with FirstNet to create an appropriate mechanism for advance payment or repayment to incumbents adequate to pay for all estimated relocation costs as a necessary first step in clearing the 700 MHz spectrum for a nationwide 700 MHz broadband public safety system.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF STATE POLICE

By 

Peter E. Broadbent, Jr. (VSB 15962)
Christian & Barton, L.L.P.
909 E. Main Street, Suite 1200
Richmond, VA 23219
(804) 697-4109
Attorney for Commonwealth of Virginia
Department of State Police

Dated: June 7, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2013, a copy of the foregoing Comments of the Commonwealth of Virginia was sent by email to genaro.fullano@fcc.gov.



Peter E. Broadbent, Jr.

#1403156v2