

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

In the Matter of:)	
)	
)	
Proposed Amendments to the)	
Service Rules Governing Public)	PS Docket No. 13-87
Narrowband Operations)	
in the 769-775/799-805 MHz Bands)	
.)	
National Public Safety)	
Telecommunications Council)	RM-11433
Petition for Rulemaking on)	
Aircraft Voice Operations at 700 MHz)	
)	

**Comments of the State of Ohio, Multi-Agency Radio Communication System
(MARCS)**

The State of Ohio MARCS respectfully submits these comments pertaining to certain sections of the FCC 13-40 released April 1, 2013 and published in the Federal Register April 18, 2013.

Specifically, MARCS submits comments on PS Docket No. 13-87, Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands; and RM-11433, National Public Safety Telecommunications Council Petition for Rulemaking on Aircraft Voice Operations at 700 MHz.

Background

Ohio MARCS is the statewide interoperability platform providing fully interoperable voice and mobile data services to public safety agencies and non-governmental safety

and healthcare providers throughout Ohio. MARCS currently functions on an 800 MHz digital infrastructure, with approximately 218 transmitter sites in Ohio as well as bordering sites in Kentucky and West Virginia. MARCS provides service to over 1,200 Federal, state and local agencies who utilize nearly 48,000 subscriber units. The 800 MHz system is very nearly at maximum system capacity.

Comments pertaining to PS Docket No. 13-87, Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands:

December 31, 2016 Deadline for Narrowbanding Transition to 6.25 Kiloherz Bandwidth Technology

As previously stated, The State of Ohio has had a fully operational statewide 800 MHz trunked digital radio system since 2004, serving more than 1200 user agencies from 218 sites, with nearly 48,000 subscriber devices active on the system. Since the system is very nearly at full capacity, planning started in 2008 to overlay the current system with a new Project 25 700/800 MHz. system.

Construction of the new platform started in 2009. To date, 87 sites have been constructed and are licensed and operational. Another 20 license applications are currently "pending". Within the next year, all of the 218 sites will be 700 MHz capable. Ohio has invested over \$270 million in State funds for 800 MHz infrastructure and many more millions in user equipment, much of it in the past five to seven years, using a variety of federal grant funding sources. This equipment was planned and budgeted for a 10- to 15-year life span.

Until 2010, no user equipment was available in the marketplace that would operate on the soon to be required 6.25KHz bandwidth, so much of the existing equipment will become unusable at that time. Since that will be long before the planned end of life planning cycle, there will untold public monies wasted. This will not be good public policy and definitely not in the public interest.

Approximately \$90 million has been budgeted and allocated for the current P-25 overlay in this biennium budget. User agencies are now purchasing 6.25KHz capable equipment, but the vast majority of perfectly serviceable equipment will not work if the 6.25KHz requirement is maintained by the Commission. This will have a large negative impact for many planned users the new 700 MHz system. If not changed, this will create an undue hardship for numerous governmental agencies.

Comment:

Ohio MARCS requests the Commission revisit its current rules addressing spectrum efficiency, specifically the 700 MHz public safety band mandatory transition date of December 31, 2016 from 12.5 kHz to 6.25 kHz per FCC 90.535.

MARCS believes this date will have **considerable** negative impact for all users of our statewide 700 MHz radio system. If not changed, the premature narrowbanding requirement will create an undue hardship for all users of any Public Safety 700 MHz system, not just those within our state.

Ohio's position has four (4) main points.

1. Subscriber equipment capable of transmitting on the required 6.25 kHz spectrum only became available to our users within the last 2 years. Over 98 percent of the subscriber equipment (nearly 48,000 subscribers) on the current State radio system was purchased before 6.25 KHz equipment became available. The unavailability of 6.25 kHz equipment before 2010 created a situation where agencies purchased equipment compliant with only the 12.5 kHz channel efficiency. If the 2016 transition date remains, a huge number of perfectly serviceable equipment will have to be discarded, wasting untold millions of scarce tax dollars. Very little funding is on the horizon for replacement equipment. With public funds at stake, this is not good fiscal management.

2. The Region 33 Regional Planning Committee (RPC) presently and for the foreseeable future is effectively managing the 700 MHz spectrum available to Ohio. The Plan is currently meeting the needs of our jurisdictions and few, if any, channel contentions exist. In 2008, the Region 33 RPC did a re-pack of the frequencies from 25kHz to 12.5 kHz. This repack gave us additional frequencies for all of our users in Ohio for their present and foreseeable future spectrum needs. In effect, this amounted to "self-narrowbanding".

3. There are Reserve Channels in the spectrum block not even released by the Commission. To date these reserves have not been needed but, in the future, should a channel shortage occur, these reserve channels would be helpful in mitigating any shortage.

4. In the past, the driving force to Narrowband has been to relieve a shortage of spectrum. If such a shortage doesn't exist or is not eminent, just Narrowbanding for the sake of Narrowbanding doesn't make sense. Especially if it will cause the "beneficiaries" undue hardship by having to discard otherwise perfectly usable equipment, while having no known funding source available to purchase replacements.

Conclusion

As earlier stated, Ohio MARCS requests the Commission revisit their decade old decision to narrowband the 700 MHz public safety band by 2016. For the reasons stated above and conversations we have had with other users, States, SIEC's, Planning Committees and Associations, the need to do so is non-existent.

If the Commission does not, by its own volition, remove or extend the current deadline to at least December 31, 2024, Ohio MARCS and many other Ohio agencies, with the endorsement of the Ohio SIEC and Region 33 700 MHz Planning Committee, will file formal "Request for Waiver" documents which will create an otherwise avoidable, un-necessary extra workload for the Commission.

Ohio MARCS requests the Commission review this issue at its earliest convenience and arrive at a speedy decision. It is vitally important to first responder agencies nationwide and most certainly is in the public interest.

B: 2010 NPSTC Petition – Air-Ground Communications on Secondary Trunking Channels

In 2010, NPSTC submitted, on behalf of the State of Maryland, a petition for rulemaking to allow 700 MHz public safety narrowband licensees to use the secondary trunking channels for low-altitude, low power, air-ground voice communications.

In June 2011, the Bureau issued a public notice in this docket seeking comment on the NPSTC petition. MARCS, Ohio SIEC and many others filed comments with the Commission at that time and, upon review, we feel their relevancy is as valid now as it was then.

Comment:

NPSTC is correct in their belief Maryland is not unique in the problem of aircraft operations, not only at 700 MHz but 800 MHz and indeed other bands as well.

The Ohio State Highway Patrol has a very active air service, both for its own mission of providing police traffic services, but also providing assistance to other state, county and local departments. Besides traffic enforcement, they are often called upon to aid in criminal “man-hunts”, lost children and elderly searches, rural area rescue missions, illegal drug eradication, blood, organ and body tissue relays, general surveillance

missions and other public safety needs. Ohio's Departments of Natural Resources and Transportation also operate aircraft in the furtherance of their missions as well and are sometimes called upon to assist other agencies.

A number of major city and county agencies operate aircraft as well as nearly a dozen airborne EMS companies, All are frequently called upon for mutual aid or medical evacuation services involving the need for radio interoperability with the requesting or coordinating agency.

Political boundaries, whether they are city, county or state, are often crossed without regard in the performance of their life-saving missions, so adjacent state pre-planning would be of great benefit.

The problem of interoperability between agencies is as old as radio communication itself. Several methods have been developed over time and, on occasion, ad-hoc methods are implemented, but there has never been a clear, concise and uniform nationwide manner in which to conduct these operations. If the Commission approves this petition and issues a rule-making proceeding, with everyone's input and assistance, perhaps such a protocol can be developed.

Direct costs to participate should be minimal - the frequencies involved would likely be programmed in most, if not all, subscriber units. State and local agencies would provide the infrastructure as an integral part of their overall system design.

In Ohio, secondary use trunking channels are in use very little, if at all. It is doubtful that our public safety agencies would be interested in expanding this option.

Conclusion:

The Commission has designated the Ohio Statewide Interoperability Executive Committee (SIEC) to oversee the use of the 700 MHz Interoperability channels. Ohio's SIEC is active in this regard and has, un-officially, provided general guidance and offered suggestions concerning interoperability in other bands as well. We would gladly participate with our neighboring states in a coordinated plan to make the best possible use of the 700 MHz Interoperability channels and attempt to minimize interference between all concerned.

MARCS, the Ohio SIEC and the Region 33 RPC support and endorse the NPSTC / Maryland Petition for Rulemaking, RM-11433, as it is clearly in the public interest.

Respectfully,

A handwritten signature in blue ink, appearing to read "Darryl L. Anderson". The signature is fluid and cursive, with the first name being the most prominent.

Darryl L. Anderson
Director, Ohio MARCS
614-466-2257

June 17, 2013