

**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 EXTENSION of WAIVER OF COMMUNICATIONS RULES
EXPEDITED ACTION REQUESTED**

City of Winchester, Virginia (“the City”), 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 an Extension of its previously granted Waiver of the January 1, 2013 deadline for transitioning to narrowband operations in the 150-174 MHz VHF Band.¹ The City respectfully requests that the Commission grant this request to extend its previously granted one year Waiver to continue operating on existing 25 kHz channels through January 1, 2015, in order to allow the City to complete the implementation of a new citywide 800MHz, P25, digital, trunked public safety communications network along with VHF 12.5kHz paging and interoperability channels . As required by Section 1.925, the City 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 City 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 City.

I. BACKGROUND

The City of Winchester is located in the northwest region of the Commonwealth of Virginia covering 9.3 square miles and is surrounded by Frederick County, Virginia. The City supports communications interoperability and mutual aid operations with Frederick County and other jurisdictions on a daily basis. Approximately 80 Police

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.

Officers, 90 Fire & Rescue, 16 Sheriff Deputies and 120 Public Safety/Public Services Associates who protect the lives and property for a census population of 26,000 and a daytime population estimated at 70,000. These responders are supported by mutual aid agreements with neighboring Counties, the Virginia State Police and the Virginia Department of Health, Emergency Medical Services Division.

Prior to initiating its project to narrowband the Police Department, Sheriff's Office and Fire & Rescue Department operated conventional analog 25kHz LMR communications systems using six (6) Part 90 VHF channels. The current number of mobile and portable subscriber radios, of various ages, on the system was approximately 150 for Police, 32 for the Sheriff's Office, 85 for Fire & Rescue and 40 for Public Safety/Services agencies. The systems operate from two (2) transmitting and receiving sites utilizing PL steered technology. Based on the equipment survey that was done about 3% of the existing subscriber radios were capable of operating in the 12.5 kHz mode. The remaining 97% of the subscriber radios are being 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 interoperability through mutual aid the City has no plans to relinquish any of the current VHF licenses assigned. However, should overall circumstances within the region change in the future reducing or not requiring VHF, current licenses may be relinquished.

As detailed in its original waiver request due to 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 City has made the decision to enter into a contract with Motorola Solutions, Inc. to implement a new 800MHz, P25, trunked system. The City's goal is to provide two-way mission critical and support communications throughout the City 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 Citywide allowing the City 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
- Commissioned a study of viable options for narrow band compliance (Strategic Communications Report, August 2007).
- 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
- 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
- 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.

² 47.C.F.R. §§ 1.925(b)(3)

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

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

Prior to the original narrowband deadline the City implemented and completed a number of specific steps to date and is committed to completing additional steps by year end towards meeting the Commission's narrowband requirements, including:

1. Completed an in-depth 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 City in writing and administering an RFP for a new communications system.
3. Completed a citywide coverage and capacity analysis and developed the corresponding proposed site plan. The system being implemented will be a 800MHz P25, trunked system, utilizing at minimum seven (7) VHF 12.5 kHz frequencies, six (6) for interoperability and one (1) for paging. The system is designed to provide a guaranteed 95% portable in building coverage throughout the City.
4. Issued an RFP for a new communications system (December 2011).
5. Negotiated a contract with Motorola Solutions to install, implement and optimize the City's newly designed Public Safety communications system.
6. Developed a detailed plan and project completion schedule to migrate to a citywide 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	Proposed Completion Date	Revised Completion Date
Contract Award	November 9, 2012	November 9, 2012	November 9, 2012
Contract Design Review	January 8, 9 & 10 2013	July 30, 2013	April 15, 2014
All Site/Infrastructure Equipment Ordered	February 15, 2013	January 15, 2014	July 30, 2014
Fixed Equipment Installation	June 1, 2013	March 31, 2014	February 30, 2015
Order New Subscribers	July 10, 2013	February 4, 2014	September 15, 2014
System Optimization	September 7, 2013	July 21, 2014	September 15, 2014

Subscriber Installation and Programming	November 1, 2013	July 29, 2014	October 15, 2014
System Training	December 15, 2013	August 19, 2014	February 15, 2015
System Testing and Cutover	January 15, 2014	July 29, 2014	April 15, 2015
Final Acceptance and System Cutover Completed	February 20, 2014	September 19, 2014	May 15, 2015
Finalize Documentation	March 1, 2014	September 19, 2014	July 1, 2015

7. Developed the funding request for the complete project and submitted to the City of Winchester's City Council for approval. The funding proposal has been reviewed and approved by City Council.
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 City. Upon completion of the CDR the infrastructure equipment will be ordered.

III. Supplemental Accomplishments Since January 1, 2013

1. Determined location of a transmitter single site to provide a 95% coverage for the city incorporating a state of the art 800MHz, trunked P-25 system for utilization throughout the system.
2. The State Historical Preservation Office (SHPO) testing has been performed at the site and a report received that no adverse impact had been indicated relating to the identified resources.
3. The National Environmental Policy Act (NEPA) is being performed but the final report has not yet been received.
4. The following Milestone have been completed with Motorola Solutions, payments authorized and completed:
 - a. Contract Execution November 14, 2012
 - b. Federal Aviation Authority (FAA) ruling received in relationship to the original site. February 7, 2013
 - c. Contract Design Review completed, July 25, 2013

The city has invested nearly \$500,000 in this project with Motorola Solutions and nearly \$200,000 with Robert. L. Kimball & Assoc. for consulting services.

5. The City encountered areas of deficiency in relationship to the R-56 standard relating to grounding within the Timbrook Public Safety Center that houses the Emergency Communication/9-1-1 Center. This has created a significant delay in the overall process as specific deficiencies were identified and confirmed. Based on the identified deficiencies design criteria determined, construction drawings established and cost estimates requested. The identified deficiencies have created a significant delay

in the overall project timeline.

6. The City had determined a location for the erection of a 250' Public Safety Radio Communications Tower and filed the proposed site location with the Federal Aviation Agency (FAA). The City received a favorable response from the FAA but after receiving such found that the location was unfavorable as related to overall safety. The City attempted to relocate the proposed site within the perimeters permitted by the FAA but determined the relocation was not feasible due to overall safety concerns. The City has now filed a second location for a 230' Public Safety Radio Communications Tower at a site that provides overall safety for the erection of the tower and long term operations. Due to the location modification resulting from safety concerns and regulatory issues in accordance with the FAA a delay in the project has occurred. As of this date the ruling of the FAA has not yet been received.

The City received notification from the FAA, Monday, December 9, 2013 stating the FAA had received objections from the Winchester Regional Airport Authority in relationship to the tower's location and height. The objection identified the tower's proposed location would encroach into the Minimum Decent Altitude (MDA) for the airport by 20' potentially creating an obstruction. This may preclude a favorable ruling from the FAA unless we can reach a compromise with the airport and the objection is removed. It was also determined by the FAA that when the calculation were performed relating to the original site there was an oversight on behalf of the FAA and the MDA was not considered in the calculation. The City was further advised by Cindy Whitten, Air Traffic, Obstruction Evaluation Group, Airspace Specialist that not only could the active application not be approved but the previously received favorable ruling is being rescinded. The City is actively and expeditiously pursuing discussions with the Winchester Regional Airport Authority, FAA representatives, the City's consulting firm (Robert L. Kimball and Associates) and Motorola Solutions to identify options and solutions to overcome this element of the project. I have attached a copy of the e-mail received from Ms. Whitten of the FAA addressed to Gerry Boyd, Teltronic Vice President (City's Representative) verifying the above. Additional information is anticipated from the FAA but has not yet been received. Upon receipt the information from the FAA the City will be glad to provide such to the FCC.

7. The Conditional Use Permit (CUP) Application was filed and heard by the Planning Commission on August 27, 2013 and was reluctantly approved and forwarded to the Winchester Common Council for consideration during the regular Council Meeting of September 10, 2013. Due to objections received by the Council during the Public Hearing the proposed public safety radio communications tower was tabled. The tower is scheduled for discussion during a future Council Meeting at which time action will be taken.

The CUP was scheduled to be removed from the table for action during the Regular Council Meeting of December 10, 2013. Due to the receipt of information from the FAA relating to the ruling pertaining to the site the CUP was removed from the table for discussion purposes. City Council acted

upon a motion directing staff be immediately commence discussions with the Regional Airport Authority relating to their objection and a possible compromise position and due to the uncertainty involved with the proposed tower site discussions are to be pursued with the City's consultants and communication vendor to determine alternative measures and technology that may be employed to continue the communications project and create compliance with the FCC's Narrowbanding regulations.

Pursuant to Section 1.925 of the FCC rules, the City has no other viable alternative than to continue to advance the plan for the implementation of the proposed 800 MHz, P25 trunked radio communications system. The City recognizes the narrowbanding compliance date as established by the FCC was January 1, 2013 which was found to be unachievable from the City's perspective. The waiver which was applied for requested an extension until March 1, 2014. The FCC granted a waiver but identified the waiver was valid until January 1, 2014, three months shy of the requested date. Based on the project schedule it was an identified fact that completion of the project by January 1, 2014 could not be achieved. However, it was and continues to be the intent of the City and Motorola Solutions to advance the project as expeditiously as possible while being cognizant of the many regulatory issues that are necessary. Based on the fact that the aging base radios, system infrastructure and subscriber units were aged to a point where conversion to operate in a 12.5 kHz mode is all but impossible replacement of the system is necessary.

It was recognized and acknowledged by the City that replacement of the system provides the City with the opportunity to migrate to a new state of the art citywide network that will provide the first responders with an effective and reliable communications network that will promote safety for life and property, and will be in the public interest. Failure to provide a state of the art 800 MHz P25 trunked system would be inequitable, unduly burdensome and contrary to the public interest.

IV Request for Extension of Waiver

The City of Winchester has planned for and continues to advance with the replacement of its aging communications system and is committed to meeting the FCC's narrowbanding requirements as defined in this Request for Waiver Extension. The City fully expects to meet this mandatory narrowbanding requirement as quickly as possible, in line with the above revised project completion schedule. Because most of the system infrastructure equipment is not capable of conversion to 12.5 kHz operation, the City is in the process of totally replacing the existing system with an 800MHz, P25 trunking system along with a VHF 12.5kHz conventional paging and inoperability system. 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 City respectfully requests that the Commission grant this waiver request to continue operating on existing 25

kHz channels through January 1, 2015, in order to allow the City to complete the implementation of its new public safety communications network. This requested 12 month extension allows the City 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 granting this Waiver. The Waiver Request does not extend the date for narrowbanding the City'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 citywide network.

IV CONCLUSION

As detailed above, the City of Winchester believes it has shown that a grant of this Request for an Extension of its previously granted waiver for a 12 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 City urges the Commission to recognize that we are in the process of implementing a new 800MHz, P25 system and that we have no other viable alternative than to proceed with the plans currently in place.

Call signs and frequencies associated with the petition and assigned to the City of Winchester are as follows:

City of Winchester Public Safety Radio Frequencies & Call Signs			
Call Sign	Frequency	Simplex/Repeated	Remarks
KIG279	154.280	Simplex	
	154.370	Simplex	
	154.415	Simplex	
	154.250	Simplex	
	154.220	Simplex	Assigned to Frederick County, Virginia
WQDW620	159.060	Simplex	
KIA408	159.910	Repeated	
	159.210		
KB79505	156.000	Repeated	
	158.925		
WNSH503	155.205	Simplex	Virginia Statewide Disaster Frequency-Mobiles

The City respectfully requests the Commission grant this request to extend its previously granted Waiver to continue operating on existing 25 kHz channels through January 1, 2015, to allow the City to complete the implementation of a new citywide public safety communications network.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale E. Iman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mr. Dale E. Iman
City Manager
City of Winchester
Rouss City Hall
15 Cameron Street
Winchester, VA 22601

Lynn Miller

From: Gerry Boyd [gerry.boyd@teltronic.com]
Sent: Tuesday, December 10, 2013 2:54 PM
To: Lynn Miller
Subject: FW: 2012 AEA 4005, 4997 OE 2013 AEA 1851 OE

Thanks,

Gerry Boyd
Vice President
Teltronic, Inc.
301-575-3950

From: cindy.whitten@faa.gov [mailto:cindy.whitten@faa.gov]
Sent: Tuesday, December 10, 2013 2:53 PM
To: Renny Manuel; Gerry Boyd
Subject: Fw: 2012 AEA 4005, 4997 OE 2013 AEA 1851 OE

See below for updated flight procedures response.

Basically, we would have a 20 foot increase in circling Category C MDA for either site, no other changes. The circling data was not originally detected on site one (2012-AEA-4005-OE), however, now that the FAA is aware of it and construction has not started, we will have to rescind our original determination of no hazards pending approval from the airport to allow the increase at either of the two proposed sites.

Please feel free to call me at 913-631-1154 for any further questions. I am happy to help the two of you in any way I can.

Cindy Whitten
Air Traffic, Obstruction Evaluation Group (AJV-15)
Airspace Specialist
Office (816) 329-2528
Fax (816) 329-2574
<https://oeaaa.faa.gov>

----- Forwarded by Cindy Whitten/ACE/FAA on 12/10/2013 01:41 PM -----

From: John V Gwozdek/AMC/FAA
AJV-342, Q/A and Standardization sub-team
To: Cindy Whitten/ACE/FAA@FAA,
Date: 12/10/2013 01:31 PM
Subject: 2012 AEA 4005, 4997 OE 2013 AEA 1851 OE

Cindy,

FP response.

2012 AEA 4997 OE **182 AGL/1003 AMSL (4D).**

FDC 3/0558 issued 8/16/2013
RNAV (GPS) RWY 14
LNAV MDA 1320

CIRCLING MDA CATS A/B 1320, CAT C 1360, CAT D 1440
Object located within the FINAL stepdown, and CAT C circling area.

2012 AEA 4005 OE **252 AGL/1064 AMSL (1A)**.

LNAV MDA 1320
CIRCLING MDA CATS A/B 1320, CAT C 1380, CAT D 1440
Object located within the FINAL stepdown, and CAT C circling area.

2013 AEA 1851 OE **237 AGL/1065 AMSL (1A)**.

LNAV MDA 1320
CIRCLING MDA CATS A/B 1320, CAT C 1380, CAT D 1440
Object located within the FINAL stepdown, and CAT C circling area.

John V. Gwozdek
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