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April 30, 2014

Via Electronic Filing

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

Re: Notice of Oral *Ex Parte* Communications, PS Docket No. 13-87, WT Docket No. 96-86, RM-11433, PS Docket No. 06-229, RM-11577, PS Docket 12-94, PS Docket 06-229 and WT Docket No. 06-150.

Dear Ms. Dortch:

On April 28, 2014, certain employees of the Commonwealth of Virginia Department of State Police (VSP) and Virginia Information Technology Agency (VITA) (collectively, "Commonwealth") met with employees of the Public Safety and Homeland Security Bureau (PSHS) of the Federal Communications Commission (FCC). Specifically, the persons attending the meeting were:

COMMONWEALTH

Captain Lehew W. Miller, III – VSP
Thomas A. Struzziari – VSP
John G. Agee – VSP
David R. Warner - VITA

FCC

John Evanoff – PSHS
David Furth – PSHS
Michael Wilhelm – PSHS
Erika Olsen – PSHS
Brian Marenco – PSHS
Tracy Simmons – PSHS
Robert Mussenden – PSHS
Uche Patrick – PSHS
Jeannie Benfaida – PSHS

A summary of the proceedings, information presented and arguments made includes the following:

The Commonwealth representatives explained the uses and technical specifications of Digital Vehicular Repeater Systems (DVRS) in the Commonwealth's

Statewide Agencies Radio System (STARS), and discussed whether the current use and configuration of DVRS as used by STARS is inconsistent with various FCC regulations even though the equipment was certified by the FCC OET for use. It was the Commonwealth's understanding the FCC's certification process examines, scrutinizes and inspects to determine that equipment is in compliance with the technical standards that have been specified by the Commission. The Commonwealth's use of the DVRS is clearly within normal operations of this particular radio system. The following is a summary of the issues:

§90.537(a) Trunking requirement

"All systems using six or more narrowband channels in the 769–775 MHz and 799–805 MHz frequency bands must be trunked systems."

- The DVRS is designed for a wide area multi-agency environment and initially implemented 64 channels (much more today with a firmware upgrade). However, the system is not capable of trunked operations to the portable radio and yet it was certified by FCC OET for use.
- The requirement for trunked operations is not consistent with §90.247(a) that requires mobile repeaters to use simplex operation, which then excludes trunked operations.
- Project 25 does not specify a trunked vehicular repeater. To be in compliance with this requirement would lead to the necessity of deviating from the use of standards based interoperable equipment.
- There was not a wide area trunked repeater system on the market and compliance with this rule was not possible.

§90.535(a) Modulation requirements

"All transmitters in the 769–775 MHz and 799–805 MHz frequency bands must use digital modulation. Mobile and portable transmitters may have analog modulation capability only as a secondary mode in addition to its primary digital mode."

- Department of Homeland Security recommends that Public Safety radios be programmed according to their National Interoperability Field Operations Guide
 - Essential VHF channels are specified to use analog modulation
 - An existing 700 MHz cross-band from VHF repeater therefore must operate contrary to this digital regulation because the communications by nature of the law enforcement and first responder mission is not a secondary mode, it is primary.
 - Operations on low power channels are not suitable for primary statewide law enforcement operations.

§90.247(a) Mobile repeater stations

"Mobile repeaters and/or associated hand-carried transmitters may be assigned separate base/mobile frequencies for this use in addition to the number of frequencies normally assignable to the licensee."

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- DVRS was obviously designed to be a full duplex device and yet did receive authorization by the FCC OET as a compliant 700 MHz device.
- Compliance with this requirement would result in an officer safety issue because advanced features such as emergency notification would not be available.
- Simplex operation would not allow for a local repeater mode, which is essential for tactical law enforcement and first responder operations.

§90.535(d)(2) Modulation and spectrum usage efficiency requirements.

“Licensees authorized to operate systems in the voice mode on these channels from applications filed on or before December 31, 2014, may continue operating in voice mode on these channels (including modification applications of such licenses granted after December 31, 2014, for expansion or maintenance of such systems) at a voice efficiency of at least one voice path per 12.5 kHz of spectrum bandwidth until December 31, 2016.”

- Project 25 Phase II does not include subscriber based equipment that is compliant with this regulation, so setting any date for compliance is premature.
- The Commonwealth is not aware of a DVRS that meets this spectrum efficiency requirement.

The Commonwealth also reviewed the history of its STARS deployment, and the complexity and cost of relocating an incumbent statewide 700 MHz narrowband public safety system from the 700 MHz broadband spectrum, and urged the Commission to help provide or encourage any necessary federal funding for relocating 700 MHz narrowband incumbents as a necessary first step to 700 MHz broadband deployment.

In accordance with Section 1.1206(b)(2) of the Commission’s rules, this letter is being filed electronically with your office. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,



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