



PUBLIC NOTICE

Federal Communications Commission
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DA 21-125

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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON
THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF STATE POLICE
REQUEST FOR WAIVER OF SECTION 22.565(f) OF THE COMMISSION'S RULES TO
INCREASE MOBILE TRANSMITTER OUTPUT POWER FROM 60 TO 100 WATTS**

WT Docket No. 20-241

Comment Date: March 15, 2021

Reply Comment Date: March 30, 2021

By this *Public Notice*, we seek comment on a request by the Commonwealth of Virginia, Department of State Police (VA State Police) for waiver of section 22.565(f) of the Commission's rules to increase the existing limit on its Part 22 transmitter power output for its mobile transmitters from 60 watts to 100 watts, using a maximum effective radiated power (ERP) of 150 watts.¹ VA State Police seeks to increase the capacity of its existing land mobile radio network (LMR), referred to as the Statewide Agencies Radio System (STARS), by upgrading it to use Time-Division Multiple Access (TDMA) technology, while maintaining the existing geographic coverage on which the STARS public safety communication system currently depends. VA State Police asserts that it has investigated other spectrum and technology options and found no viable alternative for addressing its security and public safety responsibilities.²

STARS is a statewide shared LMR system utilizing Part 90 public safety channels,³ Part 80 VHF Public Coast channels,⁴ and Part 22 VHF paging channels licensed by Basic Economic Area (BEA) markets.⁵ VA State Police states that the Commonwealth of Virginia concluded that the only practical

¹ Commonwealth of Virginia, Department of State Police, Request for Waiver, WT Docket No. 20-241 (filed June 25, 2020) (Request).

² Request at 5-6.

³ 47 CFR Part 90. STARS uses statewide mobile FCC Part 90 Public Safety pool trunked frequencies to transmit talk-in to base stations. The majority of these frequencies are authorized for a mobile maximum transmitter power output of 125 watts, and a maximum ERP of 250 watts. Request at 4.

⁴ 47 CFR Part 80. VA State Police acquired auctioned spectrum for two FCC Part 80 Public Coast Stations. These Part 80 licensed mobile transmit frequencies have a maximum mobile transmitter power output of 125 watts and maximum ERP of 285 watts, based upon *Commonwealth of Virginia*, Order, 19 FCC Rcd 15454 (2004) (granting Virginia's request for a waiver of Part 80 of the Commission's Rules to permit its public safety operations on VHF Public Coast (VPC) spectrum to be governed by Part 90 of the Commission's Rules).

⁵ In addition to holding Part 90 and Part 80 licenses, VA State Police acquired sixty-four Part 22 paging authorizations (lead call sign WPVE519), for which the instant waiver is requested. Request at 4-5.

way to meet the increasing capacity needs of its STARS LMR network is to upgrade from its existing Frequency-Division Multiple Access technology to TDMA technology. VA State Police asserts that the upgrade will create an imbalance between talk-in and talk-out coverage, resulting in a loss of geographical coverage that can best be addressed by increasing the Part 22 mobile transmitter power from 60 watts to 100 watts.⁶ VA State Police further claims that its operation at this increased power level will not cause any interference to others operating on adjacent channels.⁷

We seek comment on the waiver request, especially from any parties whose operations could be impacted by grant of the waiver request.

Procedural Matters

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference the docket number appearing on the first page of this *Public Notice*. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁸

- Electronic Filers: File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - As of March 19, 2020, the FCC is no longer accepting hand-delivered or messenger-delivered paper filings at FCC Headquarters due to the COVID-19 pandemic.⁹ Furthermore, after COVID-19 restrictions are lifted the new filing location for paper documents will be 9050 Junction Drive, Annapolis Junction, MD 20701.¹⁰
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number appearing on the first page of this *Public Notice*. Reference Information Center business

⁶ Request at 3.

⁷ Request at 8 and Exhibit A (Ballard analysis).

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

⁹ *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, DA 20-304 (OMD Mar. 19, 2020).

¹⁰ *FCC Announces Closing of Filing Window at FCC Headquarters and Permanent Change in the Location and Hours for Receiving Hand-Carried Filings*, Public Notice (OMD July 7, 2020).

hours are available at <https://www.fcc.gov/general/fcc-reference-information-center>.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹¹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Wilbert Nixon of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0985, Wilbert.Nixon@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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¹¹ See 47 CFR §§ 1.1200(a), 1.1206.