**DA 23-247**

**Released:** **March 22, 2023**

**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 FOR CALL SIGN WQFA919.**

**WT Docket No. 20-241**

**Comment Date: April 24, 2023**

**Reply Comment Date: May 9, 2023**

By this *Public Notice*, we seek comment on a request by the Commonwealth of Virginia, Department of State Police (Commonwealth or 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 (TPO) for its mobile transmitters from 60 watts to 100 watts, using a maximum effective radiated power (ERP) of 150 watts for one Part 22 paging authorization: WQFA919.[[1]](#footnote-3)

In 2020, the Commonwealth requested a waiver substantially identical to the instant request, identifying sixty-four (64) Part 22 paging authorizations to which the waiver would apply.[[2]](#footnote-4) The Commission granted the waiver request (subject to certain conditions) on March 31, 2022.[[3]](#footnote-5) The Commonwealth now states that one paging authorization (WQFA919) was unintentionally omitted from the 2020 Waiver Request and that the instant request simply seeks to correct the unintentional exclusion of WQFA919 from the 2020 Waiver Request, by requesting identical relief for the omitted license.

The Commonwealth also states that the overall purpose of the Request, like the 2020 Waiver Request, is to allow the Commonwealth to increase the capacity on its existing land mobile radio (LMR) network, referred to as the Statewide Agencies Radio System (STARS), by upgrading to P25 Phase 2 Time-Division Multiple Access (TDMA) technology, while maintaining the existing geographic coverage of STARS. STARS is a statewide shared LMR system utilizing Part 90 public safety channels,[[4]](#footnote-6) Part 80 VHF Public Coast channels,[[5]](#footnote-7) and Part 22 VHF paging channels licensed by Basic Economic Area (BEA) markets.[[6]](#footnote-8)

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

**Procedural Matters**

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

* Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
* Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
* Filings can be sent 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.
* 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 45 L Street NE; Washington, DC 20554.
* Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice*, DA 20-304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>

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The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.[[7]](#footnote-9) 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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1. Commonwealth of Virginia, Department of State Police, Request for Waiver, WT Docket No. 20-241 (filed February 16, 2023) (Request). VA State Police state that at the time of this request, the FCC’s Universal Licensing System listed the “Output Power” and “Maximum ERP” of all mobile frequencies associated with callsign WQFA919 at 50. Consistent with this request, the VA State Police propose to increase these values to 100 and 150, respectively. [↑](#footnote-ref-3)
2. Commonwealth of Virginia, Department of State Police, Request for Waiver, WT Docket No. 20-241 (filed June 25, 2020) (2020 Waiver Request). [↑](#footnote-ref-4)
3. *In the Matter of Commonwealth of Virginia Department of State Police Request for Waiver of Section 22.565(f) of the Commission’s Rules to Increase Mobile Transmitter Power Output from 60 Watts to 100 Watts*, Order, WT Docket No. 20-241, DA 22-282 (WTB Mar. 31, 2022). [↑](#footnote-ref-5)
4. 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 the mobile maximum TPO of 125 watts, and a maximum ERP of 250 watts. All frequencies are authorized for use with P25 Phase 1 FDMA voice and data, P25 Phase 2 TDMA voice and data, and narrowband analog voice emissions designators. Request at 4. [↑](#footnote-ref-6)
5. 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). [↑](#footnote-ref-7)
6. In addition to holding Part 90 and Part 80 licenses, the Commonwealth now states that it acquired sixty-five (65) Part 22 paging authorizations (lead call sign WPVE519), sixty-four of which were the subject of the 2020 Waiver Request. In listing the paging authorizations in the 2020 Waiver Request, the Commonwealth now states that it unintentionally omitted one such authorization: WQFA919. Request at 5. [↑](#footnote-ref-8)
7. 47 C.F.R. §§ 1.1200 *et seq.* [↑](#footnote-ref-9)