

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Commonwealth of Virginia, Department	)	WT Docket No. 20-241
Of State Police Request for Waiver of	)	
Section 22.565(f) of the Commission’s Rules	)	
For Call Sign WQFA919	)	

To: Chief, Wireless Telecommunications Bureau

**COMMENTS  
OF THE  
NATIONAL WIRELESS COMMUNICATIONS COUNCIL**

The Federal Communications Commission (“FCC” or “Commission”) on March 31, 2022, granted a Request for Waiver of FCC Rule Section 22.565(f) filed by the Commonwealth of Virginia, Department of State Police (“VA State Police”), seeking to deploy mobile transmitters operating at 100 watts output power rather than the 60 watts permitted under the Part 22, Subpart E rules.<sup>1</sup> Members of the National Wireless Communications Council (“NWCC”)<sup>2</sup> supported that request as it was associated with deployment of a more spectrally efficient system by the VA State Police with no expectation that it would affect any other party.<sup>3</sup> Waiver relief was authorized for the sixty-four (64) call signs identified by the VA State Police in that request.

---

<sup>1</sup> *Order*, DA 22-282 (rel. Mar. 31, 2022). The FCC conditioned its approval on the VA State Police providing notification to co-channel adjacent market licensees of the higher-power mobiles prior to initiating operations in a market, and an obligation to address and resolve any interference issues that arise.

<sup>2</sup> The NWCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. The NWCC acts on behalf of the vast majority of public safety, business, industrial, transportation, and private commercial radio users, as well as a diverse group of land mobile service providers and equipment manufacturers.

<sup>3</sup> APCO International abstained from this NWCC advocacy initiative.

The instant Public Notice seeks comment on what is described as a request for “substantially identical” waiver relief for one call sign that was inadvertently omitted from the original waiver request and, therefore, from the granted relief.<sup>4</sup> It states comments are requested, in particular, from parties whose operations might be affected by extension of the previously granted relief to this one authorization.

To the best of NWCC’s knowledge, there have been no interference complaints from parties affected by any of the 64 already approved call signs in the VA State Police system. The instant waiver request states that, and the Public Notice does not indicate otherwise. Given the substantial workload within the Wireless Telecommunications Bureau (“WTB”), and the record of compliance and non-interference related to this system, NWCC might have thought this entirely duplicative request could have been processed without the need for further public input. Since comments were sought, NWCC supports the requested relief.

NWCC also takes this opportunity to urge action on reconciling the Part 22, Subpart E rules with the rules governing Part 90, an issue the FCC raised almost 10 years ago in WT Docket 14-180.<sup>5</sup> The FCC received unanimous support for greater operational flexibility on this Part 22 spectrum from the land mobile community, including from the NWCC,<sup>6</sup> and those Comments proposed specific steps that could be taken toward that end.

The Part 22 PN initiated on the FCC’s own motion discussed modifying the Part 22 technical rules to allow greater flexibility, suggesting that updating the Part 22 rules “could result in licensees deploying innovative technologies, deploying narrowband equipment, or

---

<sup>4</sup> *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*, Public Notice, WT Docket No. 20-241, DA 23-247 (rel. Mar. 22, 2023) (“Public Notice”).

<sup>5</sup> *Wireless Telecommunications Bureau Reminds Paging and Radiotelephone Service Licensees of Certain Technical Rules and Seeks Comment on the Need for Technical Flexibility*, Public Notice, WT Docket No. 14-180, 29 FCC Rcd 12673 (WTB 2014) (“Part 22 PN”).

<sup>6</sup> Those Comments were filed in NWCC’s previous name, the Land Mobile Communications Council.

using offset frequencies if they hold adjacent channel blocks.”<sup>7</sup> Yet despite unanimous support, no further action has been taken, even in response to filings in 2018 from several utilities and utility industry representatives emphasizing the importance of reconciling these rules.<sup>8</sup>

Action in WT Docket No. 14-180 likely would have eliminated the need for the instant Waiver Request, thereby conserving both FCC and VA State Police resources. It might also forestall the need to act on future waiver requests, since the integration of Part 90 and Part 22 Subpart E frequencies in trunked dispatch systems continues unabated.

NWCC supports grant of the Waiver Request. It also urges the FCC to adopt a Notice of Proposed Rulemaking in WT Docket No. 14-180 to eliminate unnecessary technical distinctions between the rules governing Part 90 and Part 22, Subpart E frequencies, either by revising the latter or by moving that Part 22 spectrum into Part 90 so that all frequencies operate under a common set of technical standards.

Respectfully submitted,

NATIONAL WIRELESS  
COMMUNICATIONS COUNCIL



Richard D. Rubino, Esq.

President

13221 Woodland Park Road, Suite 410

Herndon, Virginia 20171

April 24, 2023

---

<sup>7</sup> Part 22 PN at 2.

<sup>8</sup> *See, e.g.*, Letter from Maynard Schnell, Counsel to Nebraska Public Power District to Marlene H. Dortch, Secretary, FCC, WT Docket No. 14-180 (filed Aug. 2, 2018); also signed by New York State Electric & Gas Corporation, PacifiCorp, and Utilities Technology Council; *see also*, Letter from David B. Smith, President, LMCC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 14-180 (filed Sept. 26, 2018).