

**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)	WT Docket No. 99-87
Amended)	
)	
Washington State Patrol)	
)	

**REQUEST FOR MANUFACTURING WAIVER
WASHINGTON STATE PATROL
EXPEDITED ACTION REQUESTED**

The Washington State Patrol (“WSP”) respectfully requests a waiver (herein referred to as manufacturing waiver request) of the prohibition in Section 90.203(j)(10) of Federal Communications Commission (“Commission” or “FCC”) rules¹ on the manufacture and import of wideband (25 kHz) capable equipment after the January 1, 2013 deadline. WSP requested² and the Commission subsequently granted WSP a waiver until August 1, 2013, of the Commission’s narrowbanding deadline, which requires private land mobile radio (PLMR) licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.³ WSP seeks this manufacturing waiver to ensure a safe and orderly transition to a new multi-band network, which includes a new 12.5 kHz narrowband VHF system and access to the federal 800 MHz Integrated Wireless Network (IWN) in the State of Washington.

¹ See 47 C.F.R. §90.203(j)(10) (manufacture and import restrictions).

² See Letter from John L. Woodcock, Washington State Patrol to Tracy Simmons, Branch Chief Policy Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, dated October 17, 2012.

³ See letter by Zenji Nakazawa, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, released December 26, 2012.

Background

As detailed in the WSP request of waiver of the January 1, 2013 narrowband deadline noted above, filed pursuant to the Public Notice⁴ released by the Commission, and as acknowledged by the Commission in its waiver grant letter to WSP, we have taken concrete steps to secure transition to the new multi-band system, have shown due diligence in planning and have invested substantial resources in preparation for migration to this system. WSP has completed narrowbanding more than one half of the Statewide VHF network, and is on target for completing the multi-band network by the granted waiver date of August 1, 2013.

The Commission noted that the new system will significantly upgrade WSP's communication capabilities, which will improve the safety and reliability of our operations, and therefore is in the public interest. The Commission concluded that the eight month waiver period requested by WSP is within the time reasonably necessary to complete narrowbanding.

The problem is that the Commission waiver granted on December 26, 2012 allows WSP and the member agencies on the legacy system to continue operating equipment in 25 kHz mode through August 1, 2013, but it does not enable us to order 25/12.5 kHz dual-mode radio equipment that is capable of operating in 25 kHz as well as 12.5 kHz. This is necessary in order to permit us to install the new radios, operate them on our 25 kHz channels legacy wideband system, and then subsequently cut over to the new radio narrowbanded VHF system and the 800 MHz IWN system. Lacking the ability to order and install 25 kHz capable radios, the agencies we service would need to maintain their existing legacy hardware and install the new hardware at the same time. This will result in considerable additional expense, penetrations made in vehicles that will need to be repaired at a later date, and in some vehicles where there is no available space for the installation of two radios simultaneously, an inability to have an efficient mechanism to cut over to the new multi-band system. The prohibition in Section 90.203(j)(10) of FCC rules on the manufacture and import of 25

⁴ See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, Public Notice, DA 11-1189 (July 13, 2011) ("Public Notice").

kHz capable equipment after the January 1, 2013 deadline prevents all manufacturers from building the dual-mode, dual-band radios which we need with 25 kHz capable radios.

Our contract for the new narrowbanded VHF system, dated December 12, 2011, with two subsequent orders, includes the purchase and installation of 2,400 mobile and portable subscriber radios capable of multi-mode (25/12.5 kHz) and multi-band (VHF and 800 MHz) operation. WSP ordered 2,297 radios in 2012 that were manufactured prior to the Commission's yearend narrowbanding deadline, and therefore include the 25 kHz mode. There are only 89 mobile radios and 14 portable radios that were ordered last December and did not make the yearend manufacturing deadline. Therefore, because Motorola Solutions Inc. ("Motorola Solutions" or "MSI"), our contracted vendor, followed the Commission's narrowbanding manufacturing/import deadline, MSI manufactured and shipped these 103 subscriber radios in February, 2013 in the default 12.5 kHz-only bandwidth. WSP needs to now obtain the Commission's grant of this manufacturing waiver to install 25 kHz capable software into these radios to make them compatible and interoperable with the remaining almost 2,300 radios on the new system.

In addition, other members of the WSP VHF communications system have existing orders on manufacturing hold or need to place orders that have the same multi-mode (25/12.5 kHz) and multi-band (VHF and 800 MHz) capability. These orders cannot be completed until the Commission grants this manufacturing waiver request to allow 25 kHz capability in manufacturing/importing such additional radios. These include 100 additional portable radios on hold for the Washington State Department of Fish and Wildlife, plus subsequent orders for the Washington State Gambling Commission and the Washington State Liquor Control Board.

As emphasized above, the lack of 25 kHz capability in this small number of radios prevents a safe and orderly transition to our new multi-band VHF/800 MHz radio system and continued interoperability with the legacy VHF systems during this transition period.

Washington State Patrol notes that at the end of November, 2012, Motorola Solutions filed a Request for Limited Waiver⁵ of Section 90.203(j)(10) of the Commission's rules on behalf of all manufacturers urging that Commission grant of that waiver will serve the public interest by

⁵ See Request for Limited Waiver by Motorola Solutions, Inc., dated November 29, 2013.

ensuring that licensees (that have been granted a waiver to continue operation in 25 kHz) can maintain essential interoperability and system reliability during their narrowband transition within the timeline extended specifically by the Commission for each waiver grantee. WSP agrees with MSI that such a manufacturing waiver will help ensure that licensees which have been granted an operating waiver will retain the ability to purchase equipment to keep their current 25 kHz systems fully functional and interoperable, while migrating to new narrowband 12.5 kHz systems. As detailed above, we need to continue implementing newly-manufactured radios that are both dual-mode (25 kHz and 12.5 kHz) and dual-band (VHF and 800 MHz). This allows WSP and the member agencies on our new system, to continue to ensure system reliability and interoperability in the 25 kHz mode on the legacy VHF system, then transition to 12.5 kHz operation on our new VHF system and the federal 800 MHz IWN network, via a cost-effective single purchase of radio equipment.

Conclusion

Washington State Patrol strongly urges the Commission to grant this specific WSP manufacturing waiver request on an expedited basis to allow us to continue the new multi-band VHF/800 MHz system implementation, while maintaining reliability and interoperability with mission critical communications on our legacy 25 kHz VHF system during the transition period granted by the Commission through August 1, 2013.

Our primary concern is that without the Commission's grant of this manufacturing waiver, WSP and the member agencies on our new system will not be able to reconfigure the existing 12.5 kHz-only radios already manufactured and shipped this year to include 25 kHz capability or allow our member agencies to order the remaining radios as 25/12.5 kHz dual-mode/dual-band radios. This prevents our continued orderly migration to the new narrowband VHF system and the 800 MHz IWN network, while maintaining interoperability with our legacy 25 kHz VHF system that is being decommissioned by the Commission's extended deadline. In lieu of the Commission not granting a blanket waiver to all manufacturers and waiver holder licensees per the MSI request for limited waiver, WSP urges the Commission to grant us this specific manufacturing waiver request on an expedited basis.

Respectfully Submitted,

15 March 2013

A handwritten signature in black ink, appearing to read "J L Woodcock", with a long horizontal flourish extending to the right.

John L Woodcock
Electronics Engineering Manager
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