



# COMMONWEALTH OF VIRGINIA

Colonel W. S. (Steve) Flaherty  
Superintendent

(804) 674-2000

Lt. Colonel Robert B. Northern  
Deputy Superintendent

## DEPARTMENT OF STATE POLICE

P. O. Box 27472, Richmond, VA 23261-7472

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October 20, 2008

Federal Communications Commission  
1270 Fairfield Road  
Gettysburg, PA 17325-7245

Re: Extended Implementation Justification

To Whom It May Concern:

Colonel W. Steven Flaherty, State Police Superintendent, and Mark Moon, Motorola's Vice President and General Manager signed a \$329 million contract between Motorola and the Commonwealth of Virginia on July 13, 2004, for the design, construction and implementation of the Statewide Agencies Radio System (STARS). This network will serve 21 state agencies.

The Commonwealth of Virginia requests an extended implementation from September 2009 to June 1, 2011 on the implementation of this network. This date will provide for the completion of all remaining statewide construction and provide one-year to correct interference issues.

The Commonwealth of Virginia desires a shared, statewide, industry standard (Project 25) public safety-grade radio system that complies with the FCC narrow-banding initiative, and integrates mobile data to efficiently use the same spectrum as voice. The STARS network facilitates interoperability between 21 participating state agencies and 134 locality communications systems throughout the Commonwealth at the city or county level.

For the reasons outlined below, the Virginia State Police as the designated operator of STARS, requests an Extended Implementation of STARS licenses to June 1, 2011 to be consistent for all remaining Part 22, 80, 90, and 101 applications, authorizations, and build-outs.

The STARS Integrated Voice and Data and Microwave Radio Networks are currently under construction statewide. The Richmond and Chesapeake Divisions are in full active service with sections of the Culpeper and Appomattox Divisions constructed and in active use of the Microwave Network. The remaining portions of Culpeper, Salem, Fairfax, Appomattox, and Wytheville Divisions are in different phases of construction including surveying, permitting,

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drawing preparation, equipment ordering and civil work. Individual Microwave Radio hops are being activated in the creation of multiple SONET loops throughout the Commonwealth.

The contractor, Motorola, has not finalized the STARS statewide frequency plan. Even though some of the frequencies are licensed to STARS, they are not usable due to potential interference from other licensees. We cannot predict the exact interference until the site is constructed and operational. The implementation team is ensuring that interference is minimized. We anticipate that adjustments to the frequency plan will require changes in frequency assignments involving sites constructed and sites pending construction. Therefore, we request all frequencies associated with this license application be granted the same extended implementation status.

The following is the current implementation schedule:

1. Contract Awarded to Motorola	July 13, 2004
2. Richmond Division Operational – Demonstration	December 2005
3. Richmond Division Operational – Users Transitioning to STARS	January 2006
4. Chesapeake Division Operational	May 2008
5. Culpeper Division Operational	July 2009
6. Fairfax Division Operational	December 2009
7. Salem Division Operational	April 2010
8. Appomattox Division Operational	May 2010
9. Wytheville Division Operational	June 2010
10. Full System Acceptance	June 2010
11. Channel Plan Warranty Ends	June 2011

We are requesting extended implementation to June 1, 2011 for this license application to complete construction of the STARS integration project and to allow one year to correct interference issues. The Virginia General Assembly has provided yearly appropriations to establish and maintain the STARS project management team and office, and to retain an engineering consultant hired in July 2000. In 2004, the General Assembly through House Bill 106 approved \$159.3 million in bonds to fund the implementation of the STARS project. The remaining \$201.9 million in bond funds have been approved by the General Assembly in the 2006 session through House Bill 83.

If the Commission believes that its consent to this extended implementation schedule requires a waiver of any of its rules, the Commonwealth of Virginia respectfully requests that the Commission waive such rules on its own motion, and submits that (i) the underlying purpose of the rules would not be served by application of the rules to the Commonwealth in the circumstances outlined above and that a waiver would be in the public interest, and (ii) in view of the unique or unusual factual circumstances of the STARS statewide build-out, a rigid application of the rules would be contrary to the public interest and (iii) the Commonwealth has no reasonable alternative. If the Commission deems a waiver to be necessary, the Commonwealth would ask that the Commission treat this as a waiver request and act on this as a

waiver request on an expedited basis, without public notice or comment, to avoid any delays in permitting the Commonwealth to complete construction and complete operation of the entire STARS system and protect the public's safety of its citizens.

If you have any further questions concerning this application please contact me directly at (804) 674-8022. If questions concerning the project arise, please contact Mr. Thomas Struzzieri, STARS Systems Engineer, at (804) 674-4684 or by e-mail at: [thomas.struzzieri@vsp.virginia.gov](mailto:thomas.struzzieri@vsp.virginia.gov).

Sincerely,



Captain Michael E. Bolton  
STARS Program Director

cc: Lieutenant Colonel Robert G. Kemmler  
Captain John E. Furlough  
Mr. Thomas A. Struzzieri  
Ms. Patricia T. Trent  
Mr. Randy L. Peeler