



PUBLIC NOTICE

Federal Communications Commission
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DA 07-4587
Released: November 9, 2007

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES AN EXTENSION OF THE DEADLINE FOR 700 MHZ REGIONAL PLANNING COMMITTEES TO AMEND 700 MHZ NARROWBAND PLANS FROM NOVEMBER 23, 2007 TO JANUARY 31, 2008

PS Docket No. 06-229; WT Docket No. 96-86

On July 31, 2007, the Federal Communications Commission (Commission) adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.¹ The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

In revising the band plan for the public safety 700 MHz band, the Commission noted that consolidating the narrowband channels in the upper part of the band will impact approved and pending 700 MHz regional planning committee (RPC) plans (*i.e.* require that the plans be amended).² The Commission required RPCs with approved plans or plans on file to submit amended plans consistent with the decisions adopted in the *Second Report and Order* by November 23, 2007.³ To assist in this effort, on October 4, 2007, the Public Safety and Homeland Security Bureau made available a revised channelization chart for the consolidated 700 MHz narrowband channels.⁴

¹ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

² *Id.* at ¶ 346. The narrowband General Use spectrum is administered by RPCs and licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination. The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010, WT Docket No. 96-86, *Fourth Memorandum Opinion and Order*, 17 FCC Rcd 4736, 4738 n.8 (2002).

³ The following regional plans have been approved: Region 5 (Southern California), Region 19, (New England), Region 24 (Missouri), Region 22 (Minnesota), Region 12 (Idaho), Region 43 (Washington), Region 41 (Utah), Region 3 (Arizona), and Region 40 (Northern Texas). The following regional plans are pending approval with the Commission: Region 1 (Alabama), Region 27 (Nevada), Region 45 (Wisconsin), Region 7 (Colorado), Region 9 (Florida), Region 16 (Kansas), and Region 20 (Northern Virginia, Maryland and the District of Columbia).

⁴ Public Safety and Homeland Security Bureau Announces the Availability of Revised Channelization Plans for the Consolidated 700 MHz Public Safety Narrowband Spectrum, *Public Notice*, 22 FCC Rcd 17775 (PHSHB 2007).

Several RPCs have expressed concerns that it will be difficult to meet the November 23, 2007 deadline due to the complexities involved in making changes to a regional plan, including coordinating modified plans with adjacent regions. Further, RPCs have noted that the revised 700 MHz band plan adopted by the Commission requires modifications to the Computer Assisted Pre-Allocation Resource and Database (CAPRAD) database, a database many RPCs use in developing their regional plans.⁵ According to these RPCs, changes to the CAPRAD database will not be completed by November 23, 2007.

For these reasons, we find the public interest would be served by extending the November 23, 2007 deadline. Therefore, by this Public Notice, we extend the deadline for RPCs to submit amended plans consistent with the decisions adopted in the *Second Report and Order* to January 31, 2008.⁶ In order to be considered timely filed, this information must be received by the Commission no later than January 31, 2008. Extending the filing deadline until January 31, 2008 will have no impact on the ability of the Public Safety Broadband Licensee (PSBL) to meet its responsibilities,⁷ or on the scheduled 700 MHz commercial auction.⁸ Further, this extension will not disrupt ongoing public safety communication deployments. Public safety entities needing to commence operations in advance of a grant of an amended plan should file a request for Special Temporary Authority (STA). STA requests must be accompanied by a showing that the proposal is consistent with the revised 700 MHz public safety band plan and TV/DTV interference protection criteria,⁹ and a letter of concurrence from the RPC chairperson (and adjacent RPCs if necessary for coordination purposes).

Questions regarding this Public Notice may be directed to Jeffrey S. Cohen, Senior Legal Counsel, Public Safety and Homeland Security Bureau, (202) 418-0799.

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⁵ CAPRAD contains, among other tools, a frequency packing program for use by regional planners. The database is maintained by the National Institute of Justice, CommTech Program. The CAPRAD system is available at <http://caprad.nlectc.du.edu>.

⁶ We also include as an Attachment to this Public Notice additional information to aid with the preparation and submission of revised RPC plans, in response to questions raised by the RPC community in recent weeks.

⁷ The PSBL, once selected, will be the licensee of the 763-768 MHz and 793-798 MHz broadband bands, as well as the licensee of the 768-769 MHz and 798-799 MHz internal guard band between the public safety broadband and narrowband allocations. *See Second Report and Order* at ¶¶ 365-385.

⁸ *See generally Second Report and Order*, note 1, *supra*; Auction of 700 MHz Licenses Scheduled for January 24, 2008, *Public Notice*, DA 07-4171 (rel. Oct. 5, 2007).

⁹ *See* 47 C.F.R. § 90.545.

APPENDIX

Additional Guidance for Filing Amendments to RPC Plans

General Information:

- Amendments must include revised frequency and channel allocation tables to reflect pre-assignments or allocations in the new consolidated narrowband segments 769-775 MHz and 799-805 MHz only.¹⁰ All references to the former wideband frequency ranges between 767-773 MHz and 797-803 MHz must be removed. RPCs may also take this opportunity to make other plan modifications if they so choose.
- To modify an existing Commission-approved plan or a plan on file, the regional planning chairperson must submit a written request to the Chief, Public Safety and Homeland Security Bureau, and include the full text of the modification.¹¹ The chairperson must certify that successful coordination of the modification with all the adjacent regions has occurred and that all such regions concur with the modification.¹² The modification also must be accompanied by letters of concurrence signed by the chairperson of each adjacent region.¹³
- All RPCs with approved plans or plans on file with the Commission (but not approved) should clearly state, in their transmittal or cover letter requesting review and approval, that the version submitted replaces all previously submitted requests.¹⁴
- Amended plans must conform to the requirements for initial regional plans:¹⁵
 - The plan must sufficiently address each of the common elements required under the Commission's rules.
 - Each RPC must submit its plan for the assignment of licenses for General Use spectrum.¹⁶

¹⁰ Regional plans may differ somewhat in approaches to spectrum planning and management, *e.g.*, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties. Plans should clearly state the technical procedures for requesting channels; explain how the region will decide between competing applications, and how applications will be handled, *i.e.*, through filing windows or on a first-come/first-served basis. Plans should state what role the RPC will play in the administration of the interoperability channels, if applicable.

¹¹ See 47 C.F.R. § 90.527(b).

¹² See *id.*

¹³ See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152, 196 ¶ 88 (1998) (*First Report and Order*).

¹⁴ Regional Plans should clearly state the technical procedures for requesting channels; explain how the region will decide between competing applications, and how applications will be handled, *i.e.*, through filing windows or on a first-come/first-served basis. Plans should also indicate what role the RPC will play in the administration of the interoperability channels, if applicable.

¹⁵ See 47 C.F.R. § 90.527(a); *First Report and Order*, 14 FCC Rcd at 193-194 ¶ 84.

- Each regional plan must include evidence of how the plan had been successfully coordinated with adjacent regions.
- Each RPC must ensure that its committee is representative of all public safety entities in its region by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice. Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region.
- A regional plan should describe outreach efforts made to tribal governments.¹⁷
- Regional plans may differ somewhat in approaches to spectrum planning and management, e.g., some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties.
- Plans should clearly state the technical procedures for requesting channels; explain how the region will decide between competing applications, and how applications will be handled, i.e., through filing windows or on a first-come/first-served basis.
- Plans should state what role the RPC will play in the administration of the interoperability channels, if applicable.

Filing Instructions:

- Amended plans should be submitted with an RPC cover or transmittal letter summarizing the specific modifications included in the submission and reference WT Docket No. 02-378 and PS Docket No. 06-229.
- The letter should be addressed to the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Washington, DC 20554, Attention: Chief, Public Safety and Homeland Security Bureau.
- Paper copies of plan amendments can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).
 - The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue NE, Suite 110, Washington DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

¹⁶ See 47 C.F.R. § 90.531(b)(6).

¹⁷ See Wireless Telecommunications Bureau Approves Region 24 (Missouri) 700 MHz Plan, WT Docket 02-378, *Public Notice*, 20 FCC Rcd 12482, 12483 (WTB PSCID 2005).

- U.S. Postal Service first-class mail, Express, and Priority mail must be sent to 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.
- Plan amendments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Plan amendments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs>. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number(s).

For additional information on plan submissions, contact Jeannie Benfaida, Policy Division, Public Safety and Homeland Security Bureau at (202) 418-2313 or by email at Jeannie.Benfaida@fcc.gov.