



NPSTC

National Public Safety Telecommunications Council

Regulatory Update

May 2009

National Broadband Plan



As part of the American Recovery and Reinvestment Act of 2009, the FCC must submit a National Broadband Plan to Congress by February 17, 2010, which will describe how the nation can ensure broadband availability to every citizen. In order to develop this plan, the Commission has released a Notice of Inquiry (NOI) and is seeking comment from the consumers, industry, large and small business, state and local governments, and any other interested party on such topics as:

- The current status of broadband deployment.
- Effectiveness of existing grant programs.
- Most efficient and effective ways to ensure broadband access to all.
- How to achieve maximum utilization and affordability of broadband services and infrastructure.
- How broadband could be used to enhance the following: community development, provision of health care services, public safety and homeland security, energy efficiency and independence, worker training, education, private sector investment, job creation, civic participation, economic growth, and consumer welfare.

Comments due June 8, 2009; Replies due July 7, 2009. Text of the News Release is available at:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-289900A1.doc

Text of the NOI is available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-31A1.doc

FCC Seeks Comment on Petition for Rulemaking Filed by American Association of State Highway Transportation Officials (AASHTO)

The FCC is seeking comment on a Petition for Rulemaking filed by the American Association of State Highway and Transportation Officials (AASHTO); AASHTO is seeking changes to the Traveler's Information System (TIS) rules to allow such stations to broadcast Amber Alerts and transmit information on the availability of 511 services.

Comments are due May 26; replies are due June 8. The text of the Public Notice is available at:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-901A1.doc

FCC Adopts Rules Permitting Primary Status for Certain 4.9 GHz Permanent Fixed Links

The FCC has released a Report & Order (R&O) clarifying when permanent point-to-point fixed links would be afforded primary rather than secondary status. This decision will ensure that qualifying permanent fixed point-to-point stations will be equal in status to base/mobile and hotspot operations. The R&O also included a FNPRM seeking comment on whether primary permanent fixed operations should be required to coordinate deployment with incumbent 4.9 GHz primary licensees. In the R&O, the FCC made the following decisions:

- In order to be afforded primary status, permanent (in place for more than 1 year) point-to-point fixed links must connect 4.9 GHz base and mobile stations that are used to deliver broadband service, and deliver broadband service if a stand-alone permanent fixed link.
- Primary permanent fixed point-to-point and point-to-multi-point links must use directional antennas with gains over 9 dBi up to 26 dBi.
- Permanent fixed links that connect narrowband systems or are used for backhaul for narrowband systems will remain secondary.
- Both primary and secondary permanent fixed links must be licensed on a site-specific basis. The Chief of the Public Safety and Homeland Security Bureau (PSHSB) has been delegated authority to define a station class code that will identify whether a permanent fixed link is primary or secondary. The station class and instructions for modifying existing licenses to identify primary permanent fixed operations will be defined in a forthcoming Public Notice.
- The FCC declined to require permanent fixed links to obtain frequency coordination from radio astronomy. Current rules require licensees to protect radio astronomy through "every practical effort"; the FCC believes this is sufficient.
- Part 15 measurement procedures are to be used to determine a 4.9 GHz device's maximum output power for equipment authorization purposes.
- Dismissed Cisco's request for clarification of the 4.9 GHz emission mask. The emission masks in the current rules are correct and consistent with the FCC's original intent.

In the Further Notice, the FCC is seeking comment on:

- Reinstating the exemption of 4.9 GHz licenses from formal frequency coordination inadvertently removed from the rules in 2004.
- Requiring prior coordination as outlined in 101.103(d) between 4.9 GHz permanent fixed point-to-point and point-to-multi-point applicants and incumbent 4.9 GHz licensees. The FCC believes that this requirement will minimize the potential for interference between permanent fixed stations and other co-primary 4.9 GHz users. The FCC asks what additional or alternative methods would serve this purpose.
- Correcting an error in the 4.9 GHz band plan and clarifying which center frequencies are to be licensed when aggregating channels. This would eliminate confusion over licensing, improve spectrum efficiency, and eliminate overlap. Incumbent licenses would be grandfathered.

The text of the News Release is available at: http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-289891A1.doc

The text of the R&O and FNPRM is available at: http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-09-29A1.doc

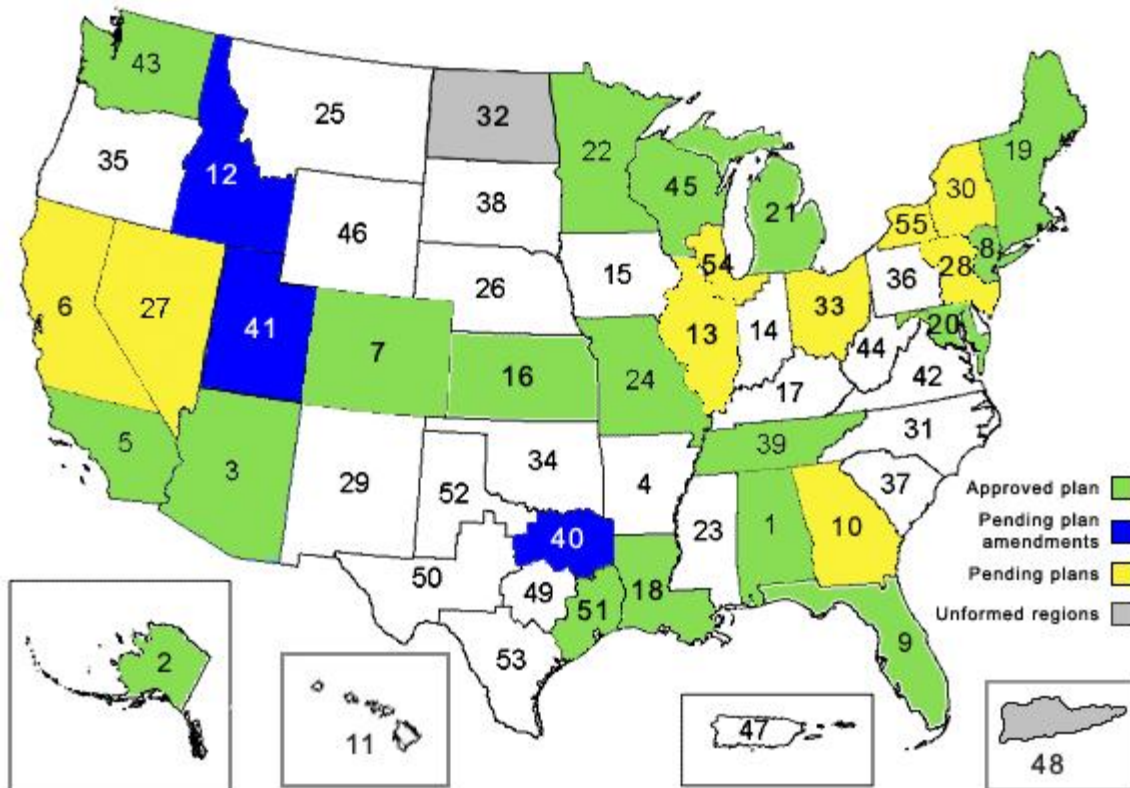
Part 90 Decisions: Paging on VHF Public Safety Pool Frequencies Retained

In 2007, the FCC sought comment on several proposed changes to Part 90 regulations (Docket 07-100). Among the decisions made in this proceeding are:

- One-way paging operations on all VHF public safety frequencies except on those where paging is specifically prohibited (Limitation 78) can continue to be authorized on a case-by-case basis under both 90.20 and 90.20(d)(10).
- Clarified that cross-band repeaters are permitted for all public safety systems, not just medical service systems.
- Declined to amend eligibility requirements to allow privately run metropolitan transit systems to be eligible to hold licenses on Public Safety Pool frequencies.

In the Further Notice of Proposed Rulemaking (FNPRM), the FCC asked for comment on three "clean-up" amendments to 90.20 to correct apparent errors in the rules. The text of the decision and the FNPRM is available at: http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-09-29A1.doc

Five 700 MHz Regional Plans Approved; Nine More 700 MHz Plans on Public Notice



Because their 700 MHz Regional Plan has been approved, public safety agencies in 17 Regions (shown in green in the map taken from the FCC's Public Safety and Homeland Security Bureau's website) can file applications for 700 MHz narrowband frequencies. The only remaining hurdle for some of these Regions will be removed once the June 12 DTV Transition date has passed.

Twelve other Regions (shown in yellow or blue on the map) have 700 MHz Regional Plans pending with the FCC for approval.

Since the last report, the FCC approved five 700 MHz Regional Plans in Florida, Kansas, Louisiana, New England, and New York City/Northern New Jersey.

Region 9 (Florida) approved on April 20

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-874A1.doc

Region 16 (Kansas) approved on April 21

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-877A1.doc

Region 18 (Louisiana) approved on April 21

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-876A1.doc

Region 19 (New England) Plan Amendment approved on April 21

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-879A1.doc

Region 8 (New York Metro and Northern New Jersey) on May 4

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1009A1.doc

The FCC put nine more 700 MHz Regional Plans on Public Notice in April and early May.

Region 40 (North Texas/Dallas) Comments due April 23; Replies due May 4. Text of the Public Notice available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-770A1.doc

Region 27 (Nevada) Comments due April 23; Replies due May 4. Text of the Public Notice available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-771A1.doc

Region 55 (Western NY/Buffalo) Comments due April 23; Replies due May 4. Text of the Public Notice available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-769A1.doc

Region 30 (Eastern New York State); Comments due May 26; Replies due June 3, 2009

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1006A1.doc

Region 10 (Georgia); Comments due May 28; Replies due June 8

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1038A1.doc

Region 12 (Idaho); Comments due May 28; Replies due June 8

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1039A1.doc

Region 33 (Ohio); Comments due June 1; Replies due June 11

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1048A1.doc

Region 54 (Southern Lake Michigan) Comments due June 3; Replies due June 15

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1069A1.doc

Region 39 (Tennessee) Plan Amendment: Comments due June 1; Replies due June 8

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1051A1.doc

NPSTC is a federation of organizations whose mission is to improve public safety communications and interoperability through collaborative leadership.

American Association of State Highway and Transportation Officials | American Radio Relay League | Association of Fish and Wildlife Agencies | Association of Public Safety Communications Officials | Forestry Conservation Communications Association | International Association of Chiefs of Police | International Associate of Emergency Managers | International Association of Fire Chiefs | International Municipal Signal Association | National Association of State Chief Information Officers | National Association of State Emergency Medical Services Officials | National Association of State Foresters | National Association of State Technology Directors | National Sheriffs' Association | National Emergency Number Association

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