



NPSTC

National Public Safety Telecommunications Council

Regulatory Update

June/July 2009

Julius Genachowski Confirmed as FCC Chairman



On June 18 Congress confirmed Julius Genachowski, President Obama's nominee to Chair the Federal Communications Commission. On the same day, Robert McDowell was reaffirmed. There remain two open seats on the Commission for which Mignon Clyburn and Meredith Baker are nominated to fill. Clyburn and Baker are expected to be confirmed in July at which point the FCC will be back to full strength. The new Commission has many complex and important issues to deliberate and resolve.

Public Safety Associations Agree to Ask Congress to Allocate the 700 MHz D Block to Public Safety

In late May several public safety associations met to discuss matters related to the development of a nationwide interoperable broadband network and substantially agreed to petition Congress to reallocate the D-Block to public safety creating a single 20 MHz block of broadband public spectrum, and support the approval of waiver requests for early build-out of 700 MHz broadband public safety spectrum.

The associations also substantially agreed on the need for sustainable funding for the Public Safety Spectrum Trust's operations and on general approaches regarding licensing, roaming, levels of service, and technical requirements of the national network.

The associations participating in the meeting were hosted by the Association of Public-Safety Communications Officials - International (APCO), and included the International Association of Chiefs of Police (IACP), International Association of Fire Chiefs (IAFC), Major Cities Chiefs Association (MCC), Major County Sheriffs' Association (MCS), Metropolitan Fire Chiefs Association (MFCA), National Emergency Management Association (NEMA), and the National Sheriffs' Association (NSA). The text of the News Release is available at:

http://www.apco911.org/new/news/nationwide_broadband_network.php.

FCC Provides Licensing Guidance to Part 90 Applicants in the Canadian Border Regions



The FCC has released a Public Notice that contains guidance and links to websites to assist Part 90 applicants located close to the Canadian border with the goal of improving the overall Canadian approval rate for U.S. license applications.

The Public Notice provides a link to Industry Canada's licensing database <http://spectrumdirect.ic.gc.ca/> on which U.S. applicants can search for incumbent co-channel or adjacent channel Canadian licensees who could be impacted. Most, but not all licensed stations in Canada can be found on that database. Searches can be conducted on individual frequencies or on entire frequency bands. If an incumbent Canadian licensee is discovered, the U.S. applicant should consider performing an engineering study to determine whether or not the proposed operations would cause interference to the Canadian incumbent.

The interference analysis should use generally accepted engineering models and consider worst-case scenarios. Analysis can be based on terrain-sensitive models using terrain data consistent with data used in Canada <http://www.geobase.ca/geobase/en/data/cded/index.html>.

U.S. terrain data can be found at http://www.fcc.gov/oet/dtv/dtv_apps.html. The Public Notice also describes the procedure to ensure that the engineering studies are sent to Canada and the signal strength limits at which Industry Canada will typically reject a U.S. coordination request. The text of the Public Notice is available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1064A1.doc.

AASHTO Files Petition for Rulemaking to Allow Part 90 VHF/UHF Licensees to Remove Emission Designators without Frequency Coordination

The American Association of State Highway Transportation Officials (AASHTO) has filed a Petition for Rulemaking with the FCC asking that the frequency coordination rules in 90.175 be amended to allow licensees to remove an already-licensed wideband emission designator without receiving frequency coordination. AASHTO believes that permitting a licensee to remove a wideband (20, 16, or 15 kHz) emission designator without frequency coordination will facilitate compliance with the impending narrowbanding deadline of January 1, 2013. In its Petition, AASHTO continues to support frequency coordination for the addition or change of an emission designator citing that this is important for the integrity of the Commission's database.

AASHTO has asked the FCC for expedited processing of its rulemaking request. The AASHTO petition is at: http://downloads.transportation.org/NarrowbandEmissionPetition_051809.pdf

Enterprise Wireless Association (EWA) Files Petition for Rulemaking to Modify 800 MHz Frequency Assignment Rules

The Enterprise Wireless Association (EWA) has filed a Petition for Rulemaking with the FCC asking to modify the 800 MHz frequency plan to create new, interstitial 12.5 kHz frequencies in between the existing 25 kHz channel centers. The main points of EWA's proposal follow:

- Permit licensing of interstitial 12.5 kHz bandwidth frequencies at full power if engineering studies show that no interference will be caused to incumbent 25 kHz licensees
- The interstitial frequencies would be limited to 11 kHz occupied bandwidth
- The "regular" 800 MHz frequencies would remain 25 kHz. Proposal does not suggest creating a narrowband deadline for 800 MHz
- Interstitial frequencies would be general category and assignable to any Part 90 eligible no matter what pool the adjacent frequency was assigned to. For example, a Public Safety eligible could apply for an interstitial frequency in the Industrial/Business Pool and vice versa
- The NPSPAC frequencies and the ESMR frequencies are exempt from EWA's proposal.

A copy of the EWA Petition is available at:

<http://www.ita-relay.com/advocacy/EWA%20Petition%20800%20MHz%20Revitalization.pdf>

FCC Addresses Pending Supplemental Waivers to June 26, 2008 Rebanding Deadline

In June of last year, the FCC addressed waivers filed by public safety licensees seeking extensions of the June 26, 2008 rebanding deadline. In that June 2008 Order, the FCC:

- Granted waivers to those licensees who would complete rebanding prior to July 1, 2009.
- Granted partial relief to those licensees who sought extensions longer than one year due to the complexity or interoperability coordination issues.
- Gave interim relief to licensees who couldn't yet predict a rebanding end date because they were still negotiating or planning. These licensees were given until July 18, 2008 to file a supplemental waiver request.
- Addressed waiver requests from licensees who schedule dates had passed but had not filed a supplemental waiver or revised timetable. These licensees were to file supplemental waivers within 30 days of the Order.

In July 2008, the FCC released a Supplemental Order addressing waiver requests it received after June 17 and not addressed in the June Order. Each of these licensees were to file supplemental waiver requests by July 25, 2008. In this June 2009 Order, the FCC addresses the supplemental waiver requests filed since June of last year.

- Licensees seeking extensions to complete rebanding prior to October 1, 2009 were deemed to have shown substantial progress and the extensions were granted.
- Licensees seeking extensions beyond October 1, 2009 were given until October 1, 2009 to either complete rebanding or file a further request for waiver to seek additional time. The further request must include: Details of the licensee's progress to date, proposed milestone dates for any major rebanding steps that haven't been completed, detail any interdependencies with overlapping or adjacent agencies that affect the timeline.
- Licensees whose extension dates have passed are required to either confirm with the TA that rebanding is complete or file a supplemental waiver request with a new proposed deadline and milestones. These actions are to be taken within 30 days of the release of the Order.

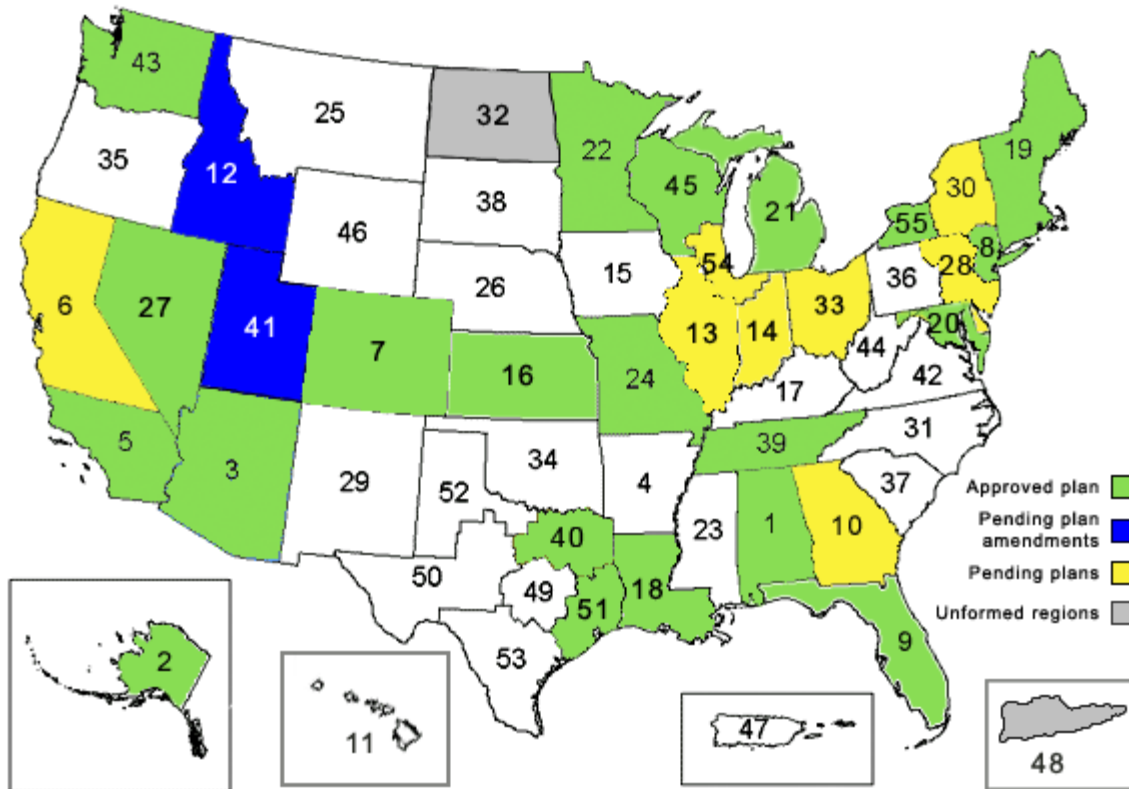
The text of the Order is available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1297A1.doc

On June 10, the FCC released a Public Notice containing the filing process for the supplemental waiver requests. That Public Notice is available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1310A1.doc.

Twenty-One 700 MHz Regional Plans Approved; Ten 700 MHz Plans Pending



Because their 700 MHz Regional Plan has been approved, public safety agencies in 21 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. Full power television stations vacated the 700 MHz band on June 12, 2009 removing the final implementation hurdle. The only remaining snag for some Regions is the lack of finalized 700 MHz agreements with Mexico.

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

Region 27 (Nevada) approved on June 2
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1235A1.doc

Region 55 (W. New York) approved on June 2
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1237A1.doc

Region 40 (Texas-Dallas Area) approved on June 3
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1241A1.doc

The Public Notice period for the following plans closed in June and the plans should be approved soon:

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

Region 13 (Illinois): Comments due June 4; Replies due June 15
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1076A1.doc

Region 28 (E. PA/S. NJ): Comments due June 4; Replies due June 15
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1074A1.doc

Thirty NPSPAC Streamlined Plan Amendments Approved

In June the FCC approved 30 NPSPAC streamlined plan amendments: On June 19 the following streamlined amendments were approved: Region 35 (Oregon), Region 38 (South Dakota), Region 39 (Tennessee), Region 42 (Virginia), Region 44 (West Virginia), Region 45 (Wisconsin), and Region 46 (Wyoming). The text of the Public Notice is available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1364A1.doc

In two separate Public Notices released on June 23, the following streamlined amendments were approved: Region 1 (Alabama), Region 11 (Hawaii), Region 15 (Iowa), Region 16 (Kansas), Region 26 (Nebraska), Region 37 (South Carolina), and Region 40 (Texas-Dallas). The text of the PN approving these plans is available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1392A1.doc

Region 7 (Colorado), Region 14 (Indiana), Region 17 (Kentucky), Region 49 (Texas-Austin), Region 52 (Texas-Lubbock), and Region 54 (Chicago) The text of this PN is available at:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1391A1.doc

On June 24, the FCC approved streamlined NPSPAC Plan amendments for Region 8 (New York Metropolitan area), Region 10 (Georgia), Region 20 (DC-Maryland-N.VA), Region 32 (North Dakota), and Region 51 (Houston). The text of the Public Notices is available at:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1397A1.doc

Region 24 Files Petition To Extend 700 MHz Spectrum Efficiency and State License Construction Deadlines

Region 24 (Missouri) has filed a Petition for Rulemaking with the FCC asking that the spectrum efficiency and state license construction build-out deadlines be extended for approximately 2 years, until June 12, 2019. Region 24 asks that the 5-year state build-out deadline (coverage to 1/3 of the state or population) be extended until June 12, 2014. The FCC has not yet placed Region 24's Petition on Public Notice but once it does, interested parties can file comments in support of the Petition.

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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