



PUBLIC NOTICE

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Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

DA 01-2407
December 17, 2001

WIRELESS TELECOMMUNICATIONS BUREAU

REGION 20 RECEIVES APPROVAL FOR AMENDMENT TO ITS PUBLIC SAFETY RADIO PLAN (GEN. DOCKET NO. 90-7)

By this Public Notice, we approve the amendment to the Region 20 Public Safety Radio Plan (Region 20 Plan) that proposes to revise the current channel allotments for radio frequencies in the 821-824/866-869 MHz bands within the Washington, D.C., Maryland and Northern Virginia area (Region 20). The amendment revises certain channel allotments in the Region 20 Plan to reflect changes resulting from Region 20's third filing window (see Appendix 1) and confirms a previously required administrative modification to the plan.¹

In accordance with the Public Safety National Plan, each region is responsible for planning its use of public safety radio spectrum in the 800 MHz bands.² The Region 20 Plan was first adopted on March 26, 1990³ and subsequently revised on February 10, 1994,⁴ December 9, 1996⁵ and on

¹ This administrative modification relates to Channel 720, Alexandria, VA. See Letter to Secretary, FCC, from Alan T. Kealey, Chairman, Region 20 – 821 MHz (May 29, 2001) at 1 (“*Kealey Letter*”) citing Washington, D.C. Metropolitan Area Public Safety Plan, *Order*, GN Docket No. 90-7, 11 FCC Rcd 21510, 21520 ¶ 18 (1996) (“*1996 Order*”). See also Washington, D.C. Metropolitan Area Public Safety Plan, *Order*, GN Docket No. 90-7, 14 FCC Rcd 17712, 17720 n.45 (1999) (“*1999 Order*”). Earlier, Region 20 was directed to modify the designation for Channel 720 from “MCT Medical Services” to a generic designation. See *1996 Order*, 11 FCC Rcd at 21520 ¶ 18. As a result, the administrative modification is merely Region 20 advising the FCC that Channel 720 now is designated as “SERS 01” to more closely reflect the category of use as assigned. See *Kealey Letter* at 1, Attachment 1 at 3, n.3 (Region 20 Frequency Assignments).

² Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services, *Report and Order*, GN Docket No. 87-112, 3 FCC Rcd 905 (1987).

³ Washington, D.C. Metropolitan Area Regional Public Safety Plan, *Order*, GN Docket No. 90-7, 5 FCC Rcd 1984

October 21, 1999.⁶

(1990).

⁴ Washington, D.C. Metropolitan Area Public Safety Plan, *Order*, GN Docket No. 90-7, 9 FCC Rcd 703 (1994).

⁵ *See, e.g., 1996 Order*, 11 FCC Rcd at 21510 ¶ 1 (accepted amendment subject to three conditions).

⁶ Washington, D.C. Metropolitan Area Public Safety Plan, *Order*, GN Docket No. 90-7, 14 FCC Rcd 17712 (1999) (“1999 Order”).

On June 18, 2001, we issued a Public Notice (DA 01-1385) inviting interested parties to file comments regarding a proposed amendment to the Region 20 Plan that was filed on June 4, 2001. The amendment request included concurrences from the surrounding Regions 28,⁷ 36,⁸ 42,⁹ and 44.¹⁰ We received two comments and one reply comment in response to the June 18, 2001 Public Notice.¹¹

James H. Borland (Borland) requested that we not approve the Region 20 Plan amendment until we review his allegations of misrepresentation by Fauquier County, Virginia (Fauquier), a member of the Region 20 Regional Planning Committee (Region 20 RPC).¹² He claims Fauquier applied to the Region 20 RPC for assignment and coordination of ten channels on frequency 821 MHz and was assigned six channels. Contending that Fauquier was assigned more channels than was appropriate, Borland argues the assignment was based on Fauquier's false claim that Warrenton, Virginia (Warrenton), would be a part of the 821 MHz radio system, even though it was notified that Warrenton would not participate in a trunked 821 MHz digital radio system. He also claims Fauquier misrepresented the unit count for law enforcement and fire/rescue personnel on duty during peak hours.

Region 20 responded to Borland's comments.¹³ It states that if the proposal described in an application appears reasonable to the Region 20 RPC's collective experience, it is believed that such proposal accurately reflects the applicant's intended operations. In this connection, the RPC indicates that it had no reason to doubt the veracity or validity of Fauquier's Traffic Loading Study, which was submitted with its application. It further reasons that based on the weighted unit count benchmark under the Region 20 Plan, Fauquier demonstrated sufficient loading for ten channels. Due to operations already authorized on existing adjacent and co-channel frequencies, the Region 20 RPC only approved six channels in the Fauquier area and not the ten channels requested. It believes that Fauquier's application, its review, and subsequent channel assignment to Fauquier was a fair and just process and recommends we approve the Region 20 channel assignment for Fauquier.

⁷ Adjoining Region 28 encompasses eastern Pennsylvania, southern New Jersey and the State of Delaware.

⁸ Adjoining Region 36 encompasses western Pennsylvania.

⁹ Adjoining Region 42 encompasses the Commonwealth of Virginia, except northern Virginia

¹⁰ Adjoining Region 44 encompasses the State of West Virginia.

¹¹ John A. Fraser, III (Fraser) requested a 21-day extension of the reply comment deadline because his requests for access to the Region 20 filings of Fauquier had been unsuccessful. *See* Letter to Secretary, FCC, from John A. Fraser, III (Aug. 2, 2001). Fraser subsequently withdrew this request stating that the Commission provided all documents requested of it and that a State Freedom Of Information Act request was pending with Fauquier seeking information not available from the Commission. *See* Electronic mail to Joyce Alford, FCC, from John A. Fraser, III, Esq. (Aug. 29, 2001), GN Docket No. 90-7. The Wireless Telecommunications Bureau, Public Safety and Private Wireless Division granted the withdrawal request. *See* Letter to John A. Fraser, III, Esq., from Ramona E. Melson, Deputy Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau (Sept. 17, 2001), GN Docket No. 90-7.

¹² Comments filed via the Electronic Comment Filing System (Aug. 2, 2001).

¹³ Letter to Secretary, FCC, from Alan T. Kealey, Chairman, Region 20 – 821 MHz (Sept. 6, 2001).

We have reviewed the Region 20 request and the comments received. We are not persuaded by Borland's contentions because he has not produced evidence to substantiate his claims.¹⁴ We find, conversely, that Region 20 has provided a reasonable explanation for the Fauquier channel assignment and the process by which Region 20 assigned the channels. In turn, we find that the amendment furthers the Region's spectrum planning and management capability.¹⁵ The amendment is, therefore, accepted and approved as submitted. The Secretary's office will place the amended Region 20 Plan in the official docket file where it will remain available to the public. Questions regarding this public notice may be directed to Ms. Joy Alford, Wireless Telecommunications Bureau (202) 418-0694, TTY (202) 418-7233.

Action by the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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¹⁴ See, e.g., Application by SBC Communications Inc., Southwestern Bell Telephone Company, And Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance, 15 FCC Rcd 18354, 18545 ¶ 390 (2000).

¹⁵ Region 20's 1996 plan amendment was accepted by the Commission subject, in relevant part, to the filing of a detailed statement establishing inter-regional coordination procedures satisfactory to Region 28. See *1996 Order*, 11 FCC Rcd at 21517 ¶ 11. An executed Inter-Regional Coordination Procedures Agreement, dated July 31, 1998, between Region 20 and Region 28 was filed with the Commission, in the captioned docket, on August 21, 1998. Thereafter, we found that this Agreement satisfied the condition established in the *1996 Order* for filing an inter-regional coordination procedures agreement. See *1999 Order*, 14 FCC Rcd at 17720 ¶ 23. We also noted, however, that the inter-regional coordination procedures had not yet been formalized in a plan amendment, which Region 20 should do in its the next plan amendment. See *1999 Order*, 14 FCC Rcd at 17720 n.45. To date, our records do not reflect that Region 20 has formalized the inter-regional coordination procedures in its Region 20 plan amendment. As a result, we remind Region 20 to formalize such procedures in its next plan amendment.

Appendix I

REGION 20 FREQUENCY ASSIGNMENTS

Windows 1, 2 and 3¹

| <i>Jurisdiction / Geographic Area</i> | <i>Assigned Channels</i> | | | | |
|---|--------------------------|-------------------|-------------------|-------------------|------|
| Alexandria City, VA | 673 | 675 | 810 | | |
| Anne Arundel County, MD | 636 | 750* ² | 777 | 798 | 818 |
| Arlington County, VA | 654* | 662* | 727* | 766* | |
| Baltimore City, MD | 608 | 615 | 617 | 627 | 634 |
| | 647 | 650 | 663 | 665 | 667 |
| | 669 | 672 | 687 | 689 | 692 |
| | 707 | 710 | 712 | 739 | 745 |
| | 747 | 752 | 759 | 761 | 763 |
| | 765 | 767 | 775 | 787 | 796 |
| | 801 | 807 | 810 | 821 | 827 |
| Baltimore Washington Airport Baltimore, MD | 620* | 655* | 697* | 701* | 742* |
| Calvert County, MD | 670 | 686 | 690 | 695 | 779 |
| Carroll County, MD | 612* ² | 686 | 702* ² | 709 | 711 |
| | 713 | 720 | 748 | 778* ² | |
| Charles County, MD | 625* | 803* | 823* | | |
| Fairfax County, VA | 609 | 611 | 623 | 631 | 633 |
| | 657 | 685 | 688 | 697 | 699 |
| | 705 | 708 | 725 | 738 | 749 |
| | 751 | 758 | 762 | 776 | 791 |
| | 797 | 817 | | | |
| Fauquier County, VA | 710* | 729* | 741* | 747* | 787* |
| | 795* | | | | |
| Frederick County, MD | 646 | 670 | 769 | 789 | 811 |

| | | | | | |
|---|----------------------------------|--|--|---------------------------|---------------------------|
| Harford County, MD | 619* ³ 736* | 622* 781* ³ | 659* 813* | 698* 816* | 704* |
| Howard County, MD | 602* 652* 737* | 604* 674* 754* | 630* 676* 756* | 640* 684* | 643* 724* |
| Loudoun County, VA | 641* 701* | 644* 755* | 661* ⁴ 804* ⁴ | 678* ⁴ 813* | 681* ⁴ 824* |
| Manassas City, VA. | 606 | 608 | 743 | 783 | 785 |
| Maryland Central Booking Baltimore City, MD | 606* | 611* | 623* | 726* | 784* |
| Montgomery County, MD | 616 732* 764 800 826 | 621* ² 740 773 802 | 626 744 780 806 | 638 746 782 820 | 649 760 786 822 |
| Metro Washington Airport Authority Arlington, Loudoun & Fairfax Counties, VA | 603* 703 815* | 651 716* | 668 718* | 671 768 | 691 808 |
| Princes George's County, MD | 607 682 812 | 614 722* 828 | 618 770 | 645 788 | 660 790 |
| Prince William County, VA | 613 674 765 821 | 635 676 778 827 | 637 731 799 | 653 736 801 | 655 745 819 |
| RINS – Washington DC Metro Area | 792 | | | | |
| Saint Mary's County, MD | 612* 735* | 634* 748* | 658* 763* | 713* 809* | 724* 814* |
| SERS 01* ⁵ Alexandria, VA | 720 | | | | |

| | | | | | |
|--|---------------------------|---------------------------|--------------|--------------|--------------|
| Upper Maryland Eastern Shore Talbot and Queen Anne's Counties, MD | 644* 785* ⁶ | 653* ⁶ 789* | 661* 793* | 675* 805* | 719* 830* |
| University of Maryland College Park College Park, MD | 632* | 726* | 784* | 794* | 830* |
| Washington Council of Governments Washington DC Metro Area | 628 734 | 664 | 666 | 694 | 714 |

File: Appendix I 5-29-01.doc

¹ * = Window 3 assignment.

² Window 3 reassignment as part of Inter-Regional Matrix rework (2/99) with Regions 20, 28 & 36.

³ **License limitations per Region 28 concurrence.** (1) Harford County is to include a copy of their letter to Region 28 (dated July 11, 2000) with their APCO/FCC submittal. This letter contains provisions relating to criteria to be used in resolution of possible harmful interference to the State of Delaware. (2) Harford County obtains a Letter of Concurrence from the State of Delaware relating to item one of this section. The Letter of Concurrence will provide protection to the State of Delaware should there be harmful interference, and shall be included with the APCO/FCC submittal.

⁴ **License limitations per Region 36 concurrence.** (1) Licenses for the Loudoun Heights location, or nearby (within 1 mile) additional or replacement sites, require the use of directional antenna arrays with the null oriented at 330 degrees and implemented with at least 3 degrees of down tilt per discussions between Region 36 and Loudoun County representatives. (2) Loudoun County maintain its system design such that its 40 dBu contour does not extend closer than three miles south of the Pennsylvania service area border. (3) Region 20 and Loudoun County agree that the Loudoun County allocation does not ensure Loudoun County adjacent-channel protection from the Commonwealth of Pennsylvania's deployment of channels 682 and 805 in Adam County and channels 662 and 679 in Franklin County, provided that the Commonwealth maintains its operations within the 40 dBu contour defined by a line three miles outside its service areas.

⁵ **Administrative change.** Channel 720 was originally listed to "MCT Medical Services," Alexandria, VA; it is now designated as "SERS 01," Alexandria, VA to more closely reflect the category of use as assigned. [Per: "Before the Federal Communications Commission Washington, D.C. 20554 In the matter of) Washington, DC Metropolitan Area) Regional Public Safety Plan) Gen. Docket No. 90-7 (Region 20)) Philadelphia Metropolitan Area) Regional Public Safety Plan) Gen. Docket No. 89-573 (Region 28)) ORDER Adopted: December 9, 1996 Released: December 9, 1996;" paragraphs 16, 17 & 18.]

⁶ **License limitations per Region 28 concurrence.** Sudlersville site shall use a BMR 12H antenna at 345 degrees with a 1.5 degree electrical down tilt and an additional 1.5 degree mechanical down tilt at 345 degrees. The maximum ERP at 75 – 255 degrees shall be no more than 468 watts with the antenna center no higher than 275 AGL.