

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)
)
The Region 5 (Southern California) 700 MHz)
Regional Committee Proposed Public Safety Plan) WT Docket No. 02-378
)
)
The Development of Operational, Technical and)
Spectrum Requirements for Meeting Federal, State) WT Docket No. 96-86
and Local Public Safety Agency Communication)
Requirements through the Year 2010)

ORDER

Adopted: April 30, 2004

Released: April 30, 2004

By the Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

I. INTRODUCTION.

1. On December 17, 2003, the Region 5 (Southern California) 700 MHz Regional Planning Committee ("Region 5") submitted a proposed plan (Plan) for the use of the 12.5 megahertz of spectrum in the 764-776 and 794-806 MHz band (700 MHz public safety band) designated for General Use and requested Commission review and approval of the Plan. The Plan allocates narrowband General Use channels to specific public safety entities that are listed in the Frequency Allocation Plan. For the reasons discussed below, we approve the Region 5 700 MHz Regional Plan.

II. BACKGROUND.

2. In 1998, the Commission adopted a band plan for the 700 MHz public safety band, and established a structure to allow regional planning committees (RPCs) maximum flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment. The Commission's role in relation to the RPCs is limited to: (1) Defining the regional boundaries; (2) requiring fair and open procedures, i.e., requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional

1 Region 5 (Southern California) consists of ten counties: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernadino, San Diego Kern, San Louis Obispo and Ventura.

2 See Letter dated Dec. 17, 2003 from David Buchanan, Chairman, Region 5 700 MHz Regional Planning Committee to Marlene H. Dortch, Secretary, FCC (Letter) (submitting the Region 5 700 MHz Plan on behalf of the Region 5 700 MHz Regional Planning Committee).

3 See Region 5 Plan, Appendix A – Frequency Allocation List.

4 See 47 C.F.R. § 90.527; see also 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, First Report and Order and Third Notice of Proposed Rulemaking, 14 FCC Rcd 152 (1998) (First Report and Order).

plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁵

3. *Plan Requirements.* There are fifty-five RPCs and each committee is required to submit its plan for the assignment of licenses for General Use spectrum. Each regional plan must contain certain elements⁶ and must be coordinated with adjacent regions.⁷ We expect all RPCs to ensure that their committees are representative of all public safety entities in their regions 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.⁸ 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. In addition, a regional plan should describe outreach efforts made to tribal governments.

4. We anticipate that regional plans may differ somewhat in approaches to spectrum planning and management. In particular, we expect 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.⁹ However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the Commission's regional plan requirements.¹⁰ We also encourage the RPCs to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹¹

III. DISCUSSION.

5. *The Region 5 Plan.* On April 17, 2002, Region 5 submitted its first proposed Plan which the former Public Safety and Private Wireless Division,¹² Wireless Telecommunications Bureau, found to be deficient with respect to three elements: (1) evidence of successful coordination with adjacent regions;

⁵ See 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, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152, 195 ¶ 87 (1998) (*First Report and Order*).

⁶ See 47 C.F.R. § 90.527; see also, *First Report and Order* at 193-194 ¶ 84.

⁷ See 47 C.F.R. § 90.527; see also *First Report and Order* at 190-196 ¶¶ 77-89.

⁸ *Id.* at 193-94 ¶ 84. RPCs were directed to promptly adopt operating procedures that “ensure that all entities will be given reasonable notice of all committee meetings and deliberations.” *Id.* at 195 ¶ 86.

⁹ The Region 5 Plan, Appendix A, Frequency Allocation List identifies the initial assignments of the narrowband General Use spectrum made to each of the agencies requesting spectrum during the Region's initial application filing window ending January 1, 2001. Modifications to the Region 5 Frequency Allocation List, including new, additional and/or revised assignment, will require an amendment to the Plan. Also, the assignments for wideband General Use spectrum will require an amendment to the Plan before those wideband channels may be licensed.

¹⁰ 47 C.F.R. § 90.527.

¹¹ The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. The NCC was also tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC), agreed to continue to provide assistance to regional planners. The *Guidebook* is available at the NPSTC website <http://www.npstc.org/documents.html>.

¹² The Commission reorganized the Wireless Telecommunications Bureau effective November 13, 2003, and the relevant duties of the Public Safety and Private Wireless Division were assumed by the Public Safety and Critical Infrastructure Division. See Reorganization of the Wireless Telecommunications Bureau, *Order*, 18 FCC Rcd 25414, 25414 ¶ 2 (2003).

(2) a description of its future planning process and provisions for dispute resolution, and (3) demonstration of adequate notice to all eligible entities and regional planning committee membership information.¹³ Accordingly, Region 5 filed a revised Plan on August 25, 2003. After an initial review by Division staff, and working in concert with the Region 5 Chairman, the Plan was further refined to clarify certain aspects of the future planning process, to supplement the Plan with copies of published meeting notices, and to provide a certification signed by the Chairman that all meetings were open to the public. On December 17, 2003, Region 5 submitted a revised Plan that addressed the earlier deficiencies and also incorporated the suggested refinements and requested supplemental information.

6. *Overview of the Region 5 Plan.* Region 5 convened its first of four 700 MHz regional planning meetings beginning on September 2, 1999, wherein it appointed its officers, established three workgroups (writing, spectrum planning and operations), and opened a filing window for initial requests for spectrum allocation by public safety agencies. The filing window remained open until January 1, 2001. Membership appears to be sufficiently diverse, and meetings well attended.¹⁴ The Plan details the operations of the regional plan committee, procedures for requesting spectrum allotments, plan modification, frequency coordination and interference protection measures.¹⁵ The Plan explains the low power secondary operations criteria and use of lower power channels, and discusses system implementation and spectrum utilization.¹⁶ The Plan outlines the process used in determining the priorities for receiving spectrum allotments, and cites an example, where in the interest of spectrum efficiency, several smaller cities whose separate spectrum requests were not filled, could join the Los Angeles Sheriff's system (after system upgrades are completed), thereby creating a multi-agency system.¹⁷

7. Finally, the Plan was coordinated with the adjacent regions, Region 3 (Arizona); Region 6 (Northern California), and Region 27 (Nevada), as evidenced by the required Letters of Concurrence in Appendix F.¹⁸ Additionally, the Plan includes *Inter-Regional Coordination Procedures and Procedures for Resolution of Disputes that May Arise Under FCC Approved Plans* (signed by the chairpersons of 700 MHz Regional Planning Regions 3, 5, 6, and 27).¹⁹

8. On January 13, 2004, the Region 5 Plan was placed on *Public Notice* for comment.²⁰ We received three comments on the Plan, all of which endorsed the Plan without reservation.²¹ Both Los Angeles County and San Bernadino County stated that each actively participated in the development of the Plan and firmly believes that it best represents the interests of many public safety entities serving

¹⁴ Plan, Appendix B, Regional Plan Members.

¹⁵ Plan at 5-7.

¹⁶ Plan at 12-13.

¹⁷ Plan at 14. The cities of Arcadia, Azusa, Glendora, Maywood, Southgate, Bell, Vernon and Downey all requested a small number of voice channels for police operations. Region 5 determined that it would be more spectrum efficient and facilitate mutual aid if the agencies joined the Los Angeles County Sheriff's system, thus making it a multi-agency system.

¹⁸ Plan, Appendix F, Inter-Regional Coordination and Agreements.

¹⁹ *Id.*

²⁰ The Wireless Telecommunications Bureau sought comment on the plan on January 13, 2004. *See* Wireless Telecommunications Bureau, *Public Notice*, WT Docket No. 02-378, 19 FCC Rcd 385 (WTB PSCID 2004). Comments were due Feb. 13, 2004 and Reply Comments were due Feb. 27, 2004.

²¹ Comments were filed by the County of San Bernadino (San Bernadino); the County of Los Angeles, California (Los Angeles), and the Region 24-Missouri (Missouri) 700 MHz Regional Planning Committee.

Southern California's ten counties.²² Region 24 Missouri also endorsed the Plan and stated that the Plan allows for successful implementation of the spectrum.²³ We agree.

9. However, as a separate matter, both Los Angeles and San Bernadino counties raise issues that are beyond the scope of this proceeding. They include the adoption of service rules for the wideband data interoperability channels, accelerating clearance of the 700 MHz band, and adopting service rules for the 700 MHz reserve spectrum.²⁴ These are broader policy issues, beyond the scope of any single regional plan, and thus not appropriate for this proceeding. A recommendation for a wideband data standard is expected in the 700 MHz docket.²⁵ The Commission continues to monitor the progress of the DTV transition and understands the importance to public safety in a date certain for completion of this transition. Finally, regarding the reserve spectrum, the Commission indicated it would review the status of a spectrum reserve once the 700 MHz band planning process is complete.²⁶

IV. CONCLUSION AND ORDERING CLAUSES.

10. We have reviewed the Plan submitted by Region 5 and find it complies with FCC rules and policies.

11. Accordingly, IT IS ORDERED pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and Section 1.102(b) of the Commission's Rules, 47 C.F.R. § 1.102(b) that the Region 5 (Southern California) 700 MHz Public Safety Plan is APPROVED.

12. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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²² Los Angeles comments at 1 and San Bernadino comments at 1.

²³ Missouri comments at 1.

²⁴ The comments of Los Angeles and San Bernadino recommended that the Commission adopt service rules for the 700 MHz wideband data interoperability channels, and revise the timeline and benchmarks for television broadcasters to vacate the 700 MHz band.

²⁵ WT Docket No. 96-86, The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010.

²⁶ See 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, *Third Memorandum Opinion and Order and Third Report and Order*, 15 FCC Red 19844, 19914 at ¶ 69(2000).