



# PUBLIC NOTICE

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

News media information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

**DA 05-3344**  
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## WIRELESS TELECOMMUNICATIONS BUREAU ACTION

### COMMENTS INVITED ON ARIZONA (REGION 3) 800 MHz REGIONAL REVIEW COMMITTEE PUBLIC SAFETY PLAN AMENDMENT

(PR DOCKET NO. 91-143)

**Comment Date: January 30, 2006**

**Reply Date: February 14, 2006**

On August 23, 2005, Region 3 (Arizona) 800 MHz Regional Review Committee submitted a proposed amendment to its Public Safety Plan for review and approval which includes the following revisions: (a) adds a common nomenclature for the Common Calling and Tactical Interoperability Channels, to assist in statewide interagency operations; (b) modifies provisions to allow permanent repeaters for the Tactical Channels with certain restrictions, and (c) makes other minor administrative changes.<sup>1</sup>

The proposed amendment was reviewed by, and letters of concurrence obtained from, four out of five of regions adjacent to Region 3: Region 6 (Northern California), Region 7 (Colorado), Region 27 (Nevada), and Region 41 (Utah). However, Region 3 advises that it was unable to obtain adjacent regional concurrence from Region 29 (New Mexico) because Region 29 does not have an active 800 MHz regional planning committee. We note that, under the circumstances presented, approval of Region 3's proposed plan amendment would require a waiver of the concurrence requirement.

In accordance with the National Public Safety Plan, each region is responsible for planning its use of public safety radio frequency spectrum in the 821-824/866-869 MHz bands.<sup>2</sup> The National Plan specifies special policies and procedures governing the Public Safety Pool.<sup>3</sup> Regional plans must include an explanation of how the plan has been coordinated with adjacent regions. For modifications, the regional chair may recommend, in writing, changes to a regional plan, and the Commission will give

<sup>1</sup> See Letter dated August 19, 2005, from Larry Sayers, Region 3 Regional Review Committee, to Marlene H. Dortch, Secretary, FCC (submitting Amendment to Arizona NSPAC Plan) filed August 23, 2005 (Plan Amendment).

<sup>2</sup> See Development and Implementation of a Public Safety National Plan and Amendment to Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/766-869 MHz Bands by the Public Safety Services, *Report and Order*, Gen. Docket No. 87-112, 3 FCC Rcd 905 (1987) (*National Plan Report and Order*).

<sup>3</sup> See 47 C.F.R. 90.16, Public Safety National Plan.

public notice soliciting comment on any such proposals and issue appropriate orders upon review.<sup>4</sup> The Region 3 Plan, which was originally adopted by the Commission in September 1991, was amended in 1998 and 2001.<sup>5</sup>

Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, provides that a waiver of the Commission's Rules may be granted if it is shown that the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or in view of the unique or unusual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest or if the applicant has no reasonable alternative

Prior to taking action on the Region 3 Plan Amendment, by this Public Notice, we solicit comments on the Plan Amendment. Pursuant to Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on the proposed Region 3 Plan Amendment on or before January 30, 2006 and reply comments on or before February 14, 2006. All comments should reference PR Docket 91-143, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.<sup>6</sup> Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

The Plan Amendment can be accessed electronically via the Commission's Electronic Comment Filing System (ECFS), <http://www.fcc.gov/cgb/ecfs/>.<sup>7</sup> Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Copies also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI through its web site, <http://www.bcpweb.com>, by email at [fcc@bcpweb.com](mailto:fcc@bcpweb.com), by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563.

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<sup>4</sup> See *National Plan Report and Order*, 3 FCC Rcd at 911 ¶ 57.

<sup>5</sup> See *In The Matter of Arizona (Region 3) Public Safety Plan, Order*, PR Docket No. 91-143, 6 FCC Rcd 5335 (PRB 1991); *Wireless Telecommunications Bureau Announces Approval for Minor Amendment to its Regional Plan, Public Notice*, PR Docket No. 91-143, 13 FCC Rcd 22460 (PRB 1998), *Wireless Telecommunications Bureau Approves Arizona (Region 3) Minor Amendment to its Regional Public Safety Plan, Public Notice*, PR Docket No. 91-143, DA 01-2222 (rel. Oct. 15, 2001).

<sup>6</sup> The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only by the Commission's contractor, Natek, Inc., at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 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 236 Massachusetts Avenue, N.E. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. See *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, Public Notice*, 16 FCC Rcd 22165 (2001).

<sup>7</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0531 (voice) or (202) 418-7365 (TTY).

For further information, contact Ms. Jeannie Benfaida of the Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-2313, TTY (202) 418-7233, or via e-mail to [Jeannie.Benfaida@fcc.gov](mailto:Jeannie.Benfaida@fcc.gov).

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

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