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

In the Matter of	)	
	)	
The Region 24 (Missouri) 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 and Local Public Safety Agency Communication Requirements through the Year 2010	)	WT Docket No. 96-86

ORDER

Adopted: March 10, 2005 **Released: March 11, 2005**

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

1. We have before us a request filed on March 7, 2005 by the Region 24 (Missouri) Regional Planning Committee (Region 24) to withdraw the petition for reconsideration it filed on April 7, 2004.[1] For reasons set forth below, we grant Region 24's request.

2. By way of background, in 1998, the Commission adopted a band plan for the 764-776/794-806 MHz (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.[2] Each regional plan must contain certain elements[3] and must be coordinated with adjacent regions.[4] Regional plans and plan amendments must be submitted to the Commission for review and approval. On September 16, 2003, Region 24 submitted for Commission approval a proposed plan for the use of the 12.5 megahertz of spectrum in the 700 MHz public safety band designated for General Use.[5]

3. On March 29, 2004, the Wireless Telecommunications Bureau, Public Safety and Critical Infrastructure Division (Division) denied Region 24's request for waiver of Section 90.527(a)(5) of the Commission's Rules[6] to permit the filing of the plan without coordination from all adjacent regions. The Division dismissed the plan without prejudice and suggested that Region 24 submit a revised plan that would resolve the deficiencies noted therein.[7] On April 7, 2004, Region 24 filed a petition for

[1] *See* Region 24 (Missouri) Motion to Withdraw Petition for Reconsideration, WT Docket 02-378, filed Mar.7, 2005 (Motion to Withdraw).

[2] *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*).

[3] *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

[4] *Id.* at 195 ¶ 87.

[5] *See* Region 24 700 MHz Regional Planning Committee Plan, WT Docket 02-378 (filed Sept. 16, 2003).

[6] *See* 47 C.F.R. § 90.527(a)(5).

[7] *See* Letter dated Mar. 29, 2004 from D'wana R. Terry, Chief, Public Safety and Critical Infrastructure Division, to Stephen T. Devine, Chairman, Region 24 700 MHz Planning Committee.

reconsideration of the Division's decision.

4. On March 7, 2005, Region 24 filed a request to withdraw the petition for reconsideration. Region 24 states that it has made the modifications and amendments to its 700 MHz plan, based on the Division's letter of return, and will resubmit a plan, along with the adjacent state concurrences.[8] We have reviewed the request, and conclude that it would be in the public interest to permit Region 24 to withdraw its petition for reconsideration.

5. 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 1.8 of the Commission's Rules, 47 C.F.R. § 1.8, that the Region 24 (Missouri) Withdrawal of Petition for Reconsideration IS GRANTED.

6. 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

Scot Stone
Deputy Chief, Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau

[8] *See* Motion to Withdraw at 2.