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WIRELESS TELECOMMUNICATIONS BUREAU ACTION

WIRELESS TELECOMMUNICATIONS BUREAU APPROVES REGION 43 (WASHINGTON) 700 MHz REGIONAL PLAN

WT Docket No. 02-378

On February 7, 2006, the Region 43 (Washington)¹ 700 MHz Regional Planning Committee (Region 43) 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.² Region 43 requested Commission review and approval of the Plan.³ For the reasons discussed below, we approve the Region 43 700 MHz Regional Plan.

Background. 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.⁴ The Commission's role in relation to the

¹ The Region 43 (Washington) 700 MHz regional planning area encompasses the entire state of Washington, consisting of thirty-nine counties, and shares its northernmost border with Canada at the Counties of Whatcom, Okanogan, Ferry, Stevens and Pend Oreille. In addition, there are thirty-nine federally recognized Tribes in Washington State.

² See Letter dated Feb. 7, 2006, from Jon Wiswell, Chairman, Region 43 to FCC, Wireless Telecommunications Bureau, WT Docket 02-378 (submitting the Region 43 700 MHz Plan on behalf of the Region 43 700 MHz Regional Planning Committee). The General Use spectrum is administered by regional planning committees and will be licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination. The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010, *Fourth Memorandum Opinion and Order*, WT Docket No. 96-86, 17 FCC Rcd 4736, 4738 n.8 (2002).

³ See 47 C.F.R. § 90.527(a)(5).

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*).

RPCs involves, as a general matter, (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 plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁵

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.⁶ Each regional plan must contain certain elements⁷ and must be coordinated with adjacent regions.⁸ RPCs are expected 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.⁹ 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.

Regional plans may differ somewhat in approaches to spectrum planning and management. In particular, 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.¹⁰ 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.¹¹ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹²

⁵ See *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

⁶ See 47 C.F.R. § 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 764-776 MHz and 794-806 MHz, and is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

⁷ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

⁸ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

⁹ See *First Report and Order*, 14 FCC Rcd 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.

¹⁰ See Plan, Appendix G - Region 43 Channel Block Assignments by County. The Region 43 General Use narrowband frequencies are pre-allotted in county-like pools. Region 43 utilized the frequency packing program within the Computer Assisted Pre-coordination Resource and Database System (CAPRAD) administered by the National Law Enforcement and Corrections Technology Center-Rocky Mountain Region (NLECTC-RM). The NLECTC-RM is a program of the National Institute of Justice and is sponsored by the University of Denver through the Denver Research Institute. The CAPRAD system is available at <http://caprad.nlectc.du.edu>. We note that the Region 43 General Use wideband channels are not included in the instant Plan. Therefore, a Plan Amendment will have to be submitted and approved by the Commission before the wideband channels may be licensed.

¹¹ 47 C.F.R. § 90.527.

¹² 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

Review of the Region 43 Plan. Region 43 submitted its proposed plan on February 7, 2006.¹³ Region 43 convened its first of twenty-eight 700 MHz regional planning meetings beginning in November 14, 2000, wherein it appointed its officers, formed subcommittees¹⁴ and adopted Bylaws.¹⁵ The Plan includes meeting minutes,¹⁶ announcements and notices,¹⁷ and a detailed membership list.¹⁸ The membership is sufficiently diverse and we note that meetings were held throughout the State, in an apparent effort to encourage participation and facilitate attendance.¹⁹ The Plan details the operations of the regional plan committee, procedures for requesting spectrum allotments, frequency coordination, and plan modification.²⁰ The Plan discusses interoperability channels, system implementation and spectrum utilization.²¹ The Plan was adopted by its members on January 26, 2005 and was coordinated with the adjacent regions.²² The Plan also 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 12 and 34).²³

On March 14, 2006, the Region 43 Plan was placed on *Public Notice* for comment.²⁴ We received no comments on the Plan. We have reviewed the Plan submitted by Region 43, and conclude, based on the information before us, that it complies with other applicable FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C.

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>.

¹³ See *supra* note 2.

¹⁴ Plan Section 4, Information and Notification Process at 16.

¹⁵ Plan Appendix I – Bylaws (revised January 26, 2005).

¹⁶ Plan Appendix C – Region 43 RPC Meeting Minutes (Region 43 700 MHz and 800 MHz regional planning activities and resource documents are available at www.region43.org).

¹⁷ Plan Section 4, Information and Notification Process at 16-17 (describing efforts to increase awareness and visibility for the planning process).

¹⁸ Plan Appendix D – Membership and Meeting Attendance at 47-50.

¹⁹ Meetings were held in Everett, Lynnwood, Olympia, Renton, Richland, Spokane, Vancouver (Jointly held meeting with adjacent Region 35 (Oregon)) and Yakima. See also Plan Section 3.4.6, Tribal Lands at 15 (the Governor’s Office of Indian Affairs (GOIA) serves as a liaison between state and tribal governments and maintains a website home page at www.goia.wa.gov; we note that Region 43 informed GOIA of its meetings, but there was no tribal participation).

²⁰ Plan Section 8.5, Application Filing Windows at 26-27. See also Plan Section 13.1.2 Spectrum Allocations Changes at 31 (describing the Plan Amendment process).

²¹ Plan Section 3.2, Existing Interoperability and Mutual Aid Systems at 9-12; Plan Section 6 Interoperability at 19-22, and Plan Appendix A - Table of Interoperability Channels as Identified by the NCC Process at 38-40.

²² See Plan Appendix H - Letters of Concurrence from Region 43 obtained Letters of Concurrence from its two adjacent regions, Region 12 (Idaho) and Region 35 (Oregon).

²³ *Id.*

²⁴ See Comments Invited on Region 43 (Washington) 700 MHz Regional Planning Committee Proposed Public Safety Plan, *Public Notice*, WT Docket No. 02-378, 21 FCC Rcd 2396 (WTB PSCID 2006). Comments were due April 13, 2006, and reply comments were due April 28, 2006.

§ 154(i), and Section 1.102(b) of the Commission's Rules, 47 C.F.R. § 1.102(b), the Region 43 (Washington) 700 MHz Public Safety Plan is APPROVED.

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.

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

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