



# PUBLIC NOTICE

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## WIRELESS TELECOMMUNICATIONS BUREAU ACTION

### WIRELESS TELECOMMUNICATIONS BUREAU APPROVES REGION 3 (ARIZONA) 800 MHz REGIONAL PLAN AMENDMENT

#### PR Docket No. 91-143

On August 23, 2005, the Region 3 (Arizona) 800 MHz Regional Review Committee submitted a proposed amendment to its Public Safety Plan for the use of the Public Safety National Plan frequencies in the 821-824/866-869 MHz band.<sup>1</sup> Region 3 requested Commission review and approval of the proposed amendment, which (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. In addition, Region 3 requested a waiver of adjacent regional concurrence requirement for Region 29 (New Mexico) because Region 29 does not have an active 800 MHz regional planning committee. For the reasons discussed below, we grant the waiver request and approve the Region 3 800 MHz Plan Amendment.

*Background.* 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 public notice soliciting comment on any such proposals and issue appropriate

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<sup>1</sup> See Letter dated August 19, 2005, from Larry Sayers, Chair, Region 3 - Arizona Regional Review Committee (ARRC Letter), 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.

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>

*Review of the Region 3 Plan Amendment.* On August 23, 2005, Region 3 submitted its proposed Plan Amendment, which was reviewed by, and letters of concurrence obtained from, four out of five of regions adjacent to Region 3: Region 5 (Southern California), Region 7 (Colorado), Region 27 (Nevada), and Region 41 (Utah).<sup>6</sup> In its letter, Region 3 advised 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.<sup>7</sup>

Prior to the instant Plan Amendment, Region 3 received Commission approval for an amendment submission in October 2001, which included concurrences from the adjacent regions, including Region 29 (New Mexico).<sup>8</sup> We note that the current Plan Amendment does not involve modifications to the channel assignments or existing allotments. In addition, we observe that this submission replaces all previous versions of the Arizona Public Safety Radio Spectrum Planning Committee Regional Plan on file with the Commission.<sup>9</sup> The following is a summary of the Plan Amendment revisions:

- Allocated Common Calling/Tactical Interoperability Channels. This section updates the channel nomenclature, use of the calling and tactical interoperability channels and recommends the mandatory use of the names list by all agencies to facilitate interagency communications.<sup>10</sup>

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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 (WTB PSPWD rel. Oct. 15, 2001).

<sup>6</sup> See *supra* note 2.

<sup>7</sup> See ARRC Letter at 1.

<sup>8</sup> See *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 (WTB PSPWD rel. Oct. 15, 2001) (revising the allocation of 800 MHz frequencies to accommodate both wideband analog and new, narrowband digital users, and to provide additional channels for users in Maricopa County).

<sup>9</sup> The Plan Amendment is labeled as “Version 4, August 2, 2005.”

<sup>10</sup> See Plan Section 4.5 at 12. Allocated Common Calling/Tactical Interoperability Channels:  
ICALL– (821/866.0125 MHz) National Public Safety Calling and Rural Tactical Operations Interoperability.  
ITAC1 – (821/866.5125) Primary Fire and Emergency Medical Service, Statewide.  
ITAC2 – (822/867.0125 MHz) – Primary Law Enforcement, Statewide.  
ITAC3 – (822/867.0125 MHz) – Primary Fire and Emergency Medical Service, Statewide, Federal Government.  
ITAC4 – (823/868.0125 MHz) – Primary Law Enforcement, Statewide; Federal Government.  
AZTAC – (821/866.0375 MHz) – Primary Statewide for all Other Public Safety (including highway/forestry/local government/search and rescue).

- Tactical Interoperability Channel Requirements. For repeater establishment, the Arizona Regional Review Committee will determine the location of the tactical repeaters, and must be contacted by any agency using a transportable repeater within the coverage area of a permanent repeater. If an interoperability repeater is to be installed within seventy miles of the State boundary, the adjacent 800 MHz regional planning committee must be notified with the location in order to prevent interference to that region's interoperability capabilities.<sup>11</sup>
- Plan Appendix IV- Frequency Allocation List (Allocated Channels by User) is updated to reflect prior Commission-approved allotment and channel assignment changes.<sup>12</sup>

*Waiver Request.* Section 1.925 of the Commission's Rules 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.<sup>13</sup>

In support of the waiver request, Region 3 explains that after multiple attempts and contacting several people, it was determined that Region 29 (New Mexico) does not have an active 800 MHz regional planning committee, as confirmed by the Julian Zamora, Chairman, Region 29 700 MHz Regional Planning Committee.<sup>14</sup> A review of our regional planning records confirms that the Region 29 800 MHz regional planning committee status has remained unchanged. Accordingly, based on the record before us, we find that Region 3 exercised due diligence in its efforts to obtain adjacent regional concurrence from Region 29 (New Mexico), and that, under the circumstances presented, no reasonable alternative exists other than to seek a waiver of the adjacent concurrence requirement. Moreover, we believe that to postpone or delay the approval of the Region 3 (Arizona) 800 MHz Plan Amendment would be contrary to the public interest. Therefore, we find good cause to grant the Region 3 waiver request.

On December 30, 2005, the Region 3 Plan was placed on *Public Notice* for comment.<sup>15</sup> We received no comments on the Plan. We have reviewed the Plan submitted by Region 3, and conclude that it complies with other applicable FCC rules and policies. Accordingly, pursuant to Section 4(i) of

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<sup>11</sup> See Plan Section 4.5.2.2, Repeater Establishment at 13-14.

<sup>12</sup> See Plan Appendix IV- Frequency Allocation List (Allocated Channels by User) at 57-66.

<sup>13</sup> 47 C.F.R. § 1.925.

<sup>14</sup> See ARRC Letter at 1. This fact is further corroborated by correspondence between the Region 29 (New Mexico) 700 MHz regional planning committee chair and Michael J. Wilhelm, Chief, Public Safety and Critical Infrastructure Division (PSCID), Wireless Telecommunications Bureau in November 2004. See Letter dated November 23, 2004 from Michael J. Wilhelm, Chief, PSCID, WTB to Julian Zamora, Communications Manager, City of Albuquerque, New Mexico (acknowledging that the former 800 MHz regional planning committee chair has retired and has not yet been replaced, and appointing Mr. Zamora to act as the convener to plan and conduct the initial Region 29 (New Mexico) 700 MHz RPC meeting).

<sup>15</sup> See Comments Invited on Arizona (Region 3) 800 MHz Regional Review Committee Public Safety Plan Amendment, *Public Notice*, PR Docket No. 91-143, 20 FCC Rcd 20507 (WTB PSCID 2005). Comments were due January 30, 2006 and reply comments were due February 14, 2006.

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), the Region 3 (Arizona) 800 MHz Public Safety Plan Amendment 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 and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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