



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 39 (TENNESSEE) 700 MHZ REGIONAL PLAN AMENDMENT

### PS Docket No. 06-229 and WT Docket No. 02-378

*Introduction.* On March 18, 2009, the Region 39 (Tennessee)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) submitted a modification (Plan Amendment) to amend its 700 MHz Public Safety Plan<sup>2</sup> for General Use spectrum in the 769-775/799-805 MHz band.<sup>3</sup> For the reasons discussed below, we approve the Region 39 700 MHz Plan Amendment.

*Background.* In 1998, the Commission established a structure to allow regional planning committees (RPCs) optimal 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.<sup>4</sup> There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.<sup>5</sup> 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 plans must include; and (4)

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<sup>1</sup> The Region 39 (Tennessee) 700 MHz regional planning area consists of the entire state of Tennessee.

<sup>2</sup> See Letter from John Johnson, Chair, Region 39 700 MHz Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-378 (filed Mar. 18, 2009) (Plan Amendment). The Region 39 Plan was initially approved in June 2006, and amended in June 2008; see Wireless Telecommunications Bureau Approves Region 39 (Tennessee) 700 MHz Regional Committee 700 MHz Public Safety Plan, WT Docket No. 02-378, WT Docket No. 96-86, *Public Notice*, 21 FCC Rcd 6913 (WTB PSCID 2006); Public Safety and Homeland Security Bureau Approves Region 39 (Tennessee) 700 MHz Plan Amendment, WT Docket No. 02-378, PS Docket No. 06-229, *Public Notice*, 23 FCC Rcd 8762 (PSHSB 2008).

<sup>3</sup> The General Use spectrum is administered by regional planning committees (RPCs) and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

<sup>4</sup> See 47 C.F.R. § 90.527; see also 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*); 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, *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

<sup>5</sup> See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.<sup>6</sup>

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.<sup>7</sup> The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

*Review of the Region 39 Plan Amendment.* Region 39 revised its Plan, Appendix G (Region 39 Channel Allotments by Class) by modifying the frequency allocations table from 25 kHz channel to 12.5 kHz channel allocation blocks. The RPC further modified the frequency allocations by increasing the allotments to nine counties to facilitate the deployment of a regional 700 MHz P25 trunked system project funded by a Public Safety Interoperable Communications (PSIC) grant. Lastly, the RPC modified allocations by increasing the allotments in counties where the most population growth exists and in those counties most likely to use the 700 MHz spectrum.

The Plan Amendment was reviewed by, and letters of concurrence obtained from, all eleven regions adjacent to Region 39: Region 1 (Alabama), Region 4 (Arkansas), Region 10 (Georgia), Region 13 (Illinois), Region 17 (Kentucky), Region 23 (Mississippi), Region 24 (Missouri), Region 31 (North Carolina), Region 37 (South Carolina), Region 42 (Virginia), and Region 44 (West Virginia).<sup>8</sup>

On May 11, 2009, the Region 39 Plan Amendment was placed on *Public Notice* for comment.<sup>9</sup> We received no comments. Based on our review of the Plan Amendment, we conclude that it complies with FCC rules and policies. Accordingly, 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), the Region 39 (Tennessee) 700 MHz Public Safety Plan Amendment is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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<sup>6</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

<sup>7</sup> Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007).

<sup>8</sup> See 47 C.F.R. 90.527(a)(5) (requiring that each regional planning committee provide an explanation of how its plan has been coordinated with adjacent regions).

<sup>9</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 39 (Tennessee) 700 MHz Plan Amendment, PS Docket No. 06-229; WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 5453 (PSHSB 2009). Comments were due June 1, 2009, and reply comments were due June 11, 2009.