



PUBLIC NOTICE

Federal Communications Commission
445 12th 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 12 (IDAHO) 700 MHZ REGIONAL PLAN AMENDMENT

PS Docket No. 06-229; WT Docket No. 02-378

Introduction. On January 31, 2008, the Region 12 (Idaho)¹ 700 MHz Regional Planning Committee (RPC) (Region 12) submitted a proposed amendment to its 700 MHz Public Safety Plan for review and approval.² Concurrently, Region 12 requested a temporary, limited waiver of Sections 90.527(a)(3) and (6) of the Commission's rules, 47 C.F.R. §§ 90.527(a)(3), (6) (requiring that regional plans incorporate a general description of how the spectrum would be allotted among the various eligible users, and a detailed description of how the plan put the spectrum to the best possible use).³ Region 12 utilizes the Computer Assisted Pre-allocation Resource and Database (CAPRAD) program as its pre-allotment methodology, which was not updated to reflect the new consolidated narrowband frequencies prior to the filing deadline for 700 MHz regional plans.⁴

In addition, Region 12 requested a temporary, limited waiver of Section 90.527(a)(5) of the Commission's rules, 47 C.F.R. §§ 90.527(a)(5), because it was unable to obtain evidence of concurrence from four of the six adjacent regions adjacent prior to the Bureau's deadline.⁵ On March 10, 2009, Region 12 resubmitted its Plan Amendment.⁶ On March 31, 2009, Region 12 submitted a newly revised Plan Amendment to replace its March 10 submission in its entirety, and provided the consolidated narrowband allotments, modifying the channel allotment size to 12.5 kHz. Lastly, on April 6, 2009, to correct an inadvertent omission, Region 12 submitted a complete set of updated letters of concurrence, evidence of coordination with its six adjacent regions, including: Region 25 (Montana), Region 27

¹ The Region 12 (Idaho) 700 MHz regional planning area encompasses the entire state of Idaho, consisting of 44 counties, and shares its northernmost border with Canada at the County of Boundary.

² See Letter from Lieutenant Bart Hamilton, Chairman, Region 12 (Idaho) 700 MHz Regional Planning Committee, WT Docket No. 96-86, PS Docket No. 06-229 (filed Jan. 31, 2008) (submitting Plan Amendment and Waiver Request). The Region 12 plan was initially approved in March 2006.

³ See Waiver Request at 1; see also 47 C.F.R. §§ 90.527(a)(3), (6).

⁴ See Waiver Request at 1; see also Public Safety and Homeland Security Bureau Announces an Extension of the Deadline for 700 MHz Regional Planning Committees to Amend 700 MHz Narrowband Plans from November 23, 2007 to January 31, 2008, PS Docket No. 06-229, WT Docket No. 96-86, *Public Notice*, 22 FCC Rcd 19461 (PSHSB 2007).

⁵ See Waiver Request at 1.

⁶ See Letter from Captain Mike Sanders, Chairman, Region 12 (Idaho) 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 02-378, PS Docket No. 06-229 (filed Mar. 10, 2009) (resubmitting Plan Amendment, revised Dec. 2, 2008).

(Nevada), Region 35 (Oregon), Region 41 (Utah), Region 43 (Washington), and Region 46 (Wyoming).⁷ As a result, the waiver requests are now moot. For the reasons discussed below, we approve the Region 12 700 MHz Plan Amendment.

Background. In 1998, the Commission established a structure to allow 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.⁸ There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.⁹ 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) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.¹⁰

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.¹¹ 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).

Region 12 Plan Amendment. The Plan Amendment revises all references to the former General Use band, to the new narrowband consolidated band and includes a new Appendix A – Frequency Allocation List. The revised channel allotment table reflects allocations in the new consolidated narrowband segments, 769-775 MHz and 799-805 MHz. In addition, it corrects minor spelling and grammatical errors.¹² The Plan Amendment was reviewed by, and letters of concurrence obtained from Region 12's six adjacent regions, including: Region 25 (Montana), Region 27 (Nevada), Region 35 (Oregon), Region 41 (Utah), Region 43 (Washington), and Region 46 (Wyoming).¹³

⁷ See Letter from Captain Mike Sanders, Chairman, Region 12 (Idaho) 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 02-378, PS Docket No. 06-229 (filed Apr. 6, 2009) (submitting updated letters of concurrence).

⁸ 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).

⁹ 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/>.

¹⁰ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

¹¹ 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).

¹² See Plan Amendment, Appendix A – Region 12 Frequency Allocation List.

¹³ See Letter from Captain Mike Sanders, Chairman, Region 12 (Idaho) 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 02-378, PS Docket No. 06-229 (filed Apr. 6, 2009) (submitting updated letters of concurrence).

On May 8, 2009, the Region 12 Plan Amendment was placed on *Public Notice* for comment.¹⁴ We received no comments. Based on our review of the plan, 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 12 (Idaho) 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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¹⁴ See Public Safety and Homeland Security Bureau Seeks Comments on Region 12 (Idaho) 700 MHz Revised Plan Regional Plan, PS Docket No. 06-229; WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 5403 (PSHSB 2009). Comments were due May 28, 2009, and reply comments were due June 8, 2009.