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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 10 (GEORGIA) 700 MHZ REGIONAL PLAN

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

Introduction. On January 5, 2009, the Region 10 (Georgia)¹ 700 MHz Regional Planning Committee (RPC) (Region 10) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use² spectrum in the 769-775/799-805 MHz band for review and approval.³ For the reasons discussed below, we approve the Region 10 700 MHz Plan.

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.⁴ Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.⁵ 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.⁶

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁷ The Commission adopted a plan for the 700 MHz

¹ The Region 10 (Georgia) 700 MHz regional planning area includes all 159 counties in the state of Georgia.

² The General Use spectrum is administered by 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.

³ See Letter from Jim Mollohan, Chairman, Region 10, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 02-378, PS Docket No. 06-229 (filed Jan. 5, 2009) (submitting regional plan).

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

⁵ 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/>.

⁶ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

⁷ 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) (*Second Report and Order*).

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).

Plan Requirements. Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.⁸ Each regional plan must contain certain elements⁹ and must be coordinated with adjacent regions.¹⁰ 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.¹¹ 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.¹²

Regional plans may differ 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.¹³ 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.¹⁴ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁵

⁸ See 47 C.F.R. §§ 90.527, 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 763-775 MHz and 793-805 MHz, and the narrowband allocation is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

⁹ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

¹⁰ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

¹¹ See *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84. The Commission directed RPCs 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.

¹² *Id.* at 193-94 ¶ 84.

¹³ See Plan, Appendix I – 700 MHz Channel Allotment Pool as Defined in CAPRAD at 99-108. The Computer Assisted Pre-coordination Resource and Database System (CAPRAD), is a spectrum management tool provided by National Institute of Justice, National Law Enforcement and Corrections Technology Center). Access to the CAPRAD system is available at <http://caprad.nlectc.du.edu>.

¹⁴ See 47 C.F.R. § 90.527.

¹⁵ 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. In addition, the NCC was 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 Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/nccsubcom.jsp>.

Review of the Region 10 700 MHz Plan. Region 10 convened its first meeting on January 24, 2002,¹⁶ wherein it elected its chairman and other committee officers, and established three subcommittees: Outreach, Plan Development and Technical.¹⁷ The Plan includes By-laws,¹⁸ a detailed membership list,¹⁹ meeting notices and summaries.²⁰ The Plan describes the procedures for requesting spectrum allotments,²¹ details the application review and scoring process,²² and outlines system implementation criteria and spectrum utilization.²³ The State of Georgia, Georgia Technology Authority, State Interoperability Executive Committee (SIEC) administers the interoperability channels.²⁴ In addition, the Plan provides guidelines for use of low power channels²⁵ and addresses the continued usage of the CAPRAD system.²⁶ The Region 10 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁷

The Region 10 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁸ The Plan was coordinated with all five adjacent regions to Region 10, including: Region 1

¹⁶ See Plan, Section 2.1 – Notification Process at 6 (the convening meeting was held at the Georgia Public Safety Training Center, Forsyth, GA).

¹⁷ *Id.* Meeting notifications were published by FCC public notice, placement in the Association of Public Safety Communications Officials, Inc. magazine and *The Atlanta Journal Constitution*. The Georgia Mutual Aid Group and National Emergency Number Association, GA Chapter, all counties in GA, and all know public safety and public service associations were mailed or emailed an announcement of the convening meeting.

¹⁸ See Plan, Appendix A – Region 10 By-Laws at 24-28.

¹⁹ See Plan, Appendix B – Region 10 Members, Agencies, Contact Information and Voting Status at 30-32.

²⁰ See Plan, Appendix D – List of Meetings, Summaries of Meetings, Agendas at 41-42 (includes Jan. 24, 2002 Meeting Summary).

²¹ See Plan, Section 3.1 – Procedure for Requesting Spectrum Allotments at 8-16.

²² See Plan, Section 4.0 – Priority Matrix at 17-18 (used in the event that spectrum allocation requests conflict and cannot be accommodated).

²³ See Plan, Section 7.0 – System Design/Efficiency Requirements (includes recommended interference protection criteria, spectrum efficiency standards, orphaned channel utilization, and traffic loading studies for narrowband systems); see also, Plan Appendix F – NCC 700 MHz Pre-Assignment Rules and Recommendations at 62-81.

²⁴ See Plan, Section 8 – Interoperability Channels at 22 (Region 10 states it will work with the State of Georgia’s SIEC); see also, Plan, Appendix E – 700 MHz Interoperability/Channel Nomenclature at 60-61.

²⁵ See Plan, Section 3.4 – Low Power Analog Eligible Channels (utilization of low power channels 1-8 paired with 961-968 and 949-958 paired with 909-918 for on-scene incident response, and low power itinerant channels 9-12 paired with 969-972 and 959-960 paired with 1919-1920 licensed for nationwide operation). See also, 47 C.F.R. § 90.531(b)(3) narrowband low power channels subject to regional planning, and Section 90.531(b)(4) narrowband low power itinerant channels (transmissions are limited to an effective radiated power (ERP) of no more than two (2) watts).

²⁶ See Plan, Section 3.2 – Frequency Coordination at 11-12 (Region 10 will maintain its regional plan, current frequency allotment and allocation information on the CAPRAD database).

²⁷ See Plan, Section 10 – Certification at 23 (signed by RPC Chairman Jim Mollohan, on June 23, 2008).

²⁸ See Plan, Appendix G – Region 10 700 MHz Spectrum Allotments at 83-109; see also, Plan, Section 7.2 – Spectrum Efficiency Standards at 19-20 (initial allotments are established in 25 kHz channel bandwidth blocks for flexibility to accommodate multiple technologies utilizing multiple bandwidths).

(Alabama), Region 9 (Florida), Region 31 (North Carolina), Region 37 (South Carolina), and Region 39 (Tennessee).²⁹

On May 8, 2009, the Bureau released a *Public Notice* seeking comment on the Region 10 Plan.³⁰ We received no comments on the plan. 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 10 (Georgia) 700 MHz Public Safety Plan 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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²⁹ 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); see also, Plan, Appendix H – Inter-Regional Dispute Resolution Agreement at 110-113; Plan, Attachments – Adjacent States LOCs and Inter-Regional Coordination Procedures and Dispute Resolution Agreements at 134-148 (signed by all adjacent regions).

³⁰ See Public Safety and Homeland Security Bureau Seeks Comments on Region 10 (Georgia) 700 MHz Regional Planning Committee Proposed Public Safety Plan, PS Docket No. 06-229, WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 5399 (PSHSB 2009). Comments were due May 28, 2009, and reply comments were due June 8, 2009.