



# PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES  
REGION 28 (DELAWARE, SOUTHERN NEW JERSEY AND EASTERN PENNSYLVANIA)  
700 MHZ REGIONAL PLAN**

**WT Docket No. 02-378**

*Introduction.* On January 28, 2009, the Region 28 (Delaware, Southern New Jersey and Eastern Pennsylvania)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) (Region 28) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use<sup>2</sup> spectrum in the 769-775/799-805 MHz band for review and approval.<sup>3</sup> For the reasons discussed below, we approve the Region 28 700 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.<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) reviewing and accepting proposed plans (or amendments to approved plans), or rejecting them with an explanation.<sup>6</sup>

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<sup>1</sup> The Region 28 (Delaware, Eastern Pennsylvania, Southern New Jersey) 700 MHz regional planning area includes the entire state of Delaware, the Pennsylvania counties of Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming, and York, and the Southern New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.

<sup>2</sup> 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.

<sup>3</sup> See Letter from Richard R. Reynolds, Chairman, Region 28, to Office of the Secretary, Federal Communications Commission, WT Docket No. 02-378 (filed Jan. 28, 2009) (submitting regional plan).

<sup>4</sup> 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.

<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>.

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

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).

*Plan Requirements.* Each RPC is required to submit its plan for the assignment of licenses for General Use spectrum.<sup>8</sup> Each regional plan must contain certain elements<sup>9</sup> and must be coordinated with adjacent regions.<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup> RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).<sup>15</sup>

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<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) (*Second Report and Order*).

<sup>8</sup> 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.

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

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

<sup>11</sup> 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.

<sup>12</sup> *Id.* at 193-94 ¶ 84.

<sup>13</sup> See Plan, Appendix G – Channel Allotments by Geographic Area at 108-119. Region 28 utilizes the Computer Assisted Pre-coordination Resource and Database System (CAPRAD), 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>.

<sup>14</sup> See 47 C.F.R. § 90.527.

<sup>15</sup> 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

*Review of the Region 28 700 MHz Plan.* Region 28 convened its first meeting on June 24, 2004,<sup>16</sup> in which it elected its chairman and other committee officers and formed three subcommittees, including: Regulatory, Operations and Technical Subcommittees.<sup>17</sup> The Plan includes By-laws,<sup>18</sup> a detailed membership list,<sup>19</sup> and meeting minutes.<sup>20</sup> The Plan describes the procedures for requesting spectrum allotments,<sup>21</sup> details the application review and scoring process,<sup>22</sup> and outlines system design and efficiency requirements.<sup>23</sup> Region 28 notes that the relevant State Interoperability Executive Committee (SIEC) in each state exercises control over the SIEC designated interoperability channels.<sup>24</sup> In addition, the Plan provides guidelines for use of low power channels,<sup>25</sup> and addresses the initial use of the CAPRAD system.<sup>26</sup> The Region 28 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).<sup>27</sup>

The Region 28 Plan pre-allocates the consolidated narrowband General Use spectrum by county.<sup>28</sup> The Plan was coordinated with all five adjacent regions to Region 28, including: Region 8 (New York Metropolitan Area), Region 20 (District of Columbia, Maryland and Northern Virginia), Region 30 (New York-Albany), Region 36 (Western Pennsylvania), and Region 55 (New York-Buffalo).<sup>29</sup>

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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>.

<sup>16</sup> See Plan, Appendix D – Meeting Notices and Related Documentation at 71.

<sup>17</sup> See Plan, Section 1.4 – Composition and Role of Committees at 2.

<sup>18</sup> See Plan, Appendix A – Bylaws of Region 28 at 59-63.

<sup>19</sup> See Plan, Appendix B – Region 28 Member List and Contact Information at 64-68.

<sup>20</sup> See Plan, Appendix D – Meeting Notices and Related Documentation at 71-100.

<sup>21</sup> See Plan, Section 3.2 – Application Requirements at 8-9 (application content summary).

<sup>22</sup> See Plan Section 3.3 – Application Scoring and Review Chart at 10-25; *see also* Plan, Section 3.4 – Overview of Technical Review Process at 26.

<sup>23</sup> See Plan, Section 6.0 – System Design/Efficiency Requirements at 49-52. *See also* Plan, Section 3.10 – How Region 28 Maximized Spectrum at 31-32 (the Technical Committee will assign channels based on the applicant’s proposed technology).

<sup>24</sup> See Plan Section 7.0 – Interoperability Channels at 53-54 (planning area covers all or portions of three states: Delaware, Southern New Jersey and Eastern Pennsylvania).

<sup>25</sup> See Plan, Section 3.11 – Low Power Channels at 32-33 (low power interoperability frequencies are limited to transmissions with effective radiated power (ERP) of no more than two (2) watts).

<sup>26</sup> See Plan, Section 8.0 – Future Planning at 55 (Region 28 initial CAPRAD allotments will be known as “Window One.” Channels identified in this plan will be available to applicants operating in the geographic areas listed in Plan, Appendix G, for a period of three years following Bureau plan approval). *See also* Plan, Section 3.10 – How Region 28 Maximized Spectrum at 31-32 (the Technical Committee will assign channels based on the applicant’s proposed technology).

<sup>27</sup> See Plan, Section 9 – Certification at 57 (signed Jan. 27, 2009).

<sup>28</sup> See Plan, Appendix G – Channel Allotments by Geographic Area at 108-119.

<sup>29</sup> See Plan, Section 5 – Coordination with Adjacent Regions at 42-48 (signed letters of concurrence).

On May 15, 2009, the Bureau released a *Public Notice* seeking comment on the Region 28 Plan.<sup>30</sup> 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 28 (Delaware, Southern New Jersey and Eastern Pennsylvania) 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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<sup>30</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 28 (Delaware, Southern New Jersey and Eastern Pennsylvania) 700 MHz Regional Planning Committee Proposed Public Safety Plan, PS Docket No. 06-229, WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 5648 (PSHSB 2009). Comments were due June 4, 2009, and reply comments were due June 15, 2009.