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DA 09-2276

October 22, 2009

## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 6 (NORTHERN CALIFORNIA) 700 MHZ REGIONAL PLAN

### WT Docket No. 02-378

*Introduction.* On January 5, 2009, the Region 6 (Northern California)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) (Region 6) 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> On March 16, 2009, Region 6 submitted a certification, pursuant to Section 90.527(a)(8) of the Commission's rules, which requires that all planning meetings held were open to the public.<sup>4</sup> On May 11, 2009, Region 6 rescinded its plan to review and revise, as needed, its channel loading criteria and channel allotments.<sup>5</sup> Lastly, on June 29, 2009, Region 6 resubmitted its regional plan.<sup>6</sup> For the reasons set forth below, we approve the Region 6 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>7</sup> Each of the fifty-five (55) RPCs is required to

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<sup>1</sup> The Region 6 (Northern California) 700 MHz regional planning area includes forty-eight (48) counties in the state of California situated north of the northernmost borders of San Luis Obispo, Kern, and San Bernardino counties.

<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 Randall Hagar, Chair, Region 6 700 MHz Regional Planning Committee, to Office of the Secretary, Federal Communications Commission, PS Docket No. 06-229 (filed Jan. 5, 2009) (submitting regional plan).

<sup>4</sup> See 47 C.F.R. § 90.527(a)(8); see also Letter from Randall Hagar, Chair, Region 6 700 MHz Regional Planning Committee, to Office of the Secretary, Federal Communications Commission, PS Docket No. 06-229, WT Docket No. 02-378 (Mar. 16, 2009) (submitting certification).

<sup>5</sup> See Brief Comment from Randall Hagar, Chair, Region 6 700 MHz Regional Planning Committee, to Office of the Secretary, Federal Communications Commission, PS Docket No. 06-229, WT Docket No. 02-378 (filed May 11, 2009) (rescinding January 5, 2009 plan submission).

<sup>6</sup> Letter from Randall Hagar, Chair, Region 6 700 MHz Regional Planning Committee, to Office of the Secretary, Federal Communications Commission, PS Docket No. 06-229, WT Docket No. 02-378 (filed June 29, 2009) (resubmitting regional plan).

<sup>7</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.

submit its plan for the General Use spectrum.<sup>8</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>9</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>10</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 committee is required to submit its plan for the assignment of licenses for General Use spectrum.<sup>11</sup> Each regional plan must contain certain elements<sup>12</sup> and must be coordinated with adjacent regions.<sup>13</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>14</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>15</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>16</sup> However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the

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<sup>8</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>9</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

<sup>10</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>11</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>12</sup> See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

<sup>13</sup> See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

<sup>14</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>15</sup> *Id.* at 193-94 ¶ 84.

<sup>16</sup> See Plan, Attachment A – Region 6 Frequency Allotment Plan at 26-62.

Commission's regional plan requirements.<sup>17</sup> RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).<sup>18</sup>

*Review of the Region 6 700 MHz Plan.* Region 6 convened its first meeting on May 16, 2002,<sup>19</sup> wherein it elected its chairman and other committee officers, and established three subcommittees: Plan Writing, Spectrum Planning, and Operations. The Plan includes By-laws,<sup>20</sup> a detailed membership list,<sup>21</sup> meeting notices and summaries.<sup>22</sup> The Plan describes the procedures for requesting spectrum allotments<sup>23</sup> and frequency coordination,<sup>24</sup> details the application review process,<sup>25</sup> and outlines system implementation and interference protection criteria, and spectrum utilization.<sup>26</sup> The California State Interoperability Executive Committee (CalSIEC) administers the interoperability channels.<sup>27</sup> In addition, the Plan provides guidelines for use of low power channels.<sup>28</sup> The Region 6 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).<sup>29</sup>

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<sup>17</sup> See 47 C.F.R. § 90.527.

<sup>18</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 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>.

<sup>19</sup> See Plan, Section 4 – Notification Process at 15 (all meetings were advertised in the Northern Chapter of Association of Public Safety Communications Officials International, Inc. (NAPCO), newsletter with circulation to all Region 6 public safety agencies. In addition, FCC public notices were released announcing each meeting.) Region 6 maintains a website for the 700 MHz and 800 MHz RPCs at <http://rgn6rpc.org>.

<sup>20</sup> See Plan, Attachment B – By-Laws at 63-71.

<sup>21</sup> See Plan, Attachment D – Region 6 700 MHz RPC Membership Roster and Meeting Attendance Records at 73-80.

<sup>22</sup> See Plan, Appendix E – Official Meeting Announcements, Agenda and Minutes at 82-140.

<sup>23</sup> See Plan, Section 5.2 – Procedure for Requesting Spectrum Allocations at 16 (applications will be processed on a first-come, first-served basis).

<sup>24</sup> See Plan, Section 5.3 – Procedure for Frequency Coordination (and application requirements) at 16-18.

<sup>25</sup> See Plan, Section 8 – Allocation of Narrowband “General Use” Spectrum at 20 (the Frequency Advisory Subcommittee will request information through a series of questions to each agency to validate the need for spectrum and prevent duplicate requests involving multi-agency systems). Region 6 encourages small agencies to join multi-agency systems where possible, however compelling justification will be considered on a case-by-case basis.

<sup>26</sup> See Plan, Section 10 – Spectrum Utilization at 24-25 (systems must be designed for minimum signal strength of 40 dBμ emissions throughout the applicant's jurisdiction, and shall not emit more than 3 miles beyond the jurisdictional borders to ensure maximum protection).

<sup>27</sup> See Plan, Section 6 – Interoperability Channels at 18-20 (Region 6 defers to the California State Interoperability Executive Committee (CalSIEC) for all interoperability plans relative to 700 MHz and participates in the CalSIEC planning process).

<sup>28</sup> See Plan, Section 8.2 – Low Power Channels at 21-22; see also 47 C.F.R. § 90.531(b)(3) (narrowband low power channels subject to regional planning); Section 90.531(b)(4) (narrowband low power and low power itinerant channel transmissions limited are to an ERP of no more than two (2) watts).

<sup>29</sup> See Plan, Attachment H – Certification at 147.

The Region 6 Plan pre-allocates the consolidated narrowband General Use spectrum by county.<sup>30</sup> The Plan was coordinated with all three adjacent regions to Region 6: Region 5 (Southern California), Region 27 (Nevada), and Region 35 (Oregon).<sup>31</sup>

On August 25, 2009, the Bureau released a *Public Notice* seeking comment on the Region 6 Plan.<sup>32</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 6 (Northern California) 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 Plan, Attachment A – Region 6 Frequency Allotment Plan at 26-62 (The frequencies are allotted by geographic and geo-political boundaries of the northern California counties within Region 6). Region 6 “repacked” the CAPRAD basic allotments by reducing the channel size from 25 kHz to 12.5 kHz for voice channels, and provisioning for 25 kHz channels in several, but not all counties. The allotment plan defines how the narrowband 700 MHz frequencies may be deployed within Region 6, with the maximum amount of reuse, and minimizing interference. It does not allocate channels to a given county or agency.

<sup>31</sup> See Plan, Attachment F – Adjacent Region Concurrence Letters at 142-144; *see also*, Plan, Attachment I – Regional Dispute Resolution Agreements at 148-152.

<sup>32</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 6 (Northern California) 700 MHz Regional Planning Committee Proposed Public Safety Plan, PS Docket No. 06-229, WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 10977 (PSHSB 2009). Comments were due September 14, 2009, and reply comments were due September 24, 2009.