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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 14 (INDIANA) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On June 24, 2009, the Region 14 (Indiana)¹ 700 MHz Regional Planning Committee (RPC) (Region 14) 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 In addition, on August 20, 2009, Region 14 submitted a signed certification stating that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).⁴ For the reasons discussed below, we approve the Region 14 700 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.⁵ Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.⁶ 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

¹ The Region 14 (Indiana) 700 MHz regional planning area includes eighty-two (82) of the ninety two (92) State of Indiana counties. Ten (10) northwest Indiana counties, not included in Region 14, are part of the thirty three (33) counties which make up the Region 54 (Southern Lake Michigan) 700 MHz Planning Region.

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 H. Anthony Stantz, Chair, Region 14 (Indiana) 700 MHz Regional Planning Committee, to David Furth, Acting Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, PS Docket No. 06-229, WT Docket No. 02-378 (filed June 24, 2009) (submitting regional plan).

⁴ See Letter from H. Anthony Stantz, Chair, Region 14 (Indiana) 700 MHz Regional Planning Committee, to Jamie Barnett, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, WT Docket No. 02-378 (filed Aug. 20, 2009) (submitting certification).

⁵ 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.

⁶ 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/>.

must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁷

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁸ 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.⁹ Each regional plan must contain certain elements¹⁰ and must be coordinated with adjacent regions.¹¹ 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.¹² 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.¹³

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.¹⁴ However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the

⁷ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

⁸ 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*).

⁹ 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.

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

¹¹ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

¹² 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.

¹³ *Id.* at 193-94 ¶ 84.

¹⁴ See Plan, Appendix G – CAPRAD Frequency Sort by Region 14 County (average number of General Use 25 kHz channel allotments per county is 8.2). 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>.

Commission's regional plan requirements.¹⁵ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁶

Review of the Region 14 700 MHz Plan. Region 14 convened its first meeting on November 14, 2001,¹⁷ wherein it elected its chairman.¹⁸ At subsequent meetings, five subcommittees were formed including: Rules, Membership, Implementation, Interoperability and Technical. The Plan includes By-laws,¹⁹ a detailed membership list,²⁰ meeting notices and summaries.²¹ The Plan describes the procedures for requesting spectrum allotments,²² details the application review and scoring process,²³ and outlines system implementation criteria and spectrum utilization.²⁴ The State of Indiana has elected to administer the 700 MHz interoperability channels through its State Interoperability Executive Committee (SIEC).²⁵ In addition, the Plan provides guidelines for use of low power channels²⁶ and addresses the continued

¹⁵ See 47 C.F.R. § 90.527.

¹⁶ 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>.

¹⁷ See Plan, Executive Summary at 1.

¹⁸ *Id.* Meeting notifications were published by FCC public notice, and by placement in the Association of Public Safety Communications Officials, Inc., and *Radio Resource* magazines. In addition, the associations of Indiana Counties, Indiana Fire Chiefs, Indiana Sheriffs, and Indiana Chiefs of Police were notified of all RPC meetings held. In addition, Region 14 maintains a web site at <http://region14rpc.googlepages.com>.

¹⁹ See Plan, Appendix A – Bylaws 64-70.

²⁰ See Plan, Appendix B – Region 14 Membership at 71.

²¹ See Plan, Appendix C – Meeting Announcements at 72-88; see also Plan, Appendix D – Meeting Summaries, Comments and Sign-In Sheets at 89-114.

²² See Plan, Section 11 – Allocation of General Use Spectrum at 53-54 (allotments will be made in 25 kHz channel blocks to allow for implementation of various digital technologies). Region 14 “county areas” are defined as the geographical/political boundaries of a given county, plus a distance of 10 miles outside of the county.

²³ See Plan, Section 12 – An Explanation of How Needs Were Assigned Priorities in Areas Where Not All Eligibles Could Receive Licenses at 55-59 (scoring matrix used to evaluate applications).

²⁴ See Plan, Section 8 – 700 MHz Pre-Assignment Rules; see also Section 13 – An Explanation of How All the Region Eligibles' Needs were Considered, and to the Extent Possible, Met at 60-61 (application process and requirements). Region 14 will review applications on a first-come, first-served basis.

²⁵ See Plan, Executive Summary at 2. Region 14 participates in Indiana's SIEC and has established minimum interoperability channel requirements for all radios within the Region; see also Plan, Sections 9 – 10 Utilization of National and Regional Interoperability Channels at 43-52 (tactical channels are subdivided into discipline or use categories, *i.e.*, EMS, Fire, Law, Mobile Repeater, etc.).

²⁶ See Plan, Section 7.4 – Low Power Channels at 17-18 (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 Plan, Table 4 – List of 700 MHz Narrowband Low Power Frequencies at 19-20. 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).

usage of the CAPRAD system.²⁷ The Region 14 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁸

The Region 14 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁹ The Plan was coordinated with all five adjacent regions to Region 14 including: Region 13 (Illinois), Region 17 (Kentucky), Region 21 (Michigan), Region 33 (Ohio), and Region 54 (Southern Lake Michigan).³⁰

On August 31, 2009, the Bureau released a *Public Notice* seeking comment on the Region 14 Plan.³¹ 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 14 (Indiana) 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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²⁷ See Plan, Executive Summary at 2 (the RPC will update CAPRAD as applications are processed, coordinated and granted).

²⁸ See Letter from H. Anthony Stantz, Chair, Region 14 (Indiana) 700 MHz Regional Planning Committee, to Jamie Barnett, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, PS Docket No. 06-229, WT Docket No. 02-378 (filed Aug. 20, 2009) (submitting signed certification).

²⁹ See Plan, Appendix G – Frequency Sort for Region 14 by County at 118-154 (channel allotments).

³⁰ See Plan, Appendix K – Adjacent Region Letters of Concurrence; see also Plan, Appendix H - Dispute Resolution Process and Agreements (signed by all regions adjacent to Region 14).

³¹ See Public Safety and Homeland Security Bureau Seeks Comments on Region 14 (Indiana) 700 MHz Regional Planning Committee Proposed Public Safety Plan, PS Docket No. 06-229, WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 11310 (PSHSB 2009). Comments were due September 21, 2009, and reply comments were due October 1, 2009.