



PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES
REGION 9 (FLORIDA) NPSPAC REGIONAL PLANNING COMMITTEE NON-
STREAMLINED AMENDMENT TO REFLECT 800 MHZ BAND RECONFIGURATION IN
THE 806-809/851-854 MHZ BAND**

WT Docket No. 02-55, Gen. Docket No. 90-119

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) approves the National Public Safety Planning Advisory Committee (NPSPAC) non-streamlined regional plan amendment (Non-Streamlined Amendment) reflecting the new 806-809/851-854 MHz band allotments submitted by the Region 9 regional planning committee (RPC).¹ For the reasons discussed below, we approve the Region 9 800 MHz Plan Non-Streamlined Amendment.

The *800 MHz Report and Order* and subsequent orders in WT Docket No. 02-55 provide for reconfiguration of the 800 MHz band in order to eliminate harmful interference to public safety operations within the band.² As part of band reconfiguration, in all non-border areas, the former NPSPAC band at 821-824/866-869 MHz has shifted fifteen megahertz lower in the band to 806-809/851-854 MHz, and NPSPAC incumbents are in the process of relocating from the old to the new band. As a consequence of 800 MHz band reconfiguration, all non-border 800 MHz RPCs³ are required to amend their regional plans currently on file with the Commission to reflect the fifteen-megahertz shift in the NPSPAC band from 821-824/866-869 MHz to 806-809/851-854 MHz.⁴

¹ See Letter from Ray Carlson, Chair, Region 9 (Florida) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, PR Docket No. 93-130 (filed Apr. 16, 2009) (submitting Non-Streamlined Plan Amendment).

² See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004).

³ RPCs for all NPSPAC regions in Waves 1, 2, and 3, other than Region 19 (New England), must file amendments. NPSPAC Region 19 and all NPSPAC regions in Wave 4 are excluded from this requirement, and RPCs for these regions are not required to submit amended plans at this time. We will provide information on the plan amendment process for these regions at a later date, after the 800 MHz Transition Administrator determines replacement channel assignments for NPSPAC licensees in the U.S. – Canada and U.S. – Mexico border areas.

⁴ Amendments limited to changing frequency, downward, by 15 MHz are filed using a “Streamlined Amendment” procedure in which applicants need not obtain concurrence of adjoining regions. A “Non-Streamlined Amendment,” is required otherwise, and applicants must obtain adjoining region concurrence and describe other proposed changes to the plan. See *Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Plans to Reflect 800 MHz Reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band*, WT Docket No. 02-55, *Public Notice*, 24 FCC Rcd 1364 (PSHSB 2009).

The Commission's policies require the RPCs to prepare and submit regional plans for use of the NPSPAC band in their respective Public Safety Regions.⁵ The RPCs must also update their regional plans as needed to conform to changes in the nationwide NPSPAC band plan, and to reflect other changes in the disposition of NPSPAC channels within the region, technical requirements, or procedures for assigning channels.⁶

On April 16, 2009, the Region 9 (Florida)⁷ 800 MHz NPSPAC Regional Planning Committee submitted a proposed Non-Streamlined Plan Amendment for review and approval.⁸ In addition to changes to the channel allocations,⁹ the Non-Streamlined Amendment included the following modifications:

- Modified Section 4.5 - Florida Region Channel Allotment Process - to reflect a new application process. Application review and channel allotments will be made on a first-come, first-served basis.¹⁰
- Updated the names, addresses and web links.¹¹
- Removed former Section 6.2.2 - Terrain Profile Graphs - because the Florida Regional Interference Program (FRIP) includes a built-in terrain elevation database.¹²
- Removed Table VIII – Statewide VHF Pairs - due to obsolescence.
- Reorganized and reformatted several sections for simplicity, consistency and clarity, leaving Sections 1, 2 and 3 unchanged.

Furthermore, Region 9 provided evidence of coordination with its two adjacent regions: Region 1 (Alabama) and Region 10 (Georgia).¹³

⁵ See 47 C.F.R. § 90.16 (no assignments will be made in spectrum designated for the Public Safety National Plan until a regional plan for the area has been accepted by the Commission); *see also* Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services, Gen. Docket No. 87-112, *Report and Order*, 3 FCC Rcd 905 (1987) (*National Plan Report and Order*).

⁶ See *National Plan Report and Order*, 3 FCC Rcd at 911 ¶57.

⁷ The Region 9 (Florida) 800 MHz NPSPAC regional planning area encompasses the entire state of Florida, consisting of 67 counties.

⁸ See Letter from Ray Carlson, Chair, Region 9 (Florida) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, PR Docket No. 93-130 (filed Apr. 16, 2009) (submitting Non-Streamlined Plan Amendment).

⁹ See Non-Streamlined Plan Amendment, Section 4.6 - Tables of Region-9 Channel Allotments at 13 (Table III depicts all channel allotments, including licensed channels, sorted alphabetically by county. Table IV lists the channel allotments sorted by FCC channel number).

¹⁰ See *id.* Section 4.5 – Florida Region Channel Allotment Process at 12.

¹¹ See *id.* Section 2 – Development of the Florida Region Plan, Table I – Florida Region 9 and Subregion Chairmen at 7. A master copy of the Region 9 Plan is located on the web at http://dms.myflorida.com/suncom/public_safety/radio_communications/radio_communication_plans.

¹² See *id.* Section 6.2.2, now titled “State of Florida Implementation of Mutual Aid Channels” at 58, replacing the former Section 6.2.2 – Terrain Profile Graphs.

¹³ See *id.* Appendix F – Adjacent Region Concurrence with the Florida Region Plan at 73-74 (providing letters of concurrence from adjacent regions).

On October 2, 2009, the Bureau released a *Public Notice* seeking comment on the amended Region 9 Plan.¹⁴ We received no comments. We have reviewed the Region 9 Non-Streamlined Plan Amendment and conclude, based on the information before us, 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 9 800 MHz NPSPAC Non-Streamlined 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 Deputy Chief, Public Safety and Homeland Security Bureau.

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¹⁴ See Public Safety and Homeland Security Bureau Seeks Comments on Region 9 (Florida) Non-Streamlined Amendment to Reflect 800 MHz Band Reconfiguration in the 806-809/851-854 MHz Band, WT Docket No. 02-55, Gen. Docket No. 90-287, *Public Notice*, 24 FCC Rcd 12232 (PSHSB 2009). Comments were due Oct. 22, 2009 and reply comments were due November 2, 2009.