



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENTS ON REGION 19 (NEW ENGLAND) 700 MHZ REGIONAL PLAN AMENDMENT

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

Comments Due: February 5, 2009

Reply Comments Due: February 17, 2009

Introduction. On July 31, 2007, the Federal Communications Commission (Commission) adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.¹ 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).

Background. In revising the band plan for the public safety 700 MHz band, the Commission noted that consolidating the narrowband channels in the upper part of the band will impact approved and pending 700 MHz regional planning committee (RPC) plans (*i.e.*, require that the plans be amended).² The Commission required RPCs with approved plans or plans on file to submit amended plans consistent with the decisions adopted in the *Second Report and Order* by November 23, 2007.³ On November 9, 2007, the Public Safety and Homeland Security Bureau (Bureau) extended the deadline for RPCs to

¹ 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*).

² *Id.* at 15414 ¶ 346. The narrowband General Use spectrum is administered by RPCs and licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination. 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, *Fourth Memorandum Opinion and Order*, 17 FCC Rcd 4736, 4738 n.8 (2002).

³ As of the adoption date of the *Second Report and Order*, the following regional plans had been approved: Region 5 (Southern California), Region 19 (New England), Region 24 (Missouri), Region 22 (Minnesota), Region 12 (Idaho), Region 29 (Tennessee), Region 43 (Washington), Region 41 (Utah), Region 3 (Arizona), and Region 40 (Northern Texas). The following regional plans were pending as of the adoption date of the *Second Report and Order*: Region 1 (Alabama), Region 27 (Nevada), Region 45 (Wisconsin), Region 7 (Colorado), Region 9 (Florida), Region 16 (Kansas), and Region 20 (Northern Virginia, Maryland and the District of Columbia).

submit amended plans, consistent with the decisions adopted in the *Second Report and Order*, to January 31, 2008, and provided additional guidance for the development of plan amendments.⁴

Region 19 Plan Amendment Waiver Request. On February 1, 2008, the Region 19 (New England)⁵ 700 MHz Regional Planning Committee (Region 19) submitted a proposed amendment to its 700 MHz Public Safety Plan for review and approval.⁶ Region 19 concurrently requested a temporary, limited waiver of Section 90.527(a)(3) and (6) of the Commission's rules, 47 C.F.R. §§ 90.527(a)(3), (6) (requiring that regional plans incorporate a general description of how the spectrum would be allotted among the various eligible users, and a detailed description of how the plan put the spectrum to the best possible use).⁷ Region 19 states that it utilizes the Computer Assisted Pre-allocation Resource and Database (CAPRAD) program as a guideline for assigning spectrum. However, CAPRAD was not updated to reflect the new consolidated narrowband frequencies prior to the Bureau's plan amendment filing deadline.⁸ On May 15, 2008, Region 19 submitted a letter of concurrence from Region 30 (New York-Albany).⁹ Lastly, on November 20, 2008, Region 19 submitted a revised Plan Part 2, Appendix L – Region 19 New England Channel Allotment.¹⁰ As a result, the waiver request is now moot.

Region 19 Plan Amendment. The Plan Amendment revises all references to the former General Use band, to the new narrowband consolidated band and includes a new Part 2, Appendix L – Region 19 New England Channel Allotment.¹¹ The revised Appendix L frequency and channel allocation table reflects allocations in the new consolidated narrowband segments 769-775 MHz and 799-805 MHz.

Region 19 coordinated the Plan Amendment and obtained letters of concurrence from the two regions adjacent to Region 19: Region 8 (New York Metropolitan Area) and Region 30 (New York-Albany).¹²

⁴ See Public Safety and Homeland Security Bureau Announces an Extension of the Deadline for 700 MHz Regional Planning Committees to Amend 700 MHz Narrowband Plans from November 23, 2007 to January 31, 2008, PS Docket No. 06-229, WT Docket No. 96-86, *Public Notice*, 22 FCC Rcd 19461 (2007).

⁵ The Region 19 (New England) 700 MHz regional planning area encompasses six states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. The three northernmost states, Maine, New Hampshire and Vermont, share a border with Canada.

⁶ See Letter from George J. Pohorilak, Region 19 (New England) 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 07-132 (filed Feb. 1, 2008) (submitting Plan Amendment and Waiver Request). The Region 19 plan was initially approved in August 2005. See Wireless Telecommunications Bureau Approves Region 19 (New England) 700 MHz Plan, WT Docket No. 02-378, *Public Notice*, 20 FCC Rcd 14375 (WTB 2005).

⁷ See Waiver Request at 1; see also 47 C.F.R. §§ 90.527(a)(3), (6).

⁸ See Waiver Request at 1.

⁹ Letter from George J. Pohorilak, Region 19 (New England) 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 02-378, PS Docket No. 06-229 (filed May 15, 2008) (submitting Region 30 (New York-Albany) letter of concurrence).

¹⁰ See Letter from George J. Pohorilak, Region 19 (New England) 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 02-378, PS Docket No. 06-229 (filed Nov. 20, 2008) (submitting Appendix L – Region 19 New England Channel Allotment (revised November 2008)).

¹¹ See Plan Amendment Part 1, Introduction and Summary at 2.

¹² See Plan Amendment Part 2, Appendix O – Correspondence Regarding Adjacent Region Approval (revised May 15, 2008).

Interested parties may file comments on the Plan Amendment on or before **February 5, 2009**. Parties interested in submitting reply comments must do so on or before **February 17, 2009**. All comments and reply comments should reference the subject plan amendment and **PS Docket No. 06-229** and **WT Docket No. 02-378**. Comments and reply comments may be filed by using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments and reply comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS Filers: In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an email to ecfs@fcc.gov and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to: Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via email to fcc@bcpiweb.com.

The plan amendment is available through ECFS at ecfs@fcc.gov. Region 19 Plan Amendment documents in **PS Docket No. 06-229** and **WT Docket No. 02-378** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, email fcc@bcpiweb.com.

For further information regarding this matter, contact Jeannie Benfaida, Policy Division, Public Safety and Homeland Security Bureau at (202) 418-2313 or Jeannie.Benfaida@fcc.gov.

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