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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 9 (FLORIDA) REVISED 700 MHZ REGIONAL PLAN

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

Introduction. On January 31, 2008, the Region 9 (Florida)¹ 700 MHz Regional Planning Committee (RPC) (Region 9) submitted a proposed revised 700 MHz Public Safety Plan (Revised Plan) for General Use² spectrum in the 769-775/799-805 MHz band.³ On March 31, 2008, Region 9 resubmitted Section 4.5 of its Revised Plan and provided missing letters of concurrence (LOC) from adjacent regions, Region 1 (Alabama) and Region 10 (Georgia), to cure certain deficiencies identified upon initial review.⁴ On October 24, 2008, Region 9 resubmitted updated LOCs from Region 1 and Region 10.⁵ For the reasons discussed below, we approve the Region 9 700 MHz Revised Plan.

Background. In 1998, the Federal Communications Commission (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.⁶ Each of the fifty-five RPCs is required to submit its plan for the General Use spectrum.⁷ 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;

¹ The Region 9 (Florida) 700 MHz regional planning area includes the entire state of Florida.

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 Ray Carlson, Chairman, Region 9 700 MHz Regional Planning Committee, to Office of the Secretary, Federal Communications Commission, WT Docket No. 02-378 (filed Jan. 31, 2008). Region 9 submitted its original plan to the Commission on April 24, 2007.

⁴ See Letter from Ray Carlson, Chairman, Region 9 700 MHz Regional Planning Committee, to Office of the Secretary, Federal Communications Commission, WT Docket No. 02-378 (filed Mar. 31, 2008) (submitting revised Section 4.5 and providing letters of concurrence from Region 1 (Alabama) and Region 10 (Georgia)).

⁵ See Letter from Ray Carlson, Chairman, Region 9 700 MHz Regional Planning Committee, to Office of the Secretary, Federal Communications Commission, WT Docket No. 02-378 (filed Oct. 24, 2008) (submitting updated letters of concurrence from Region 1 (Alabama) and Region 10 (Georgia)).

⁶ 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.

⁷ 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/>.

(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.⁸

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁹ 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).

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 RPC plans (*i.e.* require that the plans be amended).¹⁰ 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, 2007.¹¹ On November 9, 2007, the Public Safety and Homeland Security Bureau (Bureau) extended the deadline for RPCs to 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.¹²

Plan Requirements. Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.¹³ Each regional plan must contain certain elements¹⁴ and must be coordinated with adjacent regions.¹⁵ 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

⁸ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

⁹ 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*).

¹⁰ *Id.* at 15414 ¶ 346.

¹¹ 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 39 (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).

¹² 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 (PSHSB 2007).

¹³ 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.

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

¹⁵ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

entities within the region were given such notice.¹⁶ 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.¹⁷

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.¹⁸ 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.¹⁹ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).²⁰

Review of the Region 9 700 MHz Revised Plan. Region 9 convened its first meeting on January 17, 2001, wherein it appointed its regional chair.²¹ The Revised Plan includes Bylaws,²² a detailed membership list,²³ an outreach notification process,²⁴ and meeting minutes.²⁵ In addition, the Revised Plan describes the procedures for requesting spectrum allotments,²⁶ addresses application frequency coordination,²⁷ and outlines, generally, system implementation criteria and spectrum utilization.²⁸ The Revised Plan explains efficiency requirements, discusses the use of interoperability

¹⁶ 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.

¹⁷ *Id.* at 193-94 ¶ 84.

¹⁸ See Revised Plan, Appendix G – Region 9 Florida Channel Allotments at 54-80; see also Revised Plan Section 5.3 Orphaned Channels (defining county-like area as the geographic/political boundary plus a distance of up to 10 miles outside of the county).

¹⁹ See 47 C.F.R. § 90.527.

²⁰ 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/documents.html>.

²¹ See Revised Plan at 3.

²² See Revised Plan, Appendix A – Region 9 Bylaws (as amended May 19, 2003).

²³ See Revised Plan, Appendix B – Region 9 Members, Agencies, Contact Information and Voting Status at 22-25.

²⁴ See Revised Plan, Section 4 – Notification Process at 5.

²⁵ See Revised Plan, Appendix D – List of Meetings, Summaries of Minutes, and Agenda at 27-42 (seven meetings held over the course of a six-year period).

²⁶ See Revised Plan, Section 4.1.a Procedure for Requesting Spectrum Allocations at 6; see also Revised Plan, Section 4.3 Allocation of Narrowband “General Use” Spectrum (narrowband pool allotments have a channel bandwidth of 25 kHz to provide flexibility to accommodate multiple technologies using multiple bandwidths).

²⁷ See Revised Plan, Section 4.2 Procedure for Frequency Coordination at 8.

²⁸ See Revised Plan, Section 5.0 System Design/Efficiency Requirements (interference protections criteria, spectrum efficiency standards and the handling of “orphaned” channels) at 13-14.

channels,²⁹ and provides low power channel usage guidelines.³⁰ The Region 9 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).³¹

The Region 9 Revised Plan pre-allocates the consolidated narrowband General Use spectrum by county.³² The Revised Plan was coordinated with the two adjacent regions to Region 9, Region 1 (Alabama) and Region 10 (Georgia), and it also obtained the required Interregional Coordination Procedures and Procedures for Resolution of Disputes agreements from both adjacent regions.³³

On January 16, 2009, the Region 9 Revised Plan was placed on *Public Notice* for comment.³⁴ We received no comments. We have reviewed the Plan submitted by Region 9, 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 Revised Region 9 (Florida) 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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²⁹ Revised Plan, Section 6 Interoperability Channels (addressing tactical channels, deployable systems and the monitoring of Calling Channels); *see also* Revised Plan, Appendix E – NCC Implementation Subcommittees Table of Interoperability Channels.

³⁰ *See* Revised Plan, Section 4.4 Low Power Channels at 9-10.

³¹ *See* Revised Plan, Section 8 Certification at 16.

³² *See* Revised Plan, Appendix G – Region 9 Florida Channel Allotments at 54-80.

³³ *See* Revised Plan, Appendix H – Adjacent Regions Concurrences and Inter-Regional Dispute Resolution Agreements (submitted Jan. 30, 2008; revised Oct. 24, 2008).

³⁴ *See* Comments Invited on Region 9 (Florida) 700 MHz Regional Planning Committee Revised 700 MHz Plan, WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 365 (PSHSB 2009). Comments were due February 5, 2009, and reply comments were due February 17, 2009.