



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 19 (NEW ENGLAND AREA) 700 MHZ REGIONAL PLAN AMENDMENT

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

*Introduction.* On February 1, 2008, the Region 19 (New England)<sup>1</sup> 700 MHz Regional Planning Committee (Region 19) submitted a proposed amendment to its 700 MHz Public Safety Plan for review and approval.<sup>2</sup> 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).<sup>3</sup> Region 19 stated that it utilizes the Computer Assisted Pre-allocation Resource and Database (CAPRAD) program as a guideline for assigning spectrum.<sup>4</sup> However, CAPRAD was not updated to reflect the new consolidated narrowband frequencies prior to the Bureau's plan amendment filing deadline.<sup>5</sup> On May 15, 2008, Region 19 submitted a letter of concurrence from Region 30 (New York-Albany).<sup>6</sup> Lastly, on November 20, 2008, Region 19 submitted a revised channel allotment.<sup>7</sup> For the reasons discussed below, we approve the Region 19 700 MHz Plan Amendment, and dismiss the Waiver Request as moot.

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<sup>1</sup> 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.

<sup>2</sup> 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).

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

<sup>4</sup> The allocation plan was developed using the Computer Assisted Pre-coordination Resource and Database System (CAPRAD), a spectrum management tool provided by National Institute of Justice, National Law Enforcement and Corrections Technology Center. The CAPRAD system is available at <http://caprad.nlectc.du.edu>.

<sup>5</sup> See Waiver Request at 1.

<sup>6</sup> 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).

<sup>7</sup> 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

*Background.* 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.<sup>8</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).

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. Accordingly, 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.<sup>9</sup> On November 9, 2007, the 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.<sup>10</sup>

*Review of the Region 19 Plan Amendment.* The Plan Amendment revises all references to the former General Use band, to the new consolidated narrowband band and includes a new Part 2, Appendix L – Region 19 New England Channel Allotment.<sup>11</sup> 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).<sup>12</sup>

On January 16, 2009, the Region 19 Plan Amendment was placed on *Public Notice* for comment.<sup>13</sup> We received no comments. We have reviewed the Region 19 Plan Amendment, and

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Docket No. 06-229 (filed Nov. 20, 2008) (submitting Appendix L – Region 19 New England Channel Allotment (revised November 2008)).

<sup>8</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>9</sup> 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).

<sup>10</sup> 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).

<sup>11</sup> See Plan Amendment Part 1, Introduction and Summary at 2.

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

<sup>13</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 19 (New England) 700 MHz Plan Amendment, PS Docket No. 06-229; WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 382 (PSHSB 2009). Comments were due February 5, 2009 and reply comments were due February 17, 2009.

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 19 (New England) 700 MHz Public Safety 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 Chief, Policy Division, Public Safety and Homeland Security Bureau.

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