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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 34 (OKLAHOMA) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On January 11, 2010, the Region 34 (Oklahoma)¹ 700 MHz Regional Planning Committee (RPC) (Region 34) 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 For the reasons discussed below, we approve the Region 34 700 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.⁴ Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.⁵ 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 must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁶

¹ The Region 34 (Oklahoma) 700 MHz regional planning area includes entire state of Oklahoma consisting of seventy-seven counties, with over thirty-five (35) Native American Tribal Councils (of which twenty-two (22) maintain certified tribal law enforcement agencies).

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 Stephen Williamson, Chair, Region 34 (Oklahoma) 700 MHz Regional Planning Committee, to Office of the Secretary, Federal Communications Commission, WT Docket No. 02-378 (filed Jan. 11, 2010) (submitting regional plan).

⁴ 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.

⁵ 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/>.

⁶ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁷ 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.⁸ Each regional plan must contain certain elements⁹ and must be coordinated with adjacent regions.¹⁰ 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.¹¹ 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.¹²

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.¹³ 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.¹⁴ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁵

⁷ 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*).

⁸ 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.

⁹ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

¹⁰ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

¹¹ 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.

¹² *Id.* at 193-94 ¶ 84.

¹³ See Plan, Appendix G – Channel Assignments by Geographic Area at 110-154. The RPC utilizes 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. Access to the CAPRAD system is available at <http://caprad.nlectc.du.edu>.

¹⁴ See 47 C.F.R. § 90.527.

¹⁵ 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

Review of the Region 34 700 MHz Plan. Region 34 convened its first meeting on November 19, 2003, wherein it elected its chairman and officers, and established the Technical and Regulatory subcommittees.¹⁶ The Plan includes By-laws,¹⁷ a detailed membership list,¹⁸ and meeting notices and summaries.¹⁹ The Plan describes the procedures for requesting spectrum allotments,²⁰ details the application review and scoring process,²¹ and outlines system implementation criteria and spectrum utilization.²² The Oklahoma Statewide Interoperability Governance Board (SIGB) administers the state interoperability channels.²³ In addition, the Plan provides guidelines for use of low power channels²⁴ and addresses the continued usage of the CAPRAD system.²⁵ The Plan was adopted by its members on September 17, 2009,²⁶ and the Region 34 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁷

The Region 34 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁸ The Plan was coordinated with all nine adjacent regions to Region 34 including: Region 4 (Arkansas), Region 7 (Colorado), Region 16 (Kansas), Region 18 (Louisiana), Region 24 (Missouri),

planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/nccsubcom.jsp>.

¹⁶ See Plan, Section 2.1 – Notification Process at 14 (notifications were published by FCC public notice and Region 34 email lists); see also Plan, Appendix D – Meeting Notices and Related Documentation at 86-101.

¹⁷ See Plan, Appendix A – By-Laws of Region 34 at 75-79.

¹⁸ See Plan, Appendix B – Region 34 Membership List and Contact Information at 80-81.

¹⁹ See Plan, Appendix D – Meeting Notices and Related Documentation at 86-101 (includes meeting announcements, summaries, attendance records and Technical Subcommittee webinar notes).

²⁰ See Plan, Section 3 – Plan Administration and Frequency Coordination at 16-17; see also Section 3.2 – Application Requirements at 18-19 (includes application submission requirements); see also Plan, Section 3.5 – Coordination with Adjacent Regions at 38 (applications are reviewed by the Technical Subcommittee to ensure no harmful interference to existing licensed systems and allotments, applications without appropriate “pool” protection will be returned); see also Plan, Section 3.9 – Management of Channel Assignments at 42-43 (prior to request for approval to use channels, the applicant must be actively preparing for the development of a 700 MHz radio system).

²¹ See Plan, Section 3.3 – Scoring Matrix at 20-36 (scoring based on system type, implementation factors, intersystem interoperability, loading requirements and system density/geographic efficiency); see also, Plan, Section 3.4 – Technical Evaluation of Applications at 37.

²² See Plan, Section 6 – System Design/Efficiency Requirements at 63-66.

²³ See Plan, Section 7-7.5 – Interoperability at 67-69. See also Plan, Appendix M – National Interoperability Frequency Guide at 174-176 (lists all public safety interoperability channels in UHF, VHF, 800 MHz and 700 MHz).

²⁴ See Plan, Section 3.11 – Low Power Channels at 44-48 (describes utilization of low power channels for on-scene incident response, and low power itinerant channels licensed for nationwide operation). See also 47 C.F.R. § 90.531(b)(3) narrowband low power channels subject to regional planning.

²⁵ See Plan, Section 3.6 – Use of the CAPRAD Pre-assignment Table at 38-39.

²⁶ See Plan, Section 1.6 – Plan Development at 4.

²⁷ See Plan, Section 9 – Certification at 73 (dated January 5, 2010).

²⁸ See Plan, Appendix G – Channel Assignments by Geographic Area at 110-154.

Region 29 (New Mexico), Region 40 (North Texas-Dallas), Region 50 (Texas-El Paso), and Region 52 (Texas-Lubbock).²⁹

On February 25, 2010, the Bureau released a *Public Notice* seeking comment on the Region 34 Plan.³⁰ We received no comments. 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 34 (Oklahoma) 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 See Plan, Section 5 – Coordination with Adjacent Regions at 51-62; *see also* Plan, Appendix O – Intra-Regional Coordination Procedures and Procedures for Resolution of Disputes at 182-192.

³⁰ See Public Safety and Homeland Security Bureau Seeks Comments on Region 34 (Oklahoma) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 25 FCC Rcd 1879 (PSHSB 2010). Comments were due March 17, 2010, and reply comments were due March 29, 2010.