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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 31 (NORTH CAROLINA) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On February 22, 2011, the Region 31 (North Carolina)¹ 700 MHz Regional Planning Committee (RPC) (Region 31) 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 31 700 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

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

¹ The Region 31 (North Carolina) 700 MHz regional planning area includes all (100) counties in North Carolina.

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 Region 31 Plan submitted by Michael Hodgson, Chair, Region 31 (North Carolina) 700 MHz Regional Planning Committee, to Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed February 22, 2011) (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.

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*).

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

Review of the Region 31 700 MHz Plan. Region 31 convened its first meeting on November 18, 2003 wherein it elected its chairman and officers, and established five subcommittees.¹⁶ The Plan was

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 H - Region 31 Channel Allotment at 89-112 (Region 31 defines a county-like area to include the geo-political boundaries of a given county plus 5 miles).

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 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 3.2 – Operations of the Regional Planning Committee at 13. The five standing subcommittees include Communications, Education and Awareness, Interoperability, Planning, and Technical.

adopted by its members on October 14, 2009¹⁷ and includes By-laws,¹⁸ a detailed membership list,¹⁹ and meeting notices and summaries.²⁰ The Plan describes the procedures for requesting spectrum allotments,²¹ details the application review and scoring process,²² outlines system implementation criteria and spectrum utilization.²³ The Plan states that the State of North Carolina administers the state interoperability channels through its Statewide Interoperability Executive Council (SIEC) and that the State will hold any required licenses to operate on the interoperability frequencies.²⁴ In addition, the Plan provides guidelines for use of the low power channels,²⁵ and notes that the Computer-Aided Pre-coordination Resource Database system (CAPRAD) will be utilized to facilitate the application process.²⁶ Finally, the Region 31 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 31 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁸ The Plan was coordinated with all four adjacent regions to Region 31 including: Region 10 (Georgia), Region 37 (South Carolina), Region 39 (Tennessee), and Region 42.²⁹

¹⁷ See Plan, Executive Summary at 5; *see also*, Plan, Section 3.1 Notification Process/Operation of the Region at 12-14 (meeting notices were published by FCC public notice, and notifications were sent to the North Carolina APCO Chapter, North Carolina State Users Network, and the North Carolina National Emergency Numbering Association).

¹⁸ See Plan, Appendix A – Membership at 26-28.

¹⁹ See Plan, Appendix B – By-Laws at 29-33.

²⁰ See Plan, Appendix C – Meeting Notifications at 34-43 (includes summaries of meetings held). Meeting minutes and draft documents are available on the Region 31 list serve at http://groups.yahoo.com/group/NC_700_RPC.

²¹ See Plan, Section 4.1 – Procedure for Requesting Channels at 14 (all applications will be considered on a first come, first served basis); *see also*, Plan, Section 4.7 – Procedure for Frequency Coordination at 17.

²² See Plan, Section 4.11 – Priority Matrix at 20-21 (application evaluation matrix point system and scoring categories, noting that the matrix will be used only in the event that spectrum allocation requests conflict and all requests cannot be accommodated).

²³ See Plan, Section 7.0 – System Design/Efficiency Requirements at 22-24 (includes interference protection criteria, spectrum efficiency standards, and voice channel loading recommendations).

²⁴ See Plan, Section 5.0 Interoperability at 22 (several RPC members are also members of the state SIEC); *see also* Plan, Appendix G – Table of 700 MHz Interoperability Channels at 86-88 (includes Project 25 Common Air Interface and Interoperability Channel Technical Parameters).

²⁵ See Plan, Section 4.10 – Low Power Pool Channels at 18-20 (channels set aside for on-scene incident response purposes using low power mobiles and portables).

²⁶ See Plan, Section 9.1 – Database Maintenance at 24 (Region 31 will continue to use and maintain the CAPRAD database as a tool to perform spectrum allocations and will update the database as allocations are made and FCC authorizations are granted).

²⁷ Plan, Section 10 – Certification at 25 (by the RPC Chair, that all planning committee meetings, including subcommittee or executive meetings were open to the public).

²⁸ See Plan, Appendix H – Region 31 Channel Allotments at 89-113 (Region 31 defines a county-like area to include the geo-political boundaries of a given county plus 5 miles).

²⁹ See Plan, Section 6 – Coordination with Adjacent Regions; *see also* Plan, Appendix E - Adjacent Region Concurrences at 65-68, and Plan, Appendix F – Intra-Regional Dispute Resolutions Agreements at 69-85.

On April 4, 2011, the Bureau released a *Public Notice* seeking comment on the Region 31 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 31 (North Carolina) 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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³⁰ See Public Safety and Homeland Security Bureau Seeks Comments on Region 31 (North Carolina) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 26 FCC Rcd 5079 (PSHSB 2011). Comments were due April 25, 2011, and reply comments were due May 5, 2011.