



# PUBLIC NOTICE

Federal Communications Commission  
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August 22, 2011

## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REGION 5 (SOUTHERN CALIFORNIA) 700 MHZ REGIONAL PLAN AMENDMENT

WT Docket No. 02-378

**Comments Due: September 12, 2011**

**Reply Comments Due: September 22, 2011**

**Introduction.** On July 12, 2011, the Region 5 (Southern California)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) submitted a proposed modification (Plan Amendment) to amend its 700 MHz Public Safety Plan<sup>2</sup> for General Use spectrum in the 769-775/799-805 MHz band.<sup>3</sup> The Plan Amendment provides the following modifications:

- Revises the frequency allocations to provide a channel change allotment for the City of San Diego to permit the County of Riverside to expand to additional sites, and to resolve interference concerns impacting the County of Orange and the City of San Diego at some sites, and
- Provides new allocations for the Port of Los Angeles. The allocations are only for the vicinity of the Port of Los Angeles.

The Region 5 Planning Committee proposes these modifications in order to address the spectrum needs in the Southern California area. These modifications will enable the Region 5 Planning Committee to make allotments to specific agencies rather than to geographical areas. All three regions adjacent to Region 5, Region 3 (Arizona), Region 6 (Northern California), and Region 27 (Nevada) have reviewed and provided letters of concurrence in support of the Plan Amendment.<sup>4</sup> We have reviewed the Region 5 Plan Amendment and find it to be compliant with the applicable Commission rules and policies, and tentatively accept the Plan Amendment.

<sup>1</sup> The Region 5 (Southern California) 700 MHz regional planning area consists of ten counties: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernadino, San Diego, Kern, San Louis Obispo and Ventura.

<sup>2</sup> See Letter from David Buchanan, Chair, Region 5 700 MHz Regional Planning Committee, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 02-378 (filed July 12, 2011) (Plan Amendment).

<sup>3</sup> The General Use spectrum is administered by regional planning committees (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.

<sup>4</sup> See 47 C.F.R. 90.527(a)(5) (requiring that each regional planning committee provide an explanation of how its plan has been coordinated with adjacent regions).

**Background.** In 1998, the Commission established a structure to allow regional planning committees (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.<sup>5</sup> There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.<sup>6</sup> 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.<sup>7</sup>

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).

**Request for Comments on the Region 5 Plan Amendment.** Prior to taking further action on the Plan Amendment, by this Public Notice we solicit comments on the Region 5 Plan Amendment. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on the plan amendment on or before **September 12, 2011**. Parties interested in submitting reply comments must do so on or before **September 22, 2011**. All comments and reply comments should reference the subject plan amendment and **WT Docket No. 02-378**. Parties may file comments and reply comments 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

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<sup>5</sup> See 47 C.F.R. § 90.527; *see also* 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).

<sup>6</sup> 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/>.

<sup>7</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

<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*).

email to [ecfs@fcc.gov](mailto: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.

Commenters may send filings 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). Commenters must address all filings to: Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, commenters must submit all hand-delivered or messenger-delivered paper filings for the Commission’s Secretary to FCC Headquarters at 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. **PLEASE NOTE:** The Commission’s former filing location at 236 Massachusetts Avenue, NE is permanently closed.
- 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

Commenters must address all filings 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](mailto:fcc@bcpiweb.com).

The Plan Amendment is available through ECFS at [ecfs@fcc.gov](mailto:ecfs@fcc.gov). Region 5 Plan documents in **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](mailto:fcc@bcpiweb.com).

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

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