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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 49 (TEXAS-AUSTIN) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On July 21, 2010, the Region 49 (Texas-Austin)¹ 700 MHz Regional Planning Committee (RPC) (Region 49) 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 49 700 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 49 (Texas-Austin) regional planning area consists of the following thirty counties: Bastrop, Bell, Blanco, Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Grimes, Hamilton, Hays, Hill, Lampasas, Lee, Leon, Limestone, Llano, Madison, McLennan, Milam, Mills, Robertson, San Saba, Travis, Washington, and Williamson.

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 Ronald G. Mayworm, Chair, Region 49 (Texas-Austin) 700 MHz Regional Planning Committee, to Federal Communications Commission, Office of the Secretary, Attn: Chief, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed July 21, 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 F – Region 49 Channel Allotment (Region 49 defines a county-like area to include the geopolitical boundaries of a given county plus 10 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>.

Review of the Region 49 700 MHz Plan. Region 49 convened its first meeting on October 29, 2001, wherein it elected its chairman, officers and established three subcommittees.¹⁶ The Plan includes By-laws,¹⁷ a detailed membership list,¹⁸ meeting notices and summaries.¹⁹ The Plan describes the procedures for requesting spectrum allotments,²⁰ details the application review and scoring process,²¹ outlines system implementation criteria and spectrum utilization.²² The State of Texas administers the state interoperability channels through the Texas Statewide Interoperability Executive Committee (TSIEC).²³ The Plan also includes guidelines for use of the low power channels.²⁴ In addition, Region 49 will utilize the Computer Assisted Pre-coordination Resource and Database (CAPRAD) system to maintain its regional plan, current frequency allotments, assignments, and to facilitate the application process.²⁵ Finally, the Region 49 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁶

¹⁶ See Plan, Section 2.2 – Notification Process at 8-9 (legal notices were published in the following newspapers: WACO TRIBUNE-HERALD, AUSTIN AMERICAN-STATESMAN, BRYAN/COLLEGE STATION EAGLE, and the TEMPLE DAILY TELEGRAM). In addition, copies of the convening meeting public notice were provided to all known public safety and public service associations by mail and email. Subsequent meetings, announced by FCC public notice, were emailed to RPC members and all interested parties. The RPC maintains a website at <http://Region49.org>. See also Plan, Section 2.3 - Operations of the Regional Planning Committee at 10-11 (three subcommittees include Bylaws, Plan Writing and Outreach).

¹⁷ See Plan, Appendix A – By-Laws of the 700 MHz Regional Planning Committee.

¹⁸ See Plan, Appendix B – RPC Membership.

¹⁹ See Plan, Appendix C – Meeting Minutes, Announcements, and Attendance Records.

²⁰ See Plan, Section 3.6 – Procedure for Requesting Channel Assignments at 22-24 (following Bureau plan approval, the RPC will announce an application open filing window. All applications will be considered on a first come, first served basis).

²¹ See Plan, Section 4 – Priority Matrix (application evaluation matrix point system and scoring categories) at 25-26.

²² See Plan, Section 7 – System Design and Efficiency Requirements at 27-29 (addressing interference protection criteria, spectrum efficiency standards, and system loading criteria).

²³ See Plan, Section 8 – Interoperability Channels at 29-30 (the TSIEC has published technical and operational standards for use of FCC public safety interoperability channels 150 MHz – 800 MHz at <http://tsiec.region49.org/MOU+TSICP.pdf>). See also Plan, Appendix D – 700 MHz Interoperability Channel Recommended Nomenclature and Texas SIEC Guidelines (32 narrowband repeater channels, with associated 32 direct channels are described in Figure 4 - 700 MHz interoperability channels, 12.5 kHz with emission designator 11K2G2E).

²⁴ See Plan, Section 3.4 Low Power Channels at 19-20 (channels set aside for on-scene incident response purposes using low power mobiles and portables).

²⁵ See Plan, Section 3.1 – Allotment of Narrowband General Use Channels at 15-17 (the RPC repacked the CAPRAD channel sort with 12.5 kHz channels for 23 counties, with the remaining seven counties (Bell, Coryell, Hamilton, Lampasas, Milam, Mills, and San Saba) selecting a 25 kHz channel size. RPC advises that agencies using 25 kHz channels will be expected to maintain 12.5 kHz equivalency when developing systems and will be required to utilize both 12.5 kHz portions of the 25 kHz block. The CAPRAD spectrum management system was created, and is supported by the National Institute of Justice ComTech Program (Interoperability Strategies for Law Enforcement) and is available online at <http://caprad.org/cp/>.

²⁶ See Plan, Section 10 – Certification (by the Chair that regional planning process was open to the public) at 32.

The Region 49 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁷ The Plan was coordinated with all four adjacent regions to Region 49 including: Region 40 (Northern Texas), Region 50 (Texas-El Paso), Region 51(Texas-Houston), and Region 53 (Texas-San Antonio).²⁸

On September 29, 2010, the Bureau released a *Public Notice* seeking comment on the Region 49 Plan.²⁹ 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 49 (Texas-Austin) 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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²⁷ See Plan, Appendix F - Region 49 Detailed Channel Allotments by Area (Region 49 defines a county-like area to include the geo-political boundaries of a given county plus 10 miles).

²⁸ See Plan, Attachments 1 and 2 – Inter-Regional Dispute Resolution Agreements and Signed Letters of Concurrence from Adjacent Regions.

²⁹ See Public Safety and Homeland Security Bureau Seeks Comments on Region 49 (Texas-Austin) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 25 FCC Rcd 13643 (PSHSB 2010). Comments were due October 19, 2010, and reply comments were due October 29, 2010.