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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 37 (SOUTH CAROLINA) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On October 20, 2010, the Region 37 (South Carolina)¹ 700 MHz Regional Planning Committee (RPC) (Region 37) 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 37 700 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 37 (South Carolina) 700 MHz regional planning area includes forty-six (46) counties.

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 William Winn, Chair, Region 37 (South Carolina) 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 October 20, 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.

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 37 700 MHz Plan. Region 37 convened its first meeting on July 17, 2002, wherein it elected its chairman, officers and established two subcommittees.¹⁶ The Plan was adopted by

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 37 Channel Allotment at 86-100 (Region 37 defines a county-like area to include the geo-political 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>.

¹⁶ See Plan, Section 2.0 – Notification and Operation at 11-12. The two subcommittees include Operations and Technology. Convening meeting notification by FCC public notice was provided to all known public safety and public service associations by mail and email. In addition, advertisements were placed in industry periodicals.

its members on May 6, 2010,¹⁷ 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 South Carolina administers the state interoperability channels through its Statewide Interoperability Executive Council (SIEC) and the Division of State Information Technology (DSIT), in cooperation with Region 37.²⁴ 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 37 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 37 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁸ The Plan was coordinated with all three adjacent regions to Region 37 including: Region 10 (Georgia), Region 31 (North Carolina) and Region 39 (Tennessee).²⁹

¹⁷ See Plan Appendix D – Chronology of Plan Development at 49-50 (July 2002 through October 2010).

¹⁸ See Plan, Appendix A – By-Laws of Region 37.

¹⁹ See Plan, Appendix B – Region 37 700 MHz RPC Membership Roster; *see also* Plan, Appendix C – South Carolina Counties and Cities at 45-48 (21 of 46 counties were represented during the plan development process).

²⁰ See Plan, Appendix E – Meeting Notices and Minutes at 50-65.

²¹ See Plan, Section 3.1 – Procedure for Requesting Spectrum Allotments at 14 (all applications will be considered on a first come, first served basis); *see also*, Plan, Section 3.2 – Procedure for Frequency Coordination at 18.

²² See Plan, Section 4.0 – Priority Matrix at 23-24 (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 25-28 (includes interference protection criteria, system implementation, and channel loading recommendations).

²⁴ See Plan, Section 8.1 Interoperability Channels at 29 (should the SIEC and DSIT be unable to function in the role of administrator, the Region 37 RPC will assume the responsibilities); *see also* Plan, Appendix F – Table of 700 MHz Interoperability Channels at 66-67 (includes Project 25 Common Air Interface and Interoperability Channel Technical Parameters), and *see also*, Plan, Section 8.5 - Deployable Systems at 30 (Region 37 strongly supports the use of deployable systems, both conventional and trunked, that may operate on designated 700 MHz interoperability channels and/or agency specific General Use channels).

²⁵ See Plan, Section 3.4 – Low Power Analog Eligible Channels at 19-20 (channels set aside for on-scene incident response purposes using low power mobiles and portables).

²⁶ See Plan, Section 9.1 – Database Maintenance at 31 (Region 37 will maintain its Plan and current frequency allotment/allocation information on the database).

²⁷ Plan, Section 10 – Certification at 32 (by the RPC Chair, that all planning committee meetings, including subcommittee and executive meetings were open to the public).

²⁸ See Plan, Appendix H – Region 37 Channel Allotments at 86-100 (Region 37 defines a county-like area to include the geo-political boundaries of a given county plus 10 miles).

²⁹ See Plan, Attachments – Letters of Concurrence from Adjacent Regions Followed by Signed Dispute Resolution Agreements at 110.

On December 8, 2010, the Bureau released a *Public Notice* seeking comment on the Region 37 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 37 (South 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 37 (South Carolina) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, Public Notice, 25 FCC Rcd 12759 (PSHSB 2010). Comments were due December 28, 2010, and reply comments were due January 7, 2011.