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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 23 (MISSISSIPPI) 700 MHZ REGIONAL PLAN

### WT Docket No. 02-378

*Introduction.* On August 26, 2010, the Region 23 (Mississippi)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) (Region 23) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use<sup>2</sup> spectrum in the 769-775/799-805 MHz band for review and approval.<sup>3</sup> For the reasons discussed below, we approve the Region 23 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.<sup>4</sup> Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.<sup>5</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>6</sup>

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.<sup>7</sup> The Commission adopted a plan for the 700 MHz

<sup>1</sup> The Region 23 (Mississippi) regional planning area includes eighty-two (82) counties.

<sup>2</sup> 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.

<sup>3</sup> See Regional Plan Submitted by Donald Loper, Chair, Region 23 (Mississippi) 700 MHz Regional Planning Committee, to Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed August 26, 2010) (submitting regional plan).

<sup>4</sup> 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.

<sup>5</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>6</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

<sup>7</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

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.<sup>8</sup> Each regional plan must contain certain elements<sup>9</sup> and must be coordinated with adjacent regions.<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>

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

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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*).

<sup>8</sup> 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.

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

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

<sup>11</sup> 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.

<sup>12</sup> *Id.* at 193-94 ¶ 84.

<sup>13</sup> See Plan, Frequency Methodology at 11 (Region 23 defines a county-like area to include the geo-political boundaries of a given county plus 10 miles). See also Plan, Appendix N – Spectrum Allocations at 118-157 (Region 23 defines a county-like area to include the geo-political boundaries of a given county plus 10 miles).

<sup>14</sup> See 47 C.F.R. § 90.527.

<sup>15</sup> 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 23 700 MHz Plan.* Region 23 convened its first meeting on January 9, 2002, wherein it elected its chairman, officers and established three subcommittees.<sup>16</sup> The Plan includes By-laws,<sup>17</sup> a detailed membership list,<sup>18</sup> and meeting notices and summaries.<sup>19</sup> Also included is a county map, a listing of cities, townships, villages, and federally recognized Mississippi Native American Tribes.<sup>20</sup> The Plan describes the procedures for requesting spectrum allotments,<sup>21</sup> details the application review and scoring process,<sup>22</sup> and outlines system implementation criteria and spectrum utilization.<sup>23</sup> The State of Mississippi has established a formal State Interoperability Executive Committee (SIEC) to administer the state interoperability channels.<sup>24</sup> Regional planning applicants must submit an interoperability plan with each application for 700 MHz channel allotments. In addition, Region 23 will utilize the Computer Assisted Pre-coordination Resource and Database system (CAPRAD) to facilitate the application process (pre-coordination).<sup>25</sup> Finally, the Region 23 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).<sup>26</sup>

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<sup>16</sup> See Plan Meeting Minutes January 9, 2002 at 58. Three subcommittees formed include Technical and Implementation, Interoperability, and Bylaws,

See Plan, Appendix E – List of Meeting Dates and Locations at 48-56 (to improve attendance, meetings were held in the cities of Hattiesburg, Raymond, Vicksburg, Jackson and Pearl). The convening meeting notification and subsequent meetings were announced by FCC public notice was provided to public safety and public service associations by mail and email to include Mississippi Chapter of APCO, National Public Safety Telecommunications Council, Mississippi Emergency Management Agency, Mississippi Municipal League, and Mississippi Association of Sheriffs. See also Plan, Appendix E - Meeting Notification and Solicitation of Comments at 48-56.

<sup>17</sup> See Plan, Appendix D – Region By-Laws at 40-46.

<sup>18</sup> See Plan, Appendix A – Regional Plan Officers and Membership Lists at 18-22; see also Plan, Appendix B – Membership Application and List of Documented Participants/Contacts at 24-31.

<sup>19</sup> See Plan, Appendix F – Meeting Minutes and Attendee Lists at 58-65.

<sup>20</sup> See Plan, Appendix C – Region Map and Listing of Mississippi Cities at 32-39 (also includes a list of federally recognized Tribes: The Choctaw Nation, Chickasaw Nation, and Jena Band of Choctaw Indians).

<sup>21</sup> See Plan, Appendix G – [Application] Plan Submittal Requirements at 69-70 (application requirements for evaluation).

<sup>22</sup> See Plan, Section - Application Review at 12-15 (includes application evaluation matrix point system and scoring categories). See also Plan, Appendix M - Application Submission and Approval (flow chart) at 116-117.

<sup>23</sup> See Plan, Section – System Implementation at 16 (applications are received and reviewed by the Mississippi Public Safety Frequency Advisory Committee (MSPSFAC), who will also monitor system implementation over a one year period). See also Plan, Appendix G – Technical Requirements for Coverage, Co-Channel Assignment Methodology and System Loading Requirements at 66-68 (each applicant for a trunked system must certify that a minimum of 100 mobiles for each 12.5 kHz channel block will be placed in service, in the alternative, smaller agencies will be advised to partner with a higher level system to achieve efficiency and channel loading limits).

<sup>24</sup> See Plan, Appendix Q – NCC Planning Documents and SIEC Reference at 178-188.

<sup>25</sup> See Plan, Section - Frequency Allotment Methodology at 11-12 (Region 23 accepts the CAPRAD database as the official allotment for the region). 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/>.

<sup>26</sup> See Plan, Appendix W – Certification (by the Chair that regional planning process was open to the public).

The Region 23 Plan pre-allocates the consolidated narrowband General Use spectrum by county.<sup>27</sup> The Plan was coordinated with all four adjacent regions to Region 23 including: Region 1 (Alabama), Region 4 (Arkansas), Region 18 (Louisiana), and Region 39 (Tennessee).<sup>28</sup>

On September 28, 2010, the Bureau released a *Public Notice* seeking comment on the Region 23 Plan.<sup>29</sup> 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 23 (Mississippi) 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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<sup>27</sup> See Plan, Appendix N – Spectrum Allocations at 118-157 (Region 23 defines a county-like area to include the geographical boundaries of a given county plus up to 10 miles).

<sup>28</sup> See Plan, Appendix X – Signed Concurrence Documents and Dispute Resolution Agreements.

<sup>29</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 23 (Mississippi) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 25 FCC Rcd 13639 (PSHSB 2010). Comments were due October 18, 2010, and reply comments were due October 28, 2010.