**DA 12-2095**

**December 28, 2012**

**Public safety and homeland security bureau APPROVES**

**REGION 53 (TEXAS-SAN ANTONIO) 700 mhz regional plan**

**WT Docket No. 02-378**

*Introduction.* On May 20, 2012, the Region 53 (Texas-San Antonio)[[1]](#footnote-1) 700 MHz Regional Planning Committee (RPC) (Region 53) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use[[2]](#footnote-2) spectrum in the 769-775/799-805 MHz band for review and approval.[[3]](#footnote-3) For the reasons discussed below, we approve the Region 53 700 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]](#footnote-4) Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.[[5]](#footnote-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]](#footnote-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]](#footnote-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]](#footnote-8) Each regional plan must contain certain elements[[9]](#footnote-9) and must be coordinated with adjacent regions.[[10]](#footnote-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]](#footnote-11) Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such asholding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.[[12]](#footnote-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]](#footnote-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]](#footnote-14) RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).[[15]](#footnote-15)

 *Review of the Region 53 700 MHz Plan*. Region 53, with wide outreach to surrounding council of governments, convened its first meeting on August 11, 2011.[[16]](#footnote-16) Meetings were held throughout the Region to encourage participation.[[17]](#footnote-17) The RPC established three subcommittees: Bylaws, Technology/Software/Interoperability, and Peer Review/Dispute Resolution.[[18]](#footnote-18) The Plan includes By-laws,[[19]](#footnote-19) a detailed membership list,[[20]](#footnote-20) meeting notices, and meeting summaries. The Plan pre-allocates the consolidated narrowband General Use spectrum by county.[[21]](#footnote-21) The Plan describes the procedures for requesting spectrum allotments, and the application review process. [[22]](#footnote-22) The Plan includes a standard propagation model calibration map to be utilized by all applicants.[[23]](#footnote-23) The Plan outlines system implementation criteria, spectrum efficiency standards, interference protection, and system loading.[[24]](#footnote-24) The Region states that it will follow the interoperability guidelines[[25]](#footnote-25) for use of the 700 MHz interoperability channels established by the Texas Statewide Interoperability Committee.[[26]](#footnote-26)  In addition, the Plan provides guidelines for use of the low power channels.[[27]](#footnote-27) Region 53 shares a border with Mexico, therefore, public safety 700 MHz applicants and licensees must adhere to the U.S. and Mexico border agreement.[[28]](#footnote-28) On March 1, 2012, the Region 53 members adopted the Plan, [[29]](#footnote-29)and the Plan was coordinated with all three adjacent regions: Region 49 (Texas-Austin), Region 50 (Texas-El Paso), and Region 51 (Texas-Houston).[[30]](#footnote-30) Finally, the Region 53 Chair certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.527(a)(8).[[31]](#footnote-31)

On August 9, 2012, the Bureau released a *Public Notice* seeking comment on the Region 53 Plan.[[32]](#footnote-32) 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 53 (Texas-San Antonio) 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.

– FCC –

1. The Region 53 (Texas-San Antonio) 700 MHz regional planning area includes (47) counties, and one federally recognized tribal government, the Kickapoo Traditional Tribe of Texas in Eagle Pass, Texas. In addition, Region 53 shares a border with Mexico. [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)
3. *See* Letter from Richard Morales, Jr., Chairman, Region 53 (Texas-San Antonio), 700 MHz Regional Planning Committee Plan to Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed May 30, 2012) (submitting regional plan). [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
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/. [↑](#footnote-ref-5)
6. *First Report and Order*, 14 FCC Rcd at 195 ¶ 87. [↑](#footnote-ref-6)
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*). [↑](#footnote-ref-7)
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. [↑](#footnote-ref-8)
9. *See* 47 C.F.R. § 90.527; *see also* *First Report and Order*, 14 FCC Rcdat 193-94 ¶ 84. [↑](#footnote-ref-9)
10. *See* 47 C.F.R. § 90.527; *see also First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89. [↑](#footnote-ref-10)
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. [↑](#footnote-ref-11)
12. *Id.* at 193-94 ¶ 84. [↑](#footnote-ref-12)
13. Plan, Appendix F – Channel Allotment Reports at 52-60 (Region 53 defines a county-like area to include the geo-political boundaries of a given county plus 10 miles). *See also* Plan Appendix I – Areas Within Which the Frequencies Are to Be Protected (U.S-Mexico Sharing Zone map). [↑](#footnote-ref-13)
14. *See* 47 C.F.R. § 90.527. [↑](#footnote-ref-14)
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. [↑](#footnote-ref-15)
16. *See* Plan, Section 2.2 - Notification Process at 12-13 (meeting announcements were distributed via email to over 590 known federal, state and local public safety agencies within the region; legal notices were published in the major newspaper serving each Council of Government – *see* Plan Appendix C.5 – Sample mailing list). [↑](#footnote-ref-16)
17. *See* Appendix C – Chronological List of Meetings (held in the cities of Corpus Christi, Eagle Pass, San Antonio, South Padre Island, and Victoria) includes initial invitation letter to stakeholders, email lists, copies of meeting announcements, and meeting minutes. [↑](#footnote-ref-17)
18. *See* Plan, Section 2.3 – Operations of the Regional Planning Committee at 13-14. [↑](#footnote-ref-18)
19. *See* Plan, Appendix A – By-Laws at A1-A4 (officers are elected to serve for a five-year term). [↑](#footnote-ref-19)
20. *See* Plan, Appendix B – Membership List at B1-B7. [↑](#footnote-ref-20)
21. *See* Plan, Section 3.1 – Narrowband General Use Channels (the RPC will maintain the Computer-Aided Pre-coordination Resource Database (CAPRAD) and frequency assignment information in the database) ; see also Plan, Appendix F – Channel Allotment Reports at F1-F52 (sorted by FCC channel number, and by Area/County. Region 53 defines a county-like area to include the geo-political boundaries of a given county plus 10 miles to maximize channel reuse of any “orphaned channels). [↑](#footnote-ref-21)
22. *See* Plan, Section 3.6 – Procedure for Requesting Channel Assignments at 25-31 (upon FCC Plan approval, Region 53 will announce an open application filing window for a 30 day period. All requests will be handled on a first come, first-served basis. *See also,* Plan, Appendix H – Application Process Chart, - Appendix N – Application Checklist at N1-N2. [↑](#footnote-ref-22)
23. Plan, Section 7.1.1 – Propagation Model Calibration at 33; see also, Plan, Appendix L – Propagation Model Calibration Map (applicants must define software used in the application process, use the technical parameters listed, and submit a calibration propagation which show general agreements to the plot coordinates provided. Two sample maps are provided). [↑](#footnote-ref-23)
24. *See* Plan, Section 7.0 – System Design/Efficiency Requirements at 32-33 (includes interference protection criteria). *See also* Plan, Section 7.2 – Spectrum Efficiency Standards, and Plan, Section 7.3 – System Loading Criteria at 36-37. [↑](#footnote-ref-24)
25. The specific guidelines for 700 MHz Channels (32 narrowband repeater channels, with their associated 32 direct channels) and sample Memorandum of Understanding (MOU) are available through the Texas Statewide Communications Interoperability Committee at <http://www.txdps.state.tx.us/LawEnforcementSupport/communications/interop/documents/tsicpMOU.pdf> (last accessed on Dec. 17, 2012). [↑](#footnote-ref-25)
26. *See* Plan, Section 8.0 – Interoperability Channels at 37-38; *see also,* Plan, Appendix D – Table of 700 MHz Interoperability Channels (12.5 KHz)/Emission Designator 11K2G2E at D2-D6 (all fixed 700 MHz interoperable channel locations must be reviewed by the Texas Statewide Interoperability Committee (TSIEC) prior to implementation because some channels may already be licensed by multiple agencies for interoperability use throughout the state). [↑](#footnote-ref-26)
27. *See* Plan, Section 3.4 – Low Power Channels at 22-23 (channels 1–8 paired with 961-968, and 949-958, paired with 1909-1918 for low power, on-scene communications using mobiles and portables, with a transmitter power not to exceed 2 watts (ERP). [↑](#footnote-ref-27)
28. *See* Plan, Section 3.7 Mexican Border Issues at 27-28. Any proposed 700 MHz radio site and corresponding mobile service with110 km (75 miles) of the Mexican border is subject to the border sharing agreement between the United States and Mexico. The following counties are impacted by the border sharing agreement: Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, Cameron, Edwards, Real Uvalde, Zavala, Frio, Dimmit, La Salle, McMullen, Duval, Jim Hogg, Brooks, Kenedy, and Willacy. *See also,* Plan, Appendix J(1) – 700 MHz Protocol With Mexico; *see also*, Plan, Appendix J – U.S. Mexico Sharing Zone at 9 (map showing protected frequency areas). [↑](#footnote-ref-28)
29. *See* Transmittal letter from Richard Morales, Jr., Chairman, Region 53 (Texas-San Antonio), 700 MHz Regional Planning Committee Plan to Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed May 30, 2012) (submitting regional plan). [↑](#footnote-ref-29)
30. *See* Plan, Attachment 1 – Inter-regional Dispute Resolution Agreements at 1-3, and Plan, Attachment 2 – Letters of Concurrence from Adjacent Regions. [↑](#footnote-ref-30)
31. Plan, Section 10 – Certification of Open Meetings at 39-40 (certification located in Plan, Appendix K - Certification at K1-K2 signed by RPC Chair, Richard Morales, Jr.). [↑](#footnote-ref-31)
32. *See* Public Safety and Homeland Security Bureau Seeks Comments on Region 53 (Texas-San Antonio) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 27 FCC Rcd 9193 (PSHSB 2012). Comments were due August 29, 2012, and reply comments were due September 10, 2012. [↑](#footnote-ref-32)