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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 25 (MONTANA) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On August 22, 2011, the Region 25 (Montana)¹ 700 MHz Regional Planning Committee (RPC) (Region 25) 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 25 700 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

¹ The Region 25 (Montana) 700 MHz regional planning area includes all (56) counties in the State of Montana and seven federally recognized Native American Reservations: Assiniboine and Sioux-Fort Peck, Blackfeet Tribe, Chippewa-Cree-Rocky Boy, Confederated Salish and Kootenai, Crow Tribe, Fort Belknap Indian Community, and the Northern Cheyenne Tribe. The Region shares 545 miles of border with Canada.

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 Region 25 (Montana) 700 MHz Regional Planning Committee Plan to Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed August 22, 2011) (submitting regional plan); Letters of Concurrence (LOCs) from Region 12 (Idaho), Region 38 (South Dakota) and Region 46 (Wyoming) to Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed Oct. 4, 2011) ((submitting LOCs and Dispute Resolution Agreement (DRA)), and Letter of Concurrence from Region 32 (North Dakota) to Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed Oct. 31, 2011) (submitting LOCs); Dispute Resolution Agreements (DRAs) from Region 12 (Idaho) and Region 46 (Wyoming) to Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed Jan. 12, 2012) (submitting DRAs).

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/>.

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 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

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*).

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 G - Channel Allotment Plan at 40-57 (Region 25 defines a county-like area to include the geopolitical boundaries of a given county plus 8 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

Review of the Region 25 700 MHz Plan. Region 25 convened its first meeting on May 29, 2002, wherein it elected its chairman, and officers.¹⁶ Members of Region 25 adopted the Plan on October 12, 2010,¹⁷ which 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 process,²² outlines system implementation criteria, spectrum utilization and system implementation.²³ The Plan confirms that the State of Montana administers the state interoperability channels through its Department of Administration, Public Safety Services Bureau (PSSB).²⁴ In addition, the Plan provides guidelines for use of the low power channels,²⁵ and notes that the Computer-Aided Pre-coordination

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 3.2 – Operations of the Regional Planning Committee at 13.

¹⁷ See Plan, Section 1.2 – Regional Plan Summary at 3-4; see also Plan, Section 5.0 – Notification Process at 5. Region 25 uses an electronic newsletter *Heard Across Montana* to invite representatives of the Tribal Nations to participate in the 700 MHz regional planning process, as well as direct email to fire, police, emergency management and federal agencies within the state. Eighty percent (80%) of Montana's population is concentrated in seven (7) of its (fifty-six (56) counties.

¹⁸ See Plan, Appendix A – By-Laws at 23-26.

¹⁹ See Plan, Appendix B – Membership at 27-28.

²⁰ See Plan, Appendix F – Summary of Meeting Minutes/Copies of Notifications at 36-39.

²¹ See Plan, Section 6.4 – Procedure for Requesting Spectrum Allotments at 7-9 (the RPC will hold an initial 60 day application filing window immediately following Bureau approval of the Plan. Thereafter, all applications will be considered on a first come, first served basis); see also Plan, Section 6.5.1 – Application Requirements at 8-9 (a full application package, in electronic format, must be submitted to the RPC Chair for placement into the CAPRAD database at <http://caprad.org>; Plan, Section 11.0 - Application Evaluation at 18- 22 (matrix point system and processing guidance).

²² See Plan, Section 6.5.1 – Application Requirements at 8-9 (a full application package, in electronic format, must be submitted to the RPC Chair for placement into the CAPRAD database <http://caprad.org>).

²³ See Plan, Section 8.0 – System Design/Efficiency Requirements at 11-12 (includes interference protection criteria and spectrum efficiency standards). See also Plan, Section 9.4 – System Implementation at 15-17 (system implementation will be monitored by the RPC Administrative Subcommittee).

²⁴ See Plan, Section 10.0 – Interoperability Channels at 17-18 (the State of Montana will administer the 700 MHz interoperability channels through the SIEC and the Department of Administration, PSSB. The PSSB and the RPC will develop operational guidelines for this functions); see also Plan, Appendix D – Table of 700 MHz Interoperability Channels at 86-88 (includes Project 25 Common Air Interface and Interoperability Channel Technical Parameters).

²⁵ See Plan, Section 6.5.4 – Low Power “Campus Eligible” General Use Frequencies at 9 (opportunities may arise for increased channel reuse when developing radio systems for campus-like operations, *i.e.*, hospitals, stadiums, malls or places of public gathering, public universities, transit systems and ports of entry). See also Plan Section 9.2 – Low Power Secondary Operations, and Plan Section 9.3 Low Power Channels at 14-15 (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)).

Resource Database system (CAPRAD) will be utilized to assist with adjacent region coordination.²⁶ Finally, the Region 25 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 25 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁸ Region 25 coordinated the Plan with all four adjacent regions including: Region 12 (Idaho), Region 32 (North Dakota), Region 38 (South Dakota), and Region 46 (Wyoming).²⁹

On January 18, 2012, the Bureau released a *Public Notice* seeking comment on the Region 25 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 25 (Montana) 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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²⁶ See Plan, Section 11.5 – Database Maintenance at 22 (Region 25 will update the CAPRAD database as 700 MHz spectrum within the Region is assigned and licensed).

²⁷ Plan, Section 12.0 – Certification at 22 (by the RPC Chair, that all planning committee meetings, including subcommittee or executive meetings were open to the public).

²⁸ See Plan, Appendix G – Channel Allotment Plan at 40-57 (Region 25 defines a county-like area to include the geo-political boundaries of a given county plus 8 miles).

²⁹ See Plan, Appendix C – Adjacent Region Concurrence Contacts and Letters; *see also* Plan, Appendix I - Inter-regional Dispute Resolution Agreements.

³⁰ See Public Safety and Homeland Security Bureau Seeks Comments on Region 25 (Montana) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 27 FCC Rcd 334 (2012). Comments were due February 7, 2012, and reply comments were due February 17, 2012.