



# PUBLIC NOTICE

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 17 (KENTUCKY) 700 MHZ REGIONAL PLAN

### WT Docket No. 02-378

*Introduction.* On October 23, 2012, the Region 17 (Kentucky)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) (Region 17) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use spectrum<sup>2</sup> in the 769-775/799-805 MHz band for review and approval.<sup>3</sup> On June 6, 2013, Region 17 resubmitted its plan after making minor changes requested by Public Safety and Homeland Security Bureau staff.<sup>4</sup> For the reasons discussed below, we approve the Region 17 700 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.<sup>5</sup> Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.<sup>6</sup> The Commission's role in relation to the RPCs is limited to (1) defining regional boundaries; (2) requiring fair and open RPC 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>7</sup>

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<sup>1</sup> The Region 17 (Kentucky) 700 MHz regional planning area includes all 120 municipalities in the Commonwealth of Kentucky.

<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 Letter from Robert L. Stephens, Co-Chair, Region 17 Kentucky, to Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed October 23, 2012).

<sup>4</sup> See Letter from Robert L. Stephens, Co-Chair, Region 17 Kentucky, to Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, WT Docket No. 02-378 (filed June 6, 2013).

<sup>5</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>6</sup> See 47 C.F.R. § 90.527. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

<sup>7</sup> *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.<sup>8</sup> 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.<sup>9</sup> Each regional plan must contain certain elements<sup>10</sup> and must be coordinated with adjacent regions.<sup>11</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>12</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>13</sup>

Regional plans may differ in their 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>14</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>15</sup> RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).<sup>16</sup>

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<sup>8</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 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>9</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>10</sup> See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

<sup>11</sup> See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

<sup>12</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>13</sup> *Id.* at 193-94 ¶ 84.

<sup>14</sup> See Plan, Appendix G – 700 MHz 12.5 KHz Voice General Use Channels Sort By County at 57 (Region 17 defines a county-like area to include the geo-political boundaries of a given county plus 10 miles).

<sup>15</sup> See 47 C.F.R. § 90.527.

<sup>16</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 17 700 MHz Plan.* Region 17 convened its first meeting on February 15, 2002, wherein it elected its chairman, and established two subcommittees.<sup>17</sup> Members of Region 17 adopted the Plan on September 28, 2012,<sup>18</sup> which includes By-laws,<sup>19</sup> a detailed membership list,<sup>20</sup> and meeting summaries.<sup>21</sup> The Plan provides procedures for requesting spectrum allotments,<sup>22</sup> details the application requirements and review process, outlines system implementation criteria, spectrum utilization and system implementation.<sup>23</sup> The Plan confirms that the Commonwealth of Kentucky through its Kentucky Wireless Interoperability Executive Committee (KWIEC) administers the state interoperability channels.<sup>24</sup> In addition, the Plan provides guidelines for use of the low power channels,<sup>25</sup> and notes that the CAPRAD will be updated as frequencies are assigned and licensed.<sup>26</sup> Finally, the

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<sup>17</sup> See Plan, Section 5.0 –Notification Process and Original Meeting at 11-12 (forming Implementation/Operations and, Technical/Interoperability subcommittees). The Region 17 Plan establishes three subcommittees: Technical, Interoperability and Administrative. See Plan, Section 6.0 Regional Plan Administration at 14-16.

<sup>18</sup> See Letter from Robert L. Stephens, Co-Chair, Region 17 Kentucky to Marlene H. Dortch, Secretary, FCC (dated Oct. 23, 2012 amended Jun. 6, 2013).

<sup>19</sup> See Plan, Appendix A – The By-Laws of Region 17 Kentucky at 35-39.

<sup>20</sup> See Plan, Appendix B – Membership List at 40.

<sup>21</sup> See Plan, Appendix F – Summary of Minutes/Copies of Notifications at 53-56.

<sup>22</sup> See Plan, Section 6.5 – Procedure for Requesting Spectrum Allotments at 17 (the RPC accept applications on a first-come, first-served basis, following Bureau approval of the Plan). See also Plan, Section 6.5.1 – Application Requirements at 17-18 (a full application package, in physical written format for placement by Region 17 personnel into the CAPRAD database at <http://caprad.org>; Plan, Section 10.0 - Application Requirements and Evaluation at 29- 33 (matrix point system and processing guidance). CAPRAD refers to the Computer Assisted Pre-Coordination and Database System. CAPRAD is a pre-coordination database administered by the National Law Enforcement and Corrections Technology Center-Rocky Mountain Region (NLECTC-RM). The NLECTCRM is a program of the National Institute of Justice, a division of the U.S. Department of Justice, and is sponsored by the University of Denver through the Denver Research Institute. The CAPRAD system is available at <http://caprad.nlectc.du.edu/cp/index.jsp>.

<sup>23</sup> See Plan, Section 7.0 – System Design/Efficiency Requirements at 21-22 (includes interference protection criteria and spectrum efficiency standards). See also Plan, Section 8.4 – System Implementation at 25-26 (system implementation will be monitored by the RPC Administrative Subcommittee), and Plan, Section 8.6 Channel Loading at 27 (loading encourages efficient utilization of spectrum, and applicants should design their system(s) for a minimum of 70 mobile and portable radios for each 12.5 kHz voice channel placed in service within five years of the initial plan approval date).

<sup>24</sup> See Plan, Section 9.0 – Interoperability Channels at 28-29 (Kentucky will administer the 700 MHz interoperability channels through its KWIEC). See also Plan, Appendix D – Table of 700 MHz Interoperability Channels at 49-51 (includes Project 25 Common Air Interface and Interoperability Channel Technical Parameters).

<sup>25</sup> See Plan, Section 6.5.4 – Low Power “Campus Eligible” General Use Frequencies at 19 (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 8.2 – Low Power Secondary Operations, and Plan Section 8.3 Low Power Channels at 23-25 (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)).

<sup>26</sup> See Plan, Section 11.1 – Database Maintenance at 33 (Region 17 will continue to use the CAPRAD database as 700 MHz spectrum is assigned and licensed).

Region 17 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).<sup>27</sup>

The Region 17 Plan pre-allocates the consolidated narrowband General Use spectrum by county.<sup>28</sup> Region 17 coordinated the Plan with seven regions adjacent to Region 17, and one non-adjacent region reviewed the Plan and provided letters of concurrence: Region 4 (Arkansas – non-border), Region 13 (Illinois), Region 14 (Indiana), Region 24 (Missouri), Region 33 (Ohio), Region 39 (Tennessee), Region 42 (Virginia) and Region 44 (West Virginia).<sup>29</sup>

On July 12, 2013, the Bureau released a *Public Notice* seeking comment on the Region 17 Plan.<sup>30</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 17 (Kentucky) 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 and Licensing Division, Public Safety and Homeland Security Bureau.

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<sup>27</sup> Plan, Section 12.0 – Certification at 34 (dated May 25, 2012) (by the RPC Chair, that all planning committee meetings, including subcommittee or executive meetings were open to the public).

<sup>28</sup> See Plan, Appendix G – Frequency Allotments at 57 (Region 17 defines a county-like area to include the geo-political boundaries of a given county plus 10 miles).

<sup>29</sup> See Plan, Appendix C – Adjacent Regions Concurrence Letters.

<sup>30</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 17 (Kentucky) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, (rel. July 12, 2013). Comments were due August 1, 2013, and reply comments were due August 12, 2012.