



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU INVITES COMMENTS ON REGION 21 (MICHIGAN) REVISED 700 MHZ REGIONAL PLAN AMENDMENT

WT Docket No. 02-378

Comments Due: May 15, 2013

Reply Comments Due: May 28, 2013

Introduction. On January 30, 2013, the Region 21 (Michigan)¹ 700 MHz Regional Planning Committee (Region 21) submitted a proposed amendment to its 700 MHz Public Safety Plan for the General Use² spectrum in the 769-775/799-805 MHz band.³ On April 15, 2013, Region 21 resubmitted four appendices, including a map of Region 21 detailing the U.S./Canada Border Sharing and Protection Zones.⁴ The Plan Amendment :

- Removes the application open filing window process, replacing it with application review at scheduled RPC meetings,⁵ and adds a requirement that applicants provide an interoperability plan in support of requests for spectrum resources.⁶
- Changes the propagation model from Okimura-Hata to modified R-6602 or any other methodology as provided for in TSB-88.⁷

¹ The Region 21 (Michigan) 700 MHz regional planning area includes all eighty-three (83) Michigan counties in both the Lower and Upper Peninsulas, and shares its eastern and northeastern borders with Canada. In addition, there are four federally recognized Native American Tribal Nations: Chippewa, Odawa, Ottawa and Potawatomi.

² The General Use spectrum is administered by regional planning committees (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 Keith Bradshaw, Chairman, Region 21 (Michigan), Michigan Public Safety Frequency Advisory Committee, to David Turetsky, Chief, FCC, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed Jan. 30, 2013) (submitting Plan Amendment); See also Public Safety and Homeland Security Approves Region 21 (Michigan) Revised 700 MHz Regional Plan, WT Docket No. 02-378, PS Docket No. 06-229, *Public Notice*, 23 FCC Rcd 14883 (PSHSB 2008).

⁴ See Revised Plan Amendment Appendices (G)-Loading Requirements, (H)-Regional Appeal Process, (I)-Application Submission and Approval and Competing Application Evaluation Flow Charts, and (J)-Spectrum Allotment, WT Docket 02-378 (filed Apr 15, 2013) (submitting revised appendices). Please note that distances to the border are approximate.

⁵ Plan Amendment, Application Process at 7-8.

⁶ Plan Amendment, Interoperability Communications Requirements at 14.

⁷ Plan Amendment, Coverage and Interference Considerations at 11.

- Establishes a new definition of coverage and service area by expanding the multi-jurisdictional systems service area (for greater flexibility in managing county allotments), to the geographic boundaries of the given counties, plus 10 miles. Adds language to provide for re-use of unused portions of the 25 kHz channel blocks (orphaned channels), and guidelines for relocating 25 kHz channel blocks throughout the region to accommodate applicants who find their original channel allotments unworkable.⁸
- Adds a new Appendix G – Loading Requirements for trunked systems.⁹
- Revises Plan Appendix D - Bylaws to serve both the 700 MHz and 800 MHz NPSPAC regional planning committees.
- Revises Plan Appendix J - Spectrum Allotment to clearly indicate what the Canada/U.S. Border Zone Sector 1 Channels Highlighted in **Red**, and Channels in Protection Zone are Highlighted in **Blue** (Red and Blue Channels are Canadian Primary, U.S. Secondary). Channel blocks highlighted in **Yellow** with **Red** entries denote a split channel block.¹⁰
- Advises applicants that the U.S./Canada Border Sharing and Protection Zones reflected on the Region 21 Map are approximate and applicants must calculate the distance to the border of their individual facilities in order to determine whether or not they are located in the Sharing or Protection Zones.¹¹

The Region 21 Planning Committee proposes these modifications to bring the Plan up to date to reflect the current conditions in the communications landscape and to reconcile language differences between the 700 MHz and 800 MHz NPSPAC regional plans in order to improve the application process, spectrum management, and over all utilization. All four regions adjacent to Region 21 -- Region 14 (Indiana), Region 33 (Ohio), Region 45 (Wisconsin), and Region 54 (Great Lakes Area) -- have reviewed and provided letters of concurrence in support of the Plan Amendment.¹² We have reviewed the Region 21 Plan Amendment and find it to be compliant with the applicable Commission rules and policies, and tentatively accept the Plan Amendment.

Background. In 1998, the Commission established a structure to allow regional planning committees (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.¹³ There are fifty-five RPCs, and each committee is required to submit its plan for the General Use

⁸ Plan Amendment, Coverage and Interference Considerations at 11-12.

⁹ Plan Amendment, Appendix G – Loading Requirements (each applicant must certify that a minimum of 100 mobiles for each 12.5 kHz channel block will be placed in service within five of plan approval date).

¹⁰ Plan Amendment, International Treaty Considerations at 10.

¹¹ Plan Amendment at Appendix J – Spectrum Allotment.

¹² See 47 C.F.R. 90.527(a)(5) (requiring that each regional planning committee provide an explanation of how its plan has been coordinated with adjacent regions).

¹³ See 47 C.F.R. § 90.527; see also 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).

spectrum.¹⁴ 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.¹⁵

On July 31, 2007, the Federal Communications Commission (Commission) adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.¹⁶ 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).

Request for Comments on the Region 21 Plan Amendment. Prior to taking further action on the Plan Amendment, by this Public Notice we solicit comments on the Region 21 Plan Amendment. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on the plan amendment on or before **May 15, 2013**. Parties interested in submitting reply comments must do so on or before **May 28, 2013**. All comments and reply comments should reference the subject plan amendment and **WT Docket No. 02-378**. Parties may file comments and reply comments by using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments and reply comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS Filers: In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an email to ecfs@fcc.gov and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.

Commenters may send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience

¹⁴ 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/>.

¹⁵ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

¹⁶ 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*).

delays in receiving U.S. Postal Service mail). Commenters must address all filings to: Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, commenters must submit all hand-delivered or messenger-delivered paper filings for the Commission's Secretary to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Avenue, NE is permanently closed.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

Commenters must address all filings to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via email to fcc@bcpiweb.com.

The Plan Amendment is available through ECFS at ecfs@fcc.gov. Region 21 Plan Amendment documents in **WT Docket No. 02-378** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, email fcc@bcpiweb.com.

For further information regarding this matter, contact Jeannie Benfaida, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-2313 or Jeannie.Benfaida@fcc.gov.

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