



Federal Communications Commission
Washington, D.C. 20554

March 3, 2015

DA 15-279

Mr. William J. Carter
National Regional Planning Council
Illinois Department of Public Health
122 South Michigan
Chicago, Illinois 60603

Re: Petition for Clarification, PS Docket No. 13-87, PS Docket No. 06-229, WT Docket No. 96-86, RM-11433, RM-11577

Dear Mr. Carter:

This letter responds to the Petition for Clarification filed by the National Regional Planning Council (NRPC) requesting that the Commission clarify “whether new Air to Ground 700 MHz Narrowband channels (formerly Secondary Trunked Channels) are subject to the trunking requirements for the use of six (6) channels or more as stated in [Section] 90.537 (a) [of the Commission’s rules].”¹ For the reasons stated below we agree with the NRPC that Section 90.537(a) of the Commission’s rules does not apply to the air-ground channels.

On October 17, 2014, the Commission adopted a *Report and Order* and redesignated the secondary trunking channels and reserved them for low-altitude, low-power, air-ground voice communication (*e.g.* communications between low-altitude aircraft and first responders on the ground).² The Commission determined that the states would be in the best position to administer the newly-created air-ground channels, which are adjacent to the interoperability channels generally administered by the states.³

In the Request for Clarification, the NRPC states “that the use of these channels in anticipated public safety Air to Ground implementations should be exempted from Rule 90.537 (a) in which the use of six (6) or more narrowband channels must be used in the trunked mode of operation.”⁴ Operationally, the NRPC states “these Air to Ground channels may be best utilized in both conventional and trunked configurations.”⁵ “The NRPC feels that a considerable portion of Air to Ground channel usage will be implemented in the conventional mode and for these channels to be subject to Rule 90.537 (a) may hamper effective conventional use of these channels.”⁶

¹ See Letter from William J. Carter, National Regional Planning Council, *re* RM-11433 (filed Jan. 8, 2015) (NRPC Request) citing 47 C.F.R. § 90.537(a).

² See Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, PS Docket No. 13-87, PS Docket No. 06-229, WT Docket No. 96-86, RM-11433, RM-11577, *Report and Order*, 29 FCC Red 13283 (2014) (*Report and Order*).

³ *Id.* at 13291 ¶ 19. The Commission encouraged the states to coordinate operations on the air-ground channels with the relevant Regional Planning Committees (RPCs). *Id.* at note 53.

⁴ NRPC Request at 1 *citing* 47 C.F.R. § 90.537(a).

⁵ NRPC Request at 1.

⁶ *Id.*

Mr. William Carter

We agree. Section 90.537(a) of the Commission's rules applies only to General Use and State License channels.⁷ The recently reallocated air-ground channels are neither.⁸ Although the Commission imposed technical restrictions on the use of these air-ground channels (*i.e.* maximum altitude and effective radiated power),⁹ nothing in the *Report and Order* suggests that the Commission precluded conventional use on these channels.¹⁰ Therefore, based on the plain language of Sections 90.531(b)(7) and 90.537(a) of the Commission's rules as well as the *Report and Order*, the 700 MHz narrowband trunking requirements do not apply to the air-ground channels.

Sincerely,

Michael J. Wilhelm
Deputy Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau

⁷ 47 C.F.R. § 90.537(a). Trunking is permitted on interoperability channels specified in Section 90.531(b)(1)(iii) and subject to certain conditions. 47 C.F.R. § 90.537(b). Low power channels listed in Section 90.531(b)(3) and (4) are exempt from the trunking requirements applicable to General Use and State License channels. *Id.*

⁸ 47 C.F.R. § 90.531(b)(7).

⁹ 47 C.F.R. § 90.531(b)(7)(i) and (ii). Aircraft may transmit on either the mobile or base transmit side of the channel pair. 47 C.F.R. § 90.531(b)(7)(iii).

¹⁰ Given that the Commission's agreements with Canada and Mexico cover terrestrial operations in the border areas, the Commission determined that it would consider applications for the air-ground channels within 315 kilometers of the borders with Canada and Mexico on a case-by-case basis. *See Report and Order*, 29 FCC Rcd at 13291 ¶ 20.