



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PROVIDES GUIDANCE FOR LICENSING CHANNELS IN THE FORMER 700 MHZ NARROWBAND RESERVE SPECTRUM

PS Docket Nos. 13-87 and WT Docket 02-378

On October 17, 2014, the Federal Communications Commission (Commission) adopted a *Report and Order* revising the rules governing the 700 MHz public safety narrowband channels.¹ Specifically, the Commission released the narrowband reserve channels (twenty four 12.5 kHz channels) to General Use under the administration of the Regional Planning Committees (RPCs) for the benefit of state and local public safety users.²

In the T-Band markets,³ the Commission released the reserve channels for General Use under RPC administration with priority access given to T-Band incumbents within 80 km of the city center coordinates as specified in Sections 90.303 and 90.305⁴ of the Commission's rules. Priority access is also afforded any T-band incumbent that received a waiver of the 80 km distance requirement.⁵ Outside the T-Band markets the Commission authorized the RPCs to assign (1) up to eight 12.5 kHz former reserve channels for deployable trunked systems and (2) sixteen 12.5 kHz channels for General Use, including vehicular mobile repeaters (MO3).⁶ Thus, the Commission stated, "RPCs have the flexibility to designate

¹ 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*, FCC 14-172 (rel. Oct. 24, 2014) (*Report and Order*).

² *Id.* at ¶ 39. 47 C.F.R. § 90.531(b)(2).

³ Boston, Massachusetts; Chicago, Illinois; Dallas/Fort Worth, Texas; Houston, Texas; Los Angeles, California; Miami, Florida; New York, New York/N.E. New Jersey; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; San Francisco/Oakland, California; Washington, District of Columbia/Maryland/Virginia (the Affected T-Band Markets). See 47 C.F.R. § 90.303. There are no T-Band public safety incumbents in Cleveland, Ohio, or Detroit, Michigan. *Id.*

⁴ 47 C.F.R. §§ 90.303, 90.305.

⁵ *Report and Order* at ¶¶ 43-45.

⁶ *Id.* at ¶¶ 46, 51. The Commission also encouraged the National Public Safety Telecommunications Council and the National Regional Planning Committee to specify channels for deployable trunked systems and technical standards for RPCs within three months of the publication of the *Report and Order* in the Federal Register (*i.e.* March 2, 2015).

a mixture of General Use and temporary (deployable trunked infrastructure) channels in their Regional Plans.”⁷

By this *Public Notice*, pursuant to delegated authority, we announce the (1) five year priority access window for T-Band incumbents to license the former reserve spectrum and (2) the date for filing RPC Plan Amendments to incorporate the former reserve spectrum. We also announce the date by which certain licensees must reprogram their deployable trunked systems to operate on the former reserve channels.

Priority Access in T-Band Markets. In the *Report and Order*, the Commission afforded:

T-Band incumbents priority access to the Reserve Channels on the condition that relocating T-Band incumbents (1) commit to returning to the Commission an equal amount of T-Band spectrum and (2) obtain RPC concurrence. For example, a relocating T-Band incumbent seeking sixteen Reserve Channels must commit to return sixteen or more T-Band channels. Reserve Channels in the Affected T-Band Markets will remain unavailable until issuance of a Public Notice opening a filing window for acceptance of applications from T-Band incumbents. T-Band incumbents will enjoy priority access to the 700 MHz Reserve Channels for a five year period starting from the date of a Public Notice announcing the availability of the Reserve Channels, after which we may revisit extending the five year priority access period. We delegate to the Chief of the Public Safety and Homeland Security Bureau the authority to issue such a Public Notice.⁸

Hereby we announce that the five year priority access period for T-Band incumbents will expire five years from the date of this *Public Notice*, *i.e.*, January 9, 2020, unless modified by the Commission.

Licensing General Use Reserve Spectrum. To effectuate the licensing of the narrowband reserve channels, including for deployable trunked systems, the Commission encouraged the RPCs to file plan amendments within six months of the publication of the *Report and Order* in the Federal Register.⁹ The rule revisions were published in the Federal Register on December 2, 2014.¹⁰ Pursuant to Section 90.527(b)¹¹ of the Commission’s rules, RPCs should file Plan Amendments in WT Docket 02-378 to incorporate the former reserve spectrum into their Regional Plans by June 2, 2015. Such amendments are “major” plan modifications subject to public notice and comment and adjacent region concurrence. To the extent that an RPC designates fewer than eight channels for deployable trunked systems, or in the event that an RPC does not amend its Regional Plan within six months from the publication of the *Report and Order* in the Federal Register, *i.e.*, by June 2, 2015, to include channels for deployable trunked systems, the channels shall revert to General Use in that Region without further action by the Commission.¹² Applicants seeking to license former reserve channels shall file a Form 601 and

⁷ *Id.* at footnote 126.

⁸ *Id.* at ¶ 44.

⁹ *Id.* at ¶ 46.

¹⁰ 79 Fed. Reg. 71321 (December 2, 2014).

¹¹ 47 C.F.R. § 90.527(b)(regional plan modifications).

¹² *Report and Order*, at ¶ 46. We recommend, but do not require, that the RPCs coordinate their choices of channels for deployable trunked systems such that the assignment of those channels is uniform, nationwide. We also remind RPCs that allow the reserve channels to revert to General Use, that they are still required to obtain FCC approval to

demonstrate RPC concurrence. T-Band incumbents shall also submit an attachment stating their commitment to return an equal number of T-Band channels, including a list of call signs covering the T-Band spectrum that they intend to return to the Commission.

License Modifications. The Commission directed certain licensees¹³ operating deployable trunked systems on the narrowband interoperability channels to reprogram their systems to operate on the former reserve spectrum within six months of the publication of the *Report and Order* in the Federal Register. By this *Public Notice*, we direct the City of Mesa, Arizona; the State of Colorado and the State of Idaho to reprogram their deployable trunked systems to the former reserve channels by June 2, 2015. Because the State of Florida (Florida) and the State of New Jersey (New Jersey) encompass all or part of the Miami and New York T-Band markets, respectively, the New Jersey and Florida incumbents, currently operating deployable trunked infrastructure on the interoperability channels are precluded from relocating to the former reserve channels so long as those former reserve channels remain set aside for relocating T-Band incumbents (5 years from the date hereof unless extended by the Commission). Accordingly, although Florida and New Jersey are required to transition their deployable trunked systems to the former reserve channels, they may not do so until January 9, 2020 (unless that date is extended by the Commission). In the interim, Florida and New Jersey may continue operating their deployable trunked systems on the interoperability channels.

Questions regarding this *Public Notice* may be directed to John A. Evanoff, Attorney-Advisor, Public Safety and Homeland Security Bureau, Policy and Licensing Division (202) 418-0848 or john.evanoff@fcc.gov.

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modify their FCC-approved plans to incorporate these newly available channels before licensing may begin on the former reserve channels.

¹³ *Id.* at ¶ 47 citing State of Florida, *Order*, 26 FCC Rcd 7730 (PSHSB 2011); City of Mesa, Police Department, *Order*, 26 FCC Rcd 8466 (PSHSB 2011); State of Colorado, *Order*, 27 FCC Rcd 6051 (PSHSB 2012); State of New Jersey, *Order*, 28 FCC Rcd 1358 (PSHSB 2013); State of Idaho, *Order*, 28 FCC Rcd 3251 (PSHSB 2013).