



PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU CLARIFIES
THE PROCESS FOR ACCEPTING APPLICATIONS FROM PUBLIC SAFETY LICENSEES
THAT ELECTED TO REMAIN IN THE 800 MHZ EXPANSION BAND
WT Docket No. 02-55**

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) clarifies the process by which it will accept applications for expanded coverage or additional channels from public safety licensees that elected to remain in the 800 MHz Expansion Band (815-816/860-861 MHz).¹ Such applications will be subject to pre-coordination and will only be accepted on or after the filing date established by PSHSB and the Wireless Telecommunications Bureau (WTB) upon completion of band reconfiguration in each National Public Safety Planning Advisory Committee (NPSPAC) region.

Expansion Band

In April 2007, PSHSB released a Public Notice detailing the rights of public safety licensees that had operated in the Expansion Band prior to 800 MHz rebanding.² These licensees were offered the option of remaining on their current channels or re-tuning to channels lower in the band.³ To accommodate public safety licensees exercising their option to re-tune, the Commission (1) reclassified twelve SMR channels below the Expansion Band as public safety channels and (2) reclassified the twelve

¹ The Expansion Band consists of forty channels in the 815-816/860-861 MHz segment of the 800 MHz band intended for private land mobile radio (PLMR) systems that would not be adversely impacted by ESMR and other cellular-architecture systems operating on frequencies above 817/862 MHz. *See* Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969, 15053 ¶¶ 154-155 (2004) (*800 MHz R&O*). In certain counties in the southeastern U.S., the Expansion Band is at 812.5-813.5/857.5-858.5 MHz. *Id.* at 15058 ¶ 166. Other regions have either a reduced Expansion Band or no Expansion Band, including the Atlanta region, Canada Border Regions 1-6, Puerto Rico, the U.S. Virgin Islands and NPSPAC Region 5. *See* Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Memorandum Opinion and Order*, 20 FCC Rcd 16015, 16036 ¶¶ 47-48 (2005); Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Second Report and Order*, 23 FCC Rcd 7605, 7613-14 ¶ 18 (PSHSB 2008); Improving Public Safety Communications in the 800 MHz Band, *Third Report and Order and Third Further Notice of Proposed Rulemaking*, 25 FCC Rcd 4443, 4444 ¶ 5 (PSHSB 2010); Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Fourth Report and Order*, 26 FCC Rcd 1937, 1938-39 ¶ 5; Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Fifth Report and Order*, 28 FCC Rcd 4085, 4098 ¶ 40 (PSHSB 2013).

² Public Safety and Homeland Security Bureau Clarifies the Rights of 800 MHz Public Safety Licensees Electing to Remain in the 800 MHz Expansion Band, *Public Notice*, 22 FCC Rcd 6803 (PSHSB 2007) (*Expansion Band Guidance PN*).

³ *800 MHz R&O*, 19 FCC Rcd at 15053 ¶¶ 154-155.

public safety channels in the Expansion Band as SMR channels, but allowed public safety licensees to remain on those channels notwithstanding their reclassification.⁴

In the *Expansion Band Guidance PN*, PSHSB explained that public safety licensees that elected to remain on their reclassified Expansion Band channels are permitted to modify their operations on those channels, including expanding coverage contours, without the need to request a rule waiver.⁵ Furthermore, PSHSB explained that public safety licensees that elected to remain in the Expansion Band are permitted to add Expansion Band channels to their operations provided their applications are accompanied by a request for intercategory sharing⁶ or other relief that would permit use of channels designated for other services.⁷

Process for Licensing of Expansion Band Channels

Since release of the *Expansion Band Guidance PN*, PSHSB and WTB (collectively, the Bureaus) have established a process for licensing channels in the Expansion Band to all eligible entities upon completion of band reconfiguration in each NPSPAC region.⁸ The process consists of the Bureaus establishing a date on which eligible entities can begin filing applications for Expansion Band channels in specified regions.⁹ The Bureaus also instruct frequency coordinators to pre-coordinate applications for Expansion Band channels prior to the filing date in order to resolve conflicting applications.¹⁰

By this Public Notice, we clarify that applications from public safety licensees that chose to remain on Expansion Band channels will be subject to the same process established for other licensees seeking to license Expansion Band channels. Thus, public safety licensees that chose to remain on Expansion Band channels retain the privileges established in the *Expansion Band Guidance PN*, but their applications for expanded coverage or additional channels will be subject to pre-coordination and will only be accepted on or after the filing date established by the Bureaus for each NPSPAC region. The Bureaus find this to be in the public interest because it will maintain a stable spectral environment for the Expansion Band prior to the announcement of a filing date and will enable frequency coordinators to pre-coordinate applications and resolve any conflicts.

Any public safety licensee that has an urgent need to expand coverage or add channels in the Expansion Band prior to the filing date established by the Bureaus may seek a waiver for early access but must demonstrate a compelling reason why it is unable to wait for the filing date to submit its application.¹¹

⁴ *Id.*

⁵ *Expansion Band Guidance PN*, 22 FCC Rcd at 6803.

⁶ In general, intercategory sharing requests require a demonstration that no other suitable public safety channels are available to the applicant. See 47 C.F.R. § 90.617(d).

⁷ *Expansion Band Guidance PN*, 22 FCC Rcd at 6803-04.

⁸ See Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions, *Public Notice*, 27 FCC Rcd 14775, 14781-82 (PSHSB, WTB 2012) (*Completion of Rebanding PN No. 1*). See also Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions, *Public Notice*, 29 FCC Rcd 16290, 16296-97 (PSHSB, WTB 2014) (*Completion of Rebanding PN No. 2*).

⁹ *Id.*

¹⁰ *Id.*

¹¹ See 47 C.F.R. § 1.925.

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Action by the Deputy Chief, Public Safety and Homeland Security Bureau.

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