



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REGION 19 (NEW ENGLAND) 700 MHZ REGIONAL PLAN AMENDMENT

WT Docket No. 02-378

Comments Due: January 5, 2017

Introduction. On October 30, 2015, the Region 19 (New England)¹ 700 MHz Regional Planning Committee (RPC) submitted a proposed modification (Plan Amendment) to amend its 700 MHz Public Safety Plan² for General Use spectrum in the 769-775/799-805 MHz band.³ For the reasons discussed below, we seek comment on the Region 19 700 MHz Plan Amendment.

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.⁴ The Commission's rules require each of the fifty-five RPCs to submit its plan for the General Use spectrum.⁵ 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.⁶

¹ The Region 19 700 MHz regional planning area consists of the entire States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

² See Letter from Jerry Zarwanski, Chair, Region 19 700 MHz Regional Planning Committee, to Public Safety and Homeland Security Bureau, Federal Communications Commission, WT Docket No. 02-378 (dated Oct. 27, 2015) (Cover Letter) and accompanying Plan Amendment.

³ The General Use spectrum is administered by RPCs and is licensed by the Commission for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

⁴ See 47 CFR § 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*, First Report and Order and Third Notice of Proposed Rulemaking, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, Second Memorandum Opinion and Order, 15 FCC Rcd 16844 (2000).

⁵ See 47 CFR § 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/>.

⁶ *First Report and Order*, 14 FCC Rcd at 195 para. 87.

On October 17, 2014, the Commission adopted a *Report and Order* revising the rules governing the 700 MHz public safety narrowband channels.⁷ Specifically, the Commission released the narrowband reserve channels (twenty four 12.5 kHz channels) for General Use under the administration of the RPCs for the benefit of state and local public safety users.⁸

In the T-Band markets,⁹ the Commission released the reserve channels for General Use under RPC administration with priority access given to T-Band incumbents within 128 km of the city center coordinates as specified in Sections 90.303 and 90.305¹⁰ of the Commission's rules. Priority access is also afforded any T-band incumbent that received a waiver of the 128 km distance requirement.¹¹ 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).¹² Thus, the Commission stated, "RPCs have the flexibility to designate a mixture of General Use and temporary (deployable trunked infrastructure) channels in their Regional Plans."¹³

On January 9, 2015, the Public Safety and Homeland Security Bureau (PSHSB) provided guidance on licensing the former reserve channels.¹⁴ On April 23, 2015 the PSHSB approved the channels recommended by the National Public Safety Telecommunications Council (NPSTC) and the National Regional Planning Council (NRPC) for deployable trunked systems.¹⁵ Regional plan amendments were due by October 30, 2015.¹⁶

Region 19 Major Amendments. The Region 19 Plan Amendment changes the plan to incorporate the former reserve spectrum.¹⁷ The modified plan allocates all 24 reserve channels as general use

⁷ *Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands*, Report and Order, 29 FCC Rcd 13283 (2014) (*Report and Order*).

⁸ *Id.* at 13297 para. 39. 47 CFR § 90.531(b)(2).

⁹ 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 CFR § 90.303. There are no T-Band public safety incumbents in Cleveland, Ohio, or Detroit, Michigan. *Id.*

¹⁰ 47 CFR §§ 90.303, 90.305.

¹¹ *Report and Order*, 29 FCC Rcd at 13298-99 paras. 43-45.

¹² *Id.* at 13299 para. 46, 13301 para. 51.

¹³ *Id.* at footnote 126.

¹⁴ *Public Safety and Homeland Security Bureau Provides Guidance for Licensing Channels in the Former 700 MHz Narrowband Reserve Spectrum*, Public Notice, 30 FCC Rcd 124 (PSHSB 2015).

¹⁵ *Public Safety and Homeland Security Bureau Approves Recommended Nationwide Channels for Deployable Trunked Systems in the 700 MHz Narrowband Public Safety Band*, Public Notice, 30 FCC Rcd 3723 (PSHSB 2015).

¹⁶ *Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, et al*, Order, 30 FCC 3699 (PSHSB 2015). Region 19 late-filed its Plan Amendment on May 9, 2016. On our own motion we waive the plan amendment filing deadline.

¹⁷ Cover Letter and Plan Amendment at Section 6 page 3 and Appendix A.

channels with priority access for T-Band incumbents within the Boston T-Band area in accordance with the *Report and Order*.¹⁸ Outside the Boston T-Band area, the Region 19 Plan Amendment allocates six reserve channels for Deployable Trunked Systems as recommended by NPSTC and the NRPC and will make former reserve channels available to supplement existing County allotments.¹⁹ Region 19 also recognizes that the secondary trunking channels have been reallocated for air-ground operations and provides that the relevant State shall have the opportunity to review and provide a statement of concurrence for air-ground applications.²⁰

Additionally, Region 19 amends Technical Evaluation and Approval procedures, including “Responsible Radiation”; Co-Channel; Adjacent Channel Interference Protection,²¹ and coordination and dispute resolution procedures between Regions 8, 19 and 30.²² Region 19 also updates membership eligibility criteria to establish the role of the New England Statewide Interoperability Coordinators (SWICs).²³ Region 19 proposes to require that all applicants obtain approval letters from the relevant SWICs stating that the State Interoperability Executive Committee concurs that the application is consistent with the State Communications Interoperability Plan.²⁴

With regard to interoperability, the Region 19 Plan Amendment proposes a minimum of eight interoperability channel sets in each subscriber unit.²⁵ Region 19 also proposes operational policies for the use of mobiles and repeaters, including vehicular repeaters (MO3), on the 700 MHz interoperability channels.²⁶

All regions adjacent to Region 19 – Region 8 (New York and Northern New Jersey – Metropolitan area) and Region 30 (New York-Albany) – reviewed the Region 19 Plan Amendment and provided letters of concurrence.²⁷ We have reviewed the Region 19 Plan Amendment and tentatively accept the Plan Amendment.²⁸

¹⁸ *Id.* Upon FCC approval of the Region 19 700MHz Plan, Region 19 will announce a Window Opening for only the T-band incumbents, then after the committee will process applications in the order received. *Id.*

¹⁹ *Id.* at Section 6, pages 3-4 and Appendix A.

²⁰ *Id.* at Appendix A; Section 9, page 2-3.

²¹ *Id.* at Section 6 pages 6-8.

²² *Id.* at Appendix N.

²³ *Id.* at Sections 1.8 and 2.1.

²⁴ *Id.* at Sections 6 page 9. If a SWIC is not present or appointed by a member state, the designated State Band Manager, or Interoperability Committee Chairman shall have signature authority. *Id.* If none exist, the RPC will accept and decide the validity of the application. *Id.*

²⁵ *Id.* at Section 8 page 2. In addition to the two nationwide calling channels sets, Region 19 proposes that a minimum of six sets of tactical channel sets shall be implemented in every voice subscriber unit. *Id.*

²⁶ *Id.* at Section 8 page 3.

²⁷ *Id.* at Appendix O.

²⁸ The Region 19 Plan Amendment includes “minor” amendments, which are not subject to public comment (*i.e.* change in leadership or membership). 47 CFR § 90.527(b).

Request for Comments on the Region 19 Plan Amendment. Prior to taking further action on the Plan Amendment, by this *Public Notice* we solicit comments on the Region 19 Plan Amendment. If no party raises an objection during the comment period, the Region 19 Plan Amendment, if otherwise conforming to the Commission's rules, will be deemed approved without further action by the PSHSB.²⁹

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on the plan amendment on or before **January 5, 2017**. All 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 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 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.

²⁹ See 47 CFR § 90.527(b); *Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands*, Seventh Report and Order, Notice of Proposed Rulemaking, 28 FCC Rcd 4783, 4804 para. 66 (2013).

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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.

The Plan Amendment is available through ECFS at ecfs@fcc.gov. Region 19 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.

For further information regarding this matter, contact John A. Evanoff, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-0848 or John.Evanoff@fcc.gov.

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