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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 11 (HAWAII) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On December 5, 2016, the Region 11 (Hawaii)¹ 700 MHz Regional Planning Committee (RPC) (Region 11) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use spectrum² in the 769-775/799-805 MHz band for review and approval.³ For the reasons discussed below, we approve the Region 11 700 MHz Plan.

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 Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.⁵ The Commission's role in relation to the RPCs is limited to (1) defining regional boundaries; (2) requiring fair and open RPC 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 11 (Hawaii) 700 MHz regional planning area includes all 4 counties within the state of Hawaii.

² The General Use spectrum is administered by 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. We note that the State of Hawaii delegated administration of the 700 MHz air-ground channels to RPC 11. *See* Letter from David Y. Ige, Governor, State of Hawaii, to Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, (dated Jan. 15, 2016). Similarly, the State Interoperability Executive Board designated Region 11 to administer the 700 MHz narrowband interoperability channels. *See* Letter from David Y. Ige, Governor, State of Hawaii, to Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, (dated Jan. 15, 2016). Although the State of Hawaii designated RPC 11 to administer the 700 MHz narrowband air-ground and interoperability channels, we limit our review to Region 11's proposed Plan for General Use spectrum.

³ *See* Letter from Arthur J. Logan, Major General, Hawaii Army National Guard, Adjutant General, and Warren Izumigawa, Chair, Region 11 (Hawaii) 700 MHz Regional Planning Committee, to Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, WT Docket No. 02-378 (dated Dec. 5, 2016) (Cover Letter) and State of Hawaii Region 11 700 MHz Regional Plan (Plan).

⁴ *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*); Second Memorandum Opinion and Order, 15 FCC Rcd 16844 (2000). *See also* 47 CFR § 90.527.

⁵ 47 CFR § 90.527. 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 July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁷ 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).

Plan Requirements. Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.⁸ Each regional plan must contain certain elements⁹ and must be coordinated with adjacent regions.¹⁰ RPCs are expected to ensure that their committees are representative of all public safety entities in their regions by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice.¹¹ Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.¹²

Regional plans may differ in their approaches to spectrum planning and management. In particular, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties. However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the Commission's regional plan requirements.¹³ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁴

Review of the Region 11 700 MHz Plan. The Region 11 plan incorporates the following common elements as required by Section 90.527(a)¹⁵ of the Commission's rules:

⁷ *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*, Second Report and Order, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

⁸ 47 CFR §§ 90.527, 90.531.

⁹ 47 CFR § 90.527; *see also First Report and Order*, 14 FCC Rcd at 193-94 para. 84.

¹⁰ 47 CFR § 90.527; *see also First Report and Order*, 14 FCC Rcd at 190-96 paras. 77-89.

¹¹ *First Report and Order*, 14 FCC Rcd at 193-94 para. 84. The Commission directed RPCs to promptly adopt operating procedures that "ensure that all entities will be given reasonable notice of all committee meetings and deliberations." *Id.* at 195 para. 86.

¹² *Id.* at 193-94 para. 84.

¹³ 47 CFR § 90.527.

¹⁴ The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. In addition, the NCC was tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional planners.

¹⁵ 47 CFR § 90.527(a).

- *47 CFR § 90.527(a)(1)*. Region 11 identifies the Plan as the regional plan for the defined region with the names, business addresses, business telephone numbers, and organizational affiliations of the chairpersons and all members of the planning committee.¹⁶
- *47 CFR § 90.527(a)(2)*. The Plan includes a summary of the major elements of the plan and an explanation of how all eligible entities within the region were given an opportunity to participate in the planning process and to have their positions heard and considered fairly.¹⁷ In that connection, Region 11 encouraged the participation of stakeholders and others with an interest in the development of a Plan for 700 MHz public safety narrowband spectrum, including interoperability channels.
- *47 CFR § 90.527(a)(3)*. The Plan includes a general description of how the spectrum would be allotted among the various eligible users within the region with an explanation of how the requirements of all eligible entities within the region were considered and, to the degree possible, met.¹⁸ Region 11 submits channel allotments for geographical areas within Region 11. The Region 11 Plan pre-allocates the consolidated narrowband General Use spectrum by county.¹⁹
- *47 CFR § 90.527(a)(4)*. The Plan includes an explanation as to how needs were assigned priorities in areas where not all eligible entities could receive licenses.²⁰ For example, Region 11 establishes procedures for application review, technical review of applications, management of channel assignments and priority matrix for evaluating applications.²¹
- *47 CFR § 90.527(a)(5)*. The Plan includes an explanation of how the plan had been coordinated with adjacent regions.²² Specifically, Region 11 noted that there are no regions adjacent to Hawaii, therefore obviating the need for letters of concurrence.
- *47 CFR § 90.527(a)(6)*. The Plan includes a detailed description of how the plan put the spectrum to the best possible use by requiring system design with minimum coverage areas, by assigning frequencies so that maximum frequency reuse and offset channel use may be made, by using trunking, and by requiring small entities with minimal requirements to join together in using a single system where possible.²³ In that connection, the Plan includes guidelines for interference protection; coverage area; spectrum efficiency standards; handling orphaned channels and system implementation.²⁴
- *47 CFR § 90.527(a)(7)*. The Plan includes a detailed description of the future planning process, including, but not limited to, amendment process, meeting announcements, data

¹⁶ Cover Letter and Plan at Section 1.

¹⁷ Plan at Sections 4 and 5, Attachments H and I.

¹⁸ *Id.* at Section 6.

¹⁹ *Id.* Section 8, Appendix J.

²⁰ *Id.* at Section 10.

²¹ *Id.* at Section 10.

²² *Id.* at Section 6.1.8.

²³ *Id.* at Section 7.

²⁴ *Id.* Sections 7, 8 and 10.

base maintenance, and dispute resolution. Region 11 includes procedures for future application windows, review of the Plan's effectiveness, potential Plan modification and intra-regional disputes.²⁵

- 47 CFR § 90.527(a)(8). The Plan includes a certification by the regional planning chairperson that all planning committee meetings, including subcommittee or executive committee meetings, were open to the public. Specifically, the Region 11 Chair certifies that meetings were open to the public and includes meeting minutes.²⁶

On December 14, 2016, the Bureau released a *Public Notice* seeking comment on the Region 11 Plan.²⁷ We received comments from the National Regional Planning Council (NRPC).²⁸ The NRPC recommended “that Region 11 amend their plan submission to add clarity and technical details to section 7.1 “Interference Protection” to address co-channel and adjacent channel interference evaluation criteria. And the NRPC recommends that Region 11 amend section 8.5 “Channel Loading Recommendations to encourage the use of spectrally efficient [Time Division Multiple Access] technology.”²⁹ In reply comments, Region 11 noted that the Plan's priority matrix includes loading criteria and that the RPC 11 will convene a meeting to consider the NRPC's proposal to promote spectrum reuse.³⁰ Based on our review of the Plan, we conclude that the Region 11 Plan complies with FCC rules and policies.

Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 CFR § 1.102(b), the Region 11 (Hawaii) 700 MHz Plan is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 CFR §§ 0.191, 0.392.

Action by the Acting Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau.

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²⁵ *Id.* at Sections 11 and 12.

²⁶ *Id.* at 25.

²⁷ *Public Safety and Homeland Security Bureau Seeks Comments on Region 11 (Hawaii) 700 MHz Regional Plan*, Public Notice, 31 FCC Rcd 13145 (PSHSB 2016).

²⁸ Comments of the National Regional Planning Council, WT Docket 02-378 (filed Jan. 13, 2017).

²⁹ *Id.* at 2.

³⁰ Letter from Arthur J. Logan, Major General, Hawaii Army National Guard, Adjutant General, and Warren Izumigawa, Chair, Region 11 (Hawaii) 700 MHz Regional Planning Committee, to Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, WT Docket No. 02-378 (dated Jan. 24, 2017).