



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REGION 21 (MICHIGAN) 700 MHZ REGIONAL PLAN AMENDMENT

WT Docket No. 02-378

Comments Due: June 9, 2017

Introduction. On March 17, 2017, the Region 21 (Michigan)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 21 700 MHz Plan Amendment.

Background. In 1998, the Commission established a structure to allow regional planning 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 21 regional planning area consists of the State of Michigan.

² See Letter from Keith Bradshaw, Chair, Region 21 700 MHz Regional Planning Committee, to Public Safety and Homeland Security Bureau, FCC, WT Docket No. 02-378 (filed March 17, 2017) (Cover Letter) attached to 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 In the *Report and Order*, the Commission reallocated the former secondary trunking channels for air-ground operations subject to state administration.⁸ The Commission noted that the existing agreement with Canada for the 700 MHz band covers only terrestrial land mobile operations along the border and does not contemplate airborne operations.⁹ Therefore, the Commission said it will consider applications for air-ground use of the secondary trunking channels within 315 kilometers of the Canada border on a case-by-case basis.¹⁰ The Commission advised applicants for such channels in the border areas to specify channels on U.S. primary spectrum whenever possible.¹¹

On February 19, 2016, the Michigan Statewide Interoperability Coordinator authorized Region 21 to administer the air-ground channels.¹² On August 18, 2016, the Commission clarified that the states may delegate administration of the air-ground channels to the Regional Planning Committees.¹³

Region 21 Major Amendments. The Region 21 Plan Amendment changes the plan to incorporate the former secondary trunking channels.¹⁴ The Region 21 Plan Amendment provides that four (4) of the air-ground pairs are reserved for 12.5 kHz conventional repeater or trunked system use while the remaining four (4) pairs are reserved for simplex use for a total of eight (8) 12.5 kHz simplex channels.¹⁵ The Region 21 Plan Amendment provides that air-ground channels will be “available to agencies with geographic areas up to and including the entire State of Michigan for two-way communications with aircraft.”¹⁶

Four regions adjacent to Region 21 – Region 14 (Indiana), Region 33 (Ohio); Region 45 (Wisconsin); and Region 54 (Illinois - Southern Lake Michigan) – reviewed the Region 21 Plan Amendment and provided letters of concurrence.¹⁷ We have reviewed the Region 21 Plan Amendment and tentatively accept the Plan Amendment.

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 13291 para 19. 47 CFR § 90.531(b)(7).

⁹ *Report and Order*, 29 FCC Rcd at 13291 para 20.

¹⁰ *Id.*

¹¹ *Id.*

¹² Letter from Brad Stoddard, Michigan SWIC to Keith M. Bradshaw, Michigan Public Safety Frequency Advisory Committee (dated Feb. 19, 2016) attached to Plan Amendment.

¹³ *Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, et al*, Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10063, 10072 para. 24 (2016).

¹⁴ Plan Amendment at 26-27.

¹⁵ *Id.*

¹⁶ *Id.* at 27

¹⁷ Letters of Concurrence attached to Plan Amendment.

Request for Comments on the Region 21 Plan Amendment. Prior to taking further action on the Plan Amendment, by this *Public Notice* we solicit comments on the Region 21 Plan Amendment. If no party raises an objection during the comment period, the Region 21 Plan Amendment will be deemed approved without further action by the PSHSB.¹⁸

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 **June 9, 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.

¹⁸ 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).

- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

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 21 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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