



# PUBLIC NOTICE

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PROVIDES GUIDANCE TO 700 MHz NARROWBAND STATE LICENSEES REGARDING FINAL SUBSTANTIAL SERVICE BENCHMARK SHOWING DUE ON JUNE 13, 2019

PS Docket Nos. 15-91, 15-94

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) provides guidance to licensees of state channels in the 700 MHz public safety narrowband spectrum (769-775/799-805 MHz), regarding their upcoming final substantial service benchmark showing. Licensees of state channels must demonstrate by **June 13, 2019** that they are providing or prepared to provide “substantial service” to **two-thirds** of their population or territory.<sup>1</sup>

### Requirement to Provide Substantial Service

The Commission has designated ninety-six channel pairs (12.5 kHz bandwidth) in the 700 MHz narrowband spectrum for public safety use by states, the District of Columbia, and U.S. territories (state licensees).<sup>2</sup> Each state licensee receives a geographic area license for those channels, covering the geopolitical boundaries of its jurisdiction.<sup>3</sup>

The Commission established a five-year interim benchmark<sup>4</sup> and a ten-year final benchmark for state licensees to establish specified levels of substantial service within their statewide license areas.<sup>5</sup> The due date for the ten-year final benchmark showing is **June 13, 2019**.<sup>6</sup> By this date, state licensees must

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<sup>1</sup> 47 CFR § 90.529(b)(2).

<sup>2</sup> 47 CFR § 90.531(b)(5).

<sup>3</sup> See the *Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, Third Memorandum Opinion and Order and Report and Order, WT Docket 96-86, 15 FCC Rcd 19844, 19864-70 paras. 48-59 (2000) (*Third MO&O and Third R&O*).

<sup>4</sup> See *Public Safety and Homeland Security Bureau Provides Guidance to 700 MHz Narrowband State Licensees Regarding Interim Substantial Service Benchmark Showing Due on June 13, 2014*, Public Notice, 29 FCC Rcd 3706 (PSHSB 2014).

<sup>5</sup> *Id.*, 15 FCC Rcd at 19871-72 paras. 62-64. See also 47 CFR § 90.529(b)(1)-(2).

<sup>6</sup> The final substantial service deadline is ten years after broadcast TV and DTV licensees vacated the 700 MHz band on June 13, 2009. See *Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands*, WT Docket 96-86, Declaratory Ruling, 26 FCC Rcd 10895, 10896 para. 5 (2011) (*Declaratory Ruling*); Order, 27 FCC Rcd 15010 (PSHSB 2012) (conforming section 90.529(b) of the FCC’s rules regarding the “substantial service” deadlines for state-licensed 700 MHz public safety narrowband channels to comport with the deadlines specified in the *Declaratory Ruling*).

certify that they are providing or are prepared to provide “substantial service” to **two-thirds** of their population or territory.<sup>7</sup>

“Substantial service” is defined as the construction and operation of facilities on state channels which is “sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.”<sup>8</sup> The construction and operation of facilities means that a state licensee has constructed facilities on state license channels that are operational as of the date of certification.

A state licensee is deemed “prepared” to provide substantial service if it certifies that a radio system on state license channels, which system will provide service to two-thirds of the licensee’s jurisdictional area or population, has been approved and funded by the deadline date.<sup>9</sup>

#### Recommended Details to Include with Final Benchmark Filing

State licensees must file Schedule K of Form 601 by **June 13, 2019** to certify that they have satisfied their final construction/operation benchmark. To facilitate staff review, the Bureau recommends that state licensees include an attachment to their Schedule K filing with the following information:

- The kind of public safety service the state licensee is providing on the state channels.
- A list of which state channels are in use in the state licensee’s system.
- Whether the state licensee is making its showing based upon population or territory covered.
- The percentage of territory or population served by the state licensee’s composite system footprint.
- Whether the state licensee defines the system coverage footprint based on the 40 dBuV/m F(50,50) service contour or an alternate signal level value.<sup>10</sup>
- If any portion of a state licensee’s showing is based upon unconstructed facilities, information showing that the licensee has received committed funding for that portion of the system.<sup>11</sup>

#### Return of Unused State License Channels

Section 90.529(d) of the Commission’s rules states that if a state licensee has not met any condition of its license the license will be “modified automatically to the frequencies and geographic areas where the state certifies that it is providing substantial service.”<sup>12</sup> Section 90.529(e) states that “[a]ny recovered state license spectrum will revert to General Use,” but that such spectrum “remains unavailable for reassignment to other applicants until the Commission’s database reflects the parameters

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<sup>7</sup> See 47 CFR § 90.529(b)(2).

<sup>8</sup> 47 CFR § 90.529(c).

<sup>9</sup> *Id.*

<sup>10</sup> The Bureau generally considers the 40 dBuV/m F(50,50) signal level as defining the service contour for 700 MHz narrowband licensees. State licensees, however, may define their system footprint using an alternative signal level provided they demonstrate that the alternative value is appropriate.

<sup>11</sup> See OM Control Number 3060-1198.

<sup>12</sup> 47 CFR § 90.529(d).

of the modified state license.”<sup>13</sup> Following the filing of substantial service showings by state licensees, the Bureau will identify recovered spectrum that is to be made available for licensing as General Use channels. In all such cases, recovered spectrum will be made available for General Use licensing after (a) the Bureau releases a Public Notice announcing its availability, and (b) the relevant Regional Planning Committee (RPC) incorporates the recovered spectrum into its regional plan.

For further information regarding this proceeding contact Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0838 or [Brian.Marengo@fcc.gov](mailto:Brian.Marengo@fcc.gov).

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<sup>13</sup> 47 CFR § 90.529(e).