



# PUBLIC NOTICE

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## ERRATUM

### PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENTS ON REGION 16 (KANSAS) REVISED 700 MHZ REGIONAL PLAN

PS Docket No. 06-229; WT Docket No. 02-378

The Public Notice, DA 08-2624, released by the Public Safety and Homeland Security Bureau on December 1, 2008, in the above captioned proceeding, contained typographical errors and is hereby corrected as follows:

1. The first paragraph is revised to read as follows:

*Introduction.* On January 30, 2008, the Region 16 (Kansas)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) (Region 16) submitted a proposed revised 700 MHz Public Safety Plan (Revised Plan) for General Use<sup>2</sup> spectrum in the 769-775/799-805 MHz band.<sup>3</sup> Region 16 concurrently requested a temporary, limited waiver of Sections 90.527(a)(3) and (6), 47 C.F.R. §§ 90.527(a)(3), (6) (requiring that regional plans incorporate a general description of how the spectrum would be allotted among the various eligible users, and a detailed description of how the plan put the spectrum to the best possible use).<sup>4</sup> Region 16 states that it utilizes the Computer Aided Pre-Allocation Resource and Database (CAPRAD) program as a guideline for assigning spectrum (the CAPRAD system is a spectrum management tool provided by the National Institute of Justice, National Law Enforcement and Corrections Technology Center (NLECTC). The CAPRAD system is available at <http://caprad.nlectc.du.edu>). CAPRAD was not updated to reflect the new consolidated band frequencies prior to the Bureau's plan amendment filing deadline.

2. The second paragraph is revised to read as follows:

Region 16 also requested waiver of Section 90.527(a)(5), because it was unable to coordinate the Revised Plan with Region 34 (Oklahoma).<sup>5</sup> Section 90.527(a)(5) provides that regional plans

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<sup>1</sup> The Region 16 (Kansas) 700 MHz regional planning area includes the entire state of Kansas.

<sup>2</sup> The General Use spectrum is administered by regional planning committees (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.

<sup>3</sup> See Letter from Randy D. Moon, Chairman, Region 16 700 MHz Regional Planning Committee Plan, to Office of the Secretary, Federal Communications Commission, PS Docket No. 06-229 (filed Jan. 30, 2008) (Revised Plan and Waiver Request). The Region 16 plan was initially submitted to the Commission on June 26, 2007.

<sup>4</sup> See Waiver Request at 1; see also 47 C.F.R. §§ 90.527(a)(3), (6).

<sup>5</sup> Waiver Request at 1; see also 47 C.F.R. §§ 90.527(a)(5).

must include an explanation of how the plan had been coordinated with adjacent regions.<sup>6</sup> On June 16, 2008, Region 16 submitted a revised Appendix L – Region 16 (Kansas) 700 MHz General Use Channel Assignment, and withdrew its request for temporary, limited waiver of Sections 90.527(a)(3) and (6).<sup>7</sup> On October 7, 2008, Region 16 submitted a Letter of Concurrence from Region 34 and provided a signed certification that all meetings were open to the public.<sup>8</sup> On October 16, 2008, Region 16 resubmitted a corrected copy of the Region 34 letter of concurrence.<sup>9</sup> As a result, the waiver requests are now moot.

3. The third paragraph, first sentence is revised to read as follows:

*Background.* In 1998, the Federal Communications Commission (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.<sup>10</sup>

4. The last sentence of footnote 11 is revised to read as follows:

A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz>.

5. Footnote 23 is revised to read as follows:

*See Revised Plan, Appendix N – Adjacent Regions Concurrences and Inter-Regional Dispute Resolution Agreements (submitted Jan. 30, 2008; revised Oct. 16, 2008).*

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<sup>6</sup> See 47 C.F.R. § 90.527(a)(5) (each regional planning committee must provide an explanation of how the plan has been coordinated with adjacent regions).

<sup>7</sup> See Letter from Randy D. Moon, Chairman, Region 16, Chairman, Region 16 700 MHz Regional Planning Committee Plan, WT Docket No. 02-378 (filed June 16, 2008) (submitting Revised Plan, Appendix L – Region 16 (Kansas) 700 MHz General Use Channel Assignments).

<sup>8</sup> See Letter from Randy Moon, Chairman to Federal Communications Commission, WT Docket No. 02-378 (filed Oct. 7, 2008) (submitting Region 34 letter of concurrence, and a signed certification by the regional chairperson that all planning, committee and executive meetings were open to the public).

<sup>9</sup> See Letter from Randy Moon, Chairman to Federal Communications Commission, WT Docket No. 02-378 (filed Oct. 16, 2008) (submitting corrected Region 34 letter of concurrence due to a typographical error in the Oct. 7 submission).

<sup>10</sup> See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *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 C.F.R. § 90.527.