



# PUBLIC NOTICE

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DA 15-101

January 23, 2015

## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REGION 5 (SOUTHERN CALIFORNIA) 700 MHZ REGIONAL PLAN AMENDMENT

WT Docket No. 02-378

**Comments Due: February 23, 2015**

*Introduction.* On November 19, 2014, the Region 5 (Southern California)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) submitted a proposed modification (Plan Amendment) to amend its 700 MHz Public Safety Plan<sup>2</sup> for General Use spectrum in the 769-775/799-805 MHz band.<sup>3</sup> For the reasons discussed below, we seek comment on the Region 5 700 MHz Plan Amendment.

*Background.* In 1998, the Commission established a structure to allow regional planning committees (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>4</sup> The Commission's rules require each of the fifty-five RPCs to submit its plan for the General Use spectrum.<sup>5</sup> 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)

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<sup>1</sup> The Region 5 (Southern California) 700 MHz regional planning area consists of ten counties: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernadino, San Diego, Kern, San Louis Obispo and Ventura.

<sup>2</sup> See Letter from David Buchanan, Chair, Region 5 700 MHz Regional Planning Committee, to Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, WT Docket No. 02-378 (filed Nov. 18, 2014) (Cover Letter) and accompanying Plan Amendment.

<sup>3</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>4</sup> See 47 C.F.R. § 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, WT Docket No. 96-86, *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, WT Docket No. 96-86, *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

<sup>5</sup> See 47 C.F.R. § 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/>.

reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.<sup>6</sup>

With regard to plan amendments, the Commission's Rules provides that Regional plans may be modified by submitting a written request, signed by the regional planning committee, to the Chief, Public Safety and Homeland Security Bureau.<sup>7</sup> "Modifications are considered either major or minor."<sup>8</sup> "Regional planning committees must certify that successful coordination with all adjacent regions has occurred for major modifications and that all such regions concur with the major modification."<sup>9</sup> With certain exceptions, "modifications changing the way channels are allocated, allotted or coordinated are considered major modifications."<sup>10</sup>

*Region 5 Major Amendments.* The Region 5 Plan Amendment changes the interference modeling process of section 5.3 to clarify the frequency coordination review procedure and to add a process to approve additional propagation modeling software.<sup>11</sup> Presently, Region 5's frequency coordination review procedures require applicants to submit a copy of the FCC application and supporting documents to the Regional Plan Chair via the CAPRAD<sup>12</sup> system (*e.g.* an interference prediction map must be included in the documentation using the TSB-88 guidelines). Region 5 clarifies that the map must show all interference predicted using TSB88 "(latest version)" guidelines "and using the Longley-Rice propagation model in median mode (50/50/50)."<sup>13</sup> "As an alternate submission," the Plan Amendment provides that "the applicant may provide a map showing the 40 dBμ and 20 dBμ signal levels also using Longley-Rice propagation model in median mode (50/50/50) if the co-and adjacent channel systems are not built out or if the signal level into the co-channel agency's coverage area is less than 20 dBμ."<sup>14</sup> In order to ensure consistent results, the Plan Amendment requires model software to be approved by Region 5.<sup>15</sup>

The Region 5 Plan Amendment changes the low power channel usage in Section 8.2.<sup>16</sup> The Region 5 plan amendment also proposes a table identifying the assignments associated with the low power channels subject to RPC administration.<sup>17</sup> Specifically, the Plan Amendment includes a Table that

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<sup>6</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

<sup>7</sup> 47 C.F.R. § 90.527(b).

<sup>8</sup> *Id.*

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

<sup>10</sup> 47 C.F.R. § 90.527(b)(1).

<sup>11</sup> Cover Letter at 1.

<sup>12</sup> CAPRAD refers to the Computer Assisted Pre-coordination Resource and Database.

<sup>13</sup> Plan Amendment at 10 Section 5.3. Procedure for Frequency Coordination.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Cover Letter at 1.

<sup>17</sup> Plan Amendment at 15-16 Section 8.2. Low Power Channels.

assigns 12.5 kHz bandwidth channels to “Law, Fire and General Use for on scene tactical operations.”<sup>18</sup> Region 5 will also coordinate with Region 6 (Northern California) to align their plan’s designations and channel names.<sup>19</sup>

All three regions adjacent to Region 5 – Region 3 (Arizona), Region 6 (Northern California), and Region 27 (Nevada) – reviewed the Region 5 Plan Amendment and provided letters of concurrence.<sup>20</sup> We have reviewed the Region 5 Plan Amendment and tentatively accept the Plan Amendment.<sup>21</sup>

*Request for Comments on the Region 5 Plan Amendment.* Prior to taking further action on the Plan Amendment, by this Public Notice we solicit comments on the Region 5 Plan Amendment.<sup>22</sup> If no party raises an objection during the comment period, the Region 5 Plan Amendment will be deemed approved without further action by the PSHSB staff.<sup>23</sup>

Pursuant to Sections 1.415 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on the plan amendment on or before **February 23, 2015**. 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](mailto: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.

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Plan Amendment at 20-22.

<sup>21</sup> The Region 5 Plan Amendment also includes “minor” amendments to its channel allotments. Under the Commission’s rules, “minor” amendments are not subject to comment. 47 C.F.R. § 90.527(b)(2).

<sup>22</sup> *See* 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, WT Docket No. 96-86, PS Docket 13-87, *Seventh Report and Order, Notice of Proposed Rulemaking*, 28 FCC Rcd 4783, 4804 ¶ 66 (2013).

<sup>23</sup> *Id.*

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 12<sup>th</sup> 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.
- 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](mailto: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. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via email to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

The Plan Amendment is available through ECFS at [ecfs@fcc.gov](mailto:ecfs@fcc.gov). Region 5 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. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, email [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

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

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