



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES IN PART REGION 9 (FLORIDA) 800 MHZ NPSPAC REGIONAL PLAN AMENDMENT

General Docket No. 90-119

Introduction. On March 7, 2014, the Region 9 (Florida)¹ 800 MHz National Public Safety Plan Advisory Committee (NPSPAC) Regional Planning Committee (RPC) submitted a proposed modification (Plan Amendment)² to amend its 800 MHz Public Safety Plan.³ For the reasons discussed below, we approve the Plan Amendment in part.

Background. In General Docket No. 87-112, the Commission, in response to Congressional directive, adopted a national framework, including service and technical rules, governing the use of the NPSPAC spectrum. As part of that framework, the Commission established 55 RPCs to develop regional plans tailored to regional public safety needs. The RPC plans set forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety entities operating in a particular region. RPC plans and plan amendments are subject to Commission review and approval. Upon Commission approval of an RPC plan, licensing of NPSPAC spectrum may commence immediately.⁴

¹ The Region 9 (Florida) 800 MHz regional planning area consists of the entire state of Florida.

² See Letter from Ray Carlson, Chair, Region 9 (Florida) 800 MHz Regional Planning Committee, to the Federal Communications Commission, Public Safety and Homeland Security Bureau (PSHSB), PR Docket No. 93-119 (filed Mar. 7, 2014) (Plan Amendment). On May 29, 2014, Region 9 emailed staff to correct a reference to Section 6.2.5 to read Section 6.2.5 (C)(D)(E).

³ The Region 9 (Florida) 800 MHz NPSPAC Plan was last amended in 2009. See Public Safety and Homeland Security Bureau Approves Region 9 (Florida) NPSPAC Regional Planning Committee Non-Streamlined Amendment to Reflect 800 MHz Band Reconfiguration in the 806-809/851-854, WT Docket No. 02-55, PR Docket No. 90-119, *Public Notice*, 24 FCC Rcd 13840 (PSHSB 2009).

⁴ See Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821–824/866–869 MHz Bands by the Public Safety Services, Gen. Docket No. 87-112, *Report and Order*, 3 FCC Rcd 905 (1987) (*NPSPAC Report and Order*); *Memorandum Opinion and Order*, 3 FCC Rcd 2113 (1988); *Memorandum Opinion and Order on Reconsideration*, 3 FCC Rcd 5391 (1988). The Commission modified the NPSPAC band in the *Rebanding* proceeding, WT Docket 02-55, by shifting the NPSPAC band down by 15 megahertz to 806-809/851-854 MHz. See Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004).

In 1990, the Commission approved the initial Region 9 Plan consistent with the parameters set forth in the National Public Safety Plan in General Docket 87-112.⁵ The instant Plan Amendment consists of several modifications approved by the regional membership and coordinated with adjacent NPSPAC regions (*i.e.* Region 1 (Alabama), Region 10 (Georgia) and Region 23 (Mississippi)).⁶ Region 9 proposes the following changes:

- Section 3.5(A)(5) – Relationship with Other Organizations - added Region 23 (Mississippi) to the list of adjacent regions for liaison and coordination of frequency use.⁷
- Section 3.5(C) –The Adjacent Regions of Georgia, Alabama, and Mississippi – explained that two northern Florida counties are located less than 70 miles from Region 23 (Mississippi). Therefore, Florida considers Region 23 as an adjacent region for adjacent region coordination purposes. Further, Florida expects adjacent regions to respond to concurrence requests within 45 calendar days.⁸
- Sections 5.1.8 (B) and (D)(a) – Channel Loading Requirements – clarified loading requirements for County/Municipality Systems and Trunked Systems to include loading criteria for systems requesting new or expansion frequencies that are utilizing multiple slot Time Division Multiple Access (TDMA), or Frequency-Division Multiple Access (FDMA) trunking. Specifically, Region 9 proposed that loading shall be calculated using the number of time slots versus the number of 25 kHz frequencies (*e.g.* 400 mobiles qualify for one 25 kHz frequency when the applicant is using 4-slot modulation technology).⁹
- Section 6.1 (A) – Mutual Aid Calling Channel – clarified that use of 8CALL90 channel may aid the Incident Command System (ICS) process as a coordination channel during emergencies.¹⁰
- Section 6.2.5 (D)(E)(F) – Mutual Aid Channel Equipment Requirements - was modified by adding three new subsections:
 - D. Repeat disable default upon power up shall be programmed in each mobile relay station (repeater).
 - E. Repeater inactivity timer of 180 minutes (maximum) shall be programmed in each mobile relay station (repeater).
 - F. Repeater hang-time of 2 seconds shall be programmed in each mobile relay station (repeater).¹¹

⁵ Florida Region Public Safety Plan, Gen. Docket 90-119, *Order*, 5 FCC Rcd 3067 (PRB 1990).

⁶ Plan Amendment, Appendix F – Adjacent Region Concurrence with the Florida Plan at 80-82.

⁷ *Id.* at 10.

⁸ *Id.*

⁹ *Id.* at 59. A “four slot” system provides four time slots/voice paths in a 25 kHz bandwidth.

¹⁰ *Id.* at 62.

¹¹ *Id.* at 65-66.

- Section 8.3 – Applications for Special Temporary Authority - noted that the table in new Appendix G identified the Region 9 submittal requirements for STAs in contrast to regular applications for permanent authority.¹²
- Appendix G – Region 9 Application(s) Submittal Requirements - clarified the documentation required for Region 9 review of proposed STA and permanent applications as well as cross-references to the applicable sections in the Region 9 Plan.¹³
- All other changes were to update membership names or addresses.

On July 21, 2014, we placed the Region 9 Plan Amendment on *Public Notice* for comment.¹⁴ We received one comment specifically in support of the amendment to Sections 5.1.8 (B) and (D)(a) – Channel Loading Requirements Amendment, from the Region 13 (Illinois) and National Regional Planning Council (NRPC) Chairperson.¹⁵

Decision. We have reviewed the Region 9 Plan Amendment and supporting comment, and conclude, based on the information before us that it complies with Commission rules and policies, except with regard to the proposed changes to loading requirements for TDMA and FDMA systems.

Presently, Section 90.631(a) of the Commission’s Rules provides that non-SMR trunked systems will be authorized on the basis of certain number of mobile stations per channel (*e.g.* 100 mobile stations per channel).¹⁶ The rule does not speak to the number of voice or data paths that can be achieved through use of TDMA or FDMA technology; but only to the number of mobile stations per channel. Region 9, however, would construe the rule to apply to the number of voice/data paths per channel, such that a four-slot TDMA system, for example, would be required to be loaded with 400 mobile stations. We do not agree with Region 9’s construction of the rule because we cannot logically equate voice/data paths with “channels.” It may be, however, that the public interest favors the construction given the rule by Region 9 and the rule should be amended accordingly. In that event, the proper means of doing so is the submission of a petition for rule making, pursuant to Section 1.401 of the Commission’s rules,¹⁷ providing the notice and opportunity for public comment dictated by the Administrative Procedure Act.¹⁸ Accordingly we disapprove Sections 5.1.8 (B) and (D)(a) – Channel Loading Requirements – of the plan amendment.

¹² *Id.* at 77.

¹³ *Id.* at Appendix G.

¹⁴ See Public Safety and Homeland Security Bureau Seeks Comments on Region 9 (Florida) 800 MHz NPSAC Regional Plan Amendment, PR Docket No. 90-119, *Public Notice*, 29 FCC Rcd 8576 (PSHSB 2014). Comments were due August 11, 2014, and reply comments were due August 21, 2014.

¹⁵ Comments by William Carter, Chair, Region 13, and Chair, National Regional Planning Council (NRPC) (dated Aug. 21, 2014) (stating that providing time slot/talk path parameters is in the best interest of Region 9 and public safety in general).

¹⁶ 47 C.F.R. § 90.631(a).

¹⁷ 47 C.F.R. § 1.401.

¹⁸ 5 U.S.C. § 553.

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 C.F.R. § 1.102(b), the Region 9 (Florida) 800 MHz NPSPAC Public Safety Plan Amendment IS APPROVED IN PART AND DENIED IN PART.

We take this action under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

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

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