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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 35 (OREGON) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On May 11, 2010, the Region 35 (Oregon)¹ 700 MHz Regional Planning Committee (RPC) (Region 35) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use² spectrum in the 769-775/799-805 MHz band for review and approval.³ For the reasons discussed below, we approve the Region 35 700 MHz Plan.

Background. In 1998, the 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.⁴ Each of the fifty-five (55) RPCs is required 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

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁷ The Commission adopted a plan for the 700 MHz

¹ The Region 35 (Oregon) 700 MHz regional planning area includes thirty-six (36) counties.

² The General Use spectrum is administered by 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.

³ See Letter from Joe Kuran, Chair, Region 35 (Oregon) 700 MHz Regional Planning Committee, to Office of the Secretary, Attn: Jamie A. Barnett, Rear Admiral (retired), Federal Communications Commission, WT Docket No. 02-378 (filed May 11, 2010) (submitting regional plan).

⁴ 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.

⁵ 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/>.

⁶ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

⁷ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety

band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

Plan Requirements. Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.⁸ Each regional plan must contain certain elements⁹ and must be coordinated with adjacent regions.¹⁰ RPCs are expected to ensure that their committees are representative of all public safety entities in their regions by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice.¹¹ Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.¹²

Regional plans may differ in approaches to spectrum planning and management. In particular, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties.¹³ However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the Commission's regional plan requirements.¹⁴ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁵

Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

⁸ See 47 C.F.R. §§ 90.527, 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 763-775 MHz and 793-805 MHz, and the narrowband allocation is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

⁹ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

¹⁰ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

¹¹ See *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84. The Commission directed RPCs to promptly adopt operating procedures that “ensure that all entities will be given reasonable notice of all committee meetings and deliberations.” *Id.* at 195 ¶ 86.

¹² *Id.* at 193-94 ¶ 84.

¹³ See Plan, Appendix F - Region 35 Pre-Coordination Allotment Plan (contains three sections: Section A- Allotments by FCC channel, Section B-Detailed Allotments by Area, and Section C-Detailed Channel Allotments). Region 35 defines a county-like area to include the geo-political boundaries of a given county plus 15 miles.

¹⁴ See 47 C.F.R. § 90.527.

¹⁵ The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. In addition, the NCC was tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/nccsubcom.jsp>.

Review of the Region 35 700 MHz Plan. Region 35 convened its first meeting on January 16, 2002, wherein it elected its chairman and officers.¹⁶ The Plan includes By-laws,¹⁷ a detailed membership list,¹⁸ and meeting notices and summaries.¹⁹ The Plan describes the procedures for requesting spectrum allotments,²⁰ details the application review and scoring process,²¹ outlines system implementation criteria and spectrum utilization.²² The State of Oregon administers the state interoperability channels through its Statewide Interoperability Executive Council (SIEC) and provides guidance to the RPC in matters of interoperability policy.²³ In addition, Region 35 will utilize the CAPRAD database to facilitate the application process (pre-coordination) and will require frequency advisors to update the database as applications are processed and granted by the FCC.²⁴ Finally, the Region 35 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁵

The Region 35 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁶ The Plan was coordinated with all four adjacent regions to Region 35 including: Region 6 (Northern California), Region 12 (Idaho), Region 27 (Nevada), and Region 43 (Washington).²⁷

On June 11, 2010, the Bureau released a *Public Notice* seeking comment on the Region 35 Plan.²⁸ We received no comments. Based on our review of the plan, we conclude that it complies with FCC rules

¹⁶ See Plan, Section 4.2 – Information and Notification Process at 13 (notifications were published by FCC public notice and posted on the Oregon Chapter APCO website at <http://www.oregonapconena.org>. Region 35 maintains a website at <http://www.region-35.org> for all meeting agendas, minutes and key resource documents.

¹⁷ See Plan, Appendix B – By-Laws of Region 35.

¹⁸ See Plan, Appendix C – Region 35 Membership; see also Appendix K - RPC Meeting Announcements, Attachment (3) – RPC Meeting Attendee Lists.

¹⁹ See Plan, Appendix K – RPC Meeting Announcements.

²⁰ See Plan, Section 4.3 – Procedure for Requesting 700 MHz Spectrum Allocation at 14 (all applications will be considered on a first come, first served basis); see also, Plan, Section 4.4 – Procedure for Frequency Coordination at 14-16.

²¹ See Plan, Section 9 – Applicant Requirements and Evaluation (includes detailed list of application support items, channel loading requirements, evaluation matrix point system and scoring categories, *i.e.*, intersystem and intra-system interoperability, spectrum efficient technology and geographic efficiency) at 24-27.

²² See Plan, Section 8.5 – System Implementation at 21.

²³ See Plan, Section 3.2 – The Oregon Statewide Interoperability Executive Council (SIEC) at 8-11. The SIEC is organized under the Oregon Emergency Management Department. See <http://www.oregon.gov/SIEC/index.shtml>.

²⁴ See Plan, Section 13.4 – Database Maintenance at 29.

²⁵ See Plan, Section 14 – Certification by the Chair that Regional Planning Process was Open to the Public (signed by both the Region 35 Chair and Vice-Chair) at 35.

²⁶ See Plan, Appendix H – Region 35 Pre-Coordination Allotment Plan (contains three sections: Section A- Allotments by FCC channel, Section B-Detailed Allotments by Area, and Section C-Detailed Channel Allotments). Region 35 defines a county-like area to include the geo-political boundaries of a given county plus 15 miles; see also Plan, Appendix G – FCC Adopted Channel Plan for the 700 MHz Public Safety Spectrum.

²⁷ See Plan, Appendix I – Adjacent Region Consent Letters (includes Intra-Regional Coordination Procedures and Procedures for Resolution of Disputes).

²⁸ See Public Safety and Homeland Security Bureau Seeks Comments on Region 35 (Oregon) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 25 FCC Rcd 7421 (PSHSB 2010). Comments were due July 1, 2010, and reply comments were due July 12, 2010.

and policies. 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 35 (Oregon) 700 MHz Public Safety Plan is APPROVED.

This action is taken 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 Division, Public Safety and Homeland Security Bureau.

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