

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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| In the Matter of                          | ) |          |
|   | ) |          |
| Petition for Rulemaking to Amend          | ) |          |
| the Land Mobile-TV Sharing Rules          | ) | RM-11527 |
| in the 470-512 MHz Band                   | ) |          |
|   | ) |          |
| Amendment of Section 90.307(e) of the     | ) |          |
| Commission’s Rules Identifying Television | ) |          |
| Stations to be Protected from Land Mobile | ) |          |
| Radio Licensed Operations                 | ) |          |

ORDER

Adopted: April 25, 2012

Released: April 26, 2012

By the Chief, Office of Engineering and Technology:

1. On February 18, 2009, the National Public Safety Telecommunications Council (NPSTC) filed a Petition for Rulemaking (NPSTC Petition) asking the Commission to amend its rules addressing the land mobile/television sharing criteria in the 470-512 MHz band (TV channels 14-20).<sup>1</sup> Subpart L of Part 90 of the Rules sets forth a “special sharing plan” by which land mobile stations are authorized to operate in the 470-512 MHz band in 13 specified urbanized areas by geographically sharing the band with broadcast television stations.<sup>2</sup> In its Petition, NPSTC claims that the transition from analog to digital television transmissions provides an opportunity for us to revisit our sharing rules and update them to provide additional flexibility for land mobile users in the 470-512 MHz band.<sup>3</sup> The Commission placed the NPSTC Petition on public notice on April 7, 2009, but has not otherwise acted on NPSTC’s request.<sup>4</sup>

2. On April 2, 2010, the Association of Public-Safety Communications Officials-International, Inc. (APCO) filed a Petition for Rulemaking (APCO Petition) asking the Commission to update the list of television stations on channels 14-20 that land mobile applicants for 470-512 MHz operations must analyze to comply with our interference protection requirements.<sup>5</sup> The Commission has taken no action on APCO’s request.

<sup>1</sup> [Petition for Rulemaking](#) by the National Public Safety Telecommunications Council, filed on February 18, 2009, in RM-11527.

<sup>2</sup> 47 C.F.R. §90.301 *et seq.* Land mobile authorizations are not currently available in the 470-512 MHz band in two of these urbanized areas (Cleveland and Detroit).

<sup>3</sup> Among other things, the Petition asks that we reduce the spacing between land mobile and television stations, extend the land mobile base station area of operation from 80 to 128 kilometers around each city, add Baltimore as a separate urbanized area, and modify the rules pertaining to public safety entity spectrum access and the use of spectrum by both public safety and business radio services.

<sup>4</sup> Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed, [Public Notice](#), Report No. 2887 (April 7, 2009).

<sup>5</sup> [Petition for Rulemaking](#) by the Association of Public-Safety Communications Officials-International, Inc., filed on April 2, 2010. These TV stations are listed in a Commission publication, “TV stations to be considered in the preparation of Applications for Land Mobile Facilities in the Band 470-512 MHz,” which is described in Section 90.307(e) of the Rules.

3. On February 22, 2012, the President signed into law the “Middle Class Tax Relief and Job Creation Act of 2012” (Spectrum Act).<sup>6</sup> Section 6103 of this Act requires the Commission to reallocate the spectrum in the 470-512 MHz band currently used by public safety licensees within 9 years and to begin a system of competitive bidding to grant new initial licenses in the band.<sup>7</sup> The relief sought by the NPSTC Petition – in particular, modification of our rules to permit additional flexibility and use of the 470-512 MHz band by public safety entities – appears to be inconsistent with the objectives of the Spectrum Act.

4. In light of the Spectrum Act, we find that it would be imprudent to further consider the NPSTC Petition as filed. Any modification or expansion of the rules governing land mobile use of the 470-512 MHz band is best considered in concert with our analysis of the Spectrum Act and as part of the proceedings we initiate to implement its requirements. For this reason, we conclude that the NPSTC Petition plainly does not warrant further consideration in its current form.

5. We also find that the APCO Petition plainly does not warrant further consideration at this time. As noted, the Spectrum Act requires the Commission to reallocate the spectrum in the 470-512 MHz band currently used by public safety licensees. As the Commission implements this legislation, we expect that the sharing environment between the remaining land mobile operations and television broadcasting in this band will change. Thus, we conclude that it would be premature to consider changes to the interference protection requirements at this time.

6. For the reasons stated above, we dismiss the NPTSTC and APCO petitions without prejudice to the petitioners. To the extent that any of the issues from either petition remains relevant, the petitioners are free to raise them as part of our future proceedings pertaining to the Spectrum Act.

7. Accordingly, IT IS ORDERED that, pursuant to the authority granted in Sections 4(i), 302, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 4(i), 302(a), 303(r), and Section 1.401(e) of the Commission’s Rules, 47 C.F.R. § 1.401(e), the petitions for rulemaking filed by the National Public Safety Telecommunications Council and the Association of Public-Safety Communications Officials-International, Inc. ARE DISMISSED without prejudice and RM-11527 IS TERMINATED, effective upon issuance of this Order.

8. For further information regarding this Order, contact Tom Mooring, Office of Engineering and Technology, (202) 418-2450, [tom.mooring@fcc.gov](mailto:tom.mooring@fcc.gov).

FEDERAL COMMUNICATIONS COMMISSION

Julius P. Knapp  
Chief, Office of Engineering and Technology

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<sup>6</sup> See “Middle Class Tax Relief and Job Creation Act of 2012,” Pub. L. No. 112-96, 126 Stat 156 (2012).

<sup>7</sup> Section 6103. We note that there are other portions of the Act that directly affect public safety users. See, e.g., Section 6101 (requiring that the Commission reallocate the 700 MHz D Block spectrum (758-763 MHz and 788-793 MHz) for use by public safety entities).