



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 14-467

Released: April 7, 2014

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PROVIDES GUIDANCE TO 700 MHz NARROWBAND STATE LICENSEES REGARDING INTERIM SUBSTANTIAL SERVICE BENCHMARK SHOWING DUE ON JUNE 13, 2014

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) provides guidance to licensees of state channels in the 700 MHz narrowband spectrum (769-775/799-805 MHz), regarding their upcoming interim substantial service benchmark showing. These licensees must demonstrate by **June 13, 2014** that they are providing or prepared to provide “substantial service” to **one-third** of their population or territory.¹

Requirement to Provide Substantial Service

The Commission has designated ninety-six channel pairs (12.5 kHz bandwidth) in the 700 MHz narrowband spectrum for use by states, the District of Columbia, and U.S. territories (State Licensees).² Each State Licensee receives a geographic area license (State License) covering the geopolitical boundaries of its jurisdiction.³

The Commission established a five-year interim benchmark and a ten-year final benchmark for State Licensees to establish specified levels of substantial service within their statewide license areas.⁴ The due date for the five-year interim benchmark showing is **June 13, 2014**.⁵ By this date, State

¹ 47 C.F.R. § 90.529(b)(1).

² 47 C.F.R. § 90.531(b)(5).

³ See the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, *Third memorandum Opinion and Order and Report and Order*, 15 FCC Rcd 19844, 19864-70 ¶¶ 48-59 (2000) (*Third MO&O and Third R&O*).

⁴ *Third MO&O and Third R&O*, 15 FCC Rcd at 19871-72 ¶¶ 62-64. See 47 C.F.R. § 90.529(b)(1) and (2).

⁵ The June 13, 2014 interim deadline is five years after broadcast TV and DTV licensees vacated the 700 MHz band on June 13, 2009. See Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, WT Docket 96-86, *Declaratory Ruling*, 26 FCC Rcd 10895, 10896 ¶ 5 (2011) (*Declaratory Ruling*); *Order*, 27 FCC Rcd 15010 (PSHSB 2012) (conforming section 90.529(b) of the FCC’s rules regarding the “substantial service” deadlines for state-licensed 700 MHz public safety narrowband channels to comport with the deadlines specified in the Commission’s Declaratory Ruling).

Licensees must certify that they are providing or are prepared to provide “substantial service” to **one-third** of their population or territory.⁶

“Substantial service” is defined as the construction and operation of facilities on state channels which is “sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.”⁷ A State Licensee is deemed “prepared” to provide substantial service if it certifies that a radio system has been approved and funded by the deadline date.⁸

Recommended Details to Include with Interim Benchmark Filing

State Licensees must file Schedule K of Form 601 by **June 13, 2104** in order to certify that they have satisfied their interim construction/operation benchmark. To facilitate staff review, the Bureau recommends that State Licensees include an attachment to their Schedule K filing with the following information:

- The kind of public safety service the State Licensee is providing on the state channels.
- Which state channels are in use in the State Licensee’s system.
- Whether the State Licensee is making its showing based upon population or territory.
- The percentage of territory or population that is served by the State Licensee’s system composite footprint.⁹
- Whether the State Licensee defines the system footprint based on the 40 dBuV/m F(50,50) service contour or an alternate signal level value.¹⁰
- If any portion of a State Licensee’s showing is based upon unconstructed facilities, information showing that the licensee has received funding approval for that portion of the system.

Modification or Cancellation of State Licenses

State Licensees that do not meet the interim substantial service benchmark, *e.g.*, because they have failed to construct or receive funding for any facilities by the June 13, 2014 deadline, will be subject to license cancellation or modification, and recovered State License spectrum will revert to General Use

⁶ See 47 C.F.R. § 90.529(b)(1). For the ten-year benchmark, State Licensees must certify that they are providing or are prepared to provide substantial service to two-thirds of their population or territory. The due date for the ten-year benchmark showing is June 13, 2019. See 47 C.F.R. § 90.529(b)(2).

⁷ 47 C.F.R. § 90.529(c).

⁸ *Id.*

⁹ For purposes of reviewing interim benchmark showings by State Licensees, the Bureau will consider coverage by any state channel in a State Licensee’s system sufficient to establish coverage for purposes of defining the licensee’s composite footprint.

¹⁰ The Bureau generally considers the 40 dBuV/m F(50,50) signal level as defining the service contour for 700 MHz narrowband licensees. State Licensees, however, may define their system footprint using an alternative signal level provided they demonstrate that the alternative value is appropriate.

subject to regional planning.¹¹ Bureau staff will issue subsequent guidance to regional planning committees to facilitate the licensing of any recovered State License spectrum.

For further information regarding this proceeding contact Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0838 or Brian.Marengo@fcc.gov.

-- FCC --

¹¹ See 47 C.F.R. §§ 90.529(d), (e).