



# PUBLIC NOTICE

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DA 18-283

Released: March 22, 2018

## **PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES NEW PROCEDURE FOR NON-FEDERAL PUBLIC SAFETY ENTITIES TO LICENSE MOBILE AND PORTABLE UNITS ON FEDERAL INTEROPERABILITY CHANNELS**

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) announces a streamlined procedure for the Commission to authorize non-federal public safety entities to use the forty channels that the National Telecommunications and Information Administration (NTIA) has designated for interoperability.<sup>1</sup>

Under the new procedure, non-federal public safety entities need only obtain written concurrence from their designated Statewide Interoperability Coordinator (SWIC) or a state appointed official prior to filing an application with the Commission to use the Federal Interoperability Channels.<sup>2</sup> The new simplified procedure applies only to mobile or portable radio units (not to base stations) used by non-federal licensees on the Federal Interoperability Channels.

In a companion Order, the Bureau and the Office of Engineering and Technology (OET) update the Commission's rules to conform to the new simplified procedure.<sup>3</sup>

### Federal Interoperability Channels

NTIA designated the forty channels listed in the Appendix to this Public Notice for interoperability communications among federal agencies and between federal agencies and non-federal entities with which federal agencies have a requirement to interoperate. NTIA requires federal agencies that perform law enforcement, public safety, emergency response, or disaster response functions to program the Federal Interoperability Channels into one or more zones/banks/channel groups of their mobile (including portable) radios. These and other requirements governing use of these channels are set

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<sup>1</sup> The guidance in this public notice supersedes the guidance the Wireless Telecommunications Bureau provided via public notice in July 2001. See *Federal Government Spectrum Available for Public Safety Interoperability Communications*, Public Notice, 16 FCC Rcd 13662 (WTB 2001).

<sup>2</sup> See <https://www.dhs.gov/statewide-interoperability-coordinators>. The term "states" as used herein shall also be taken to include U.S. territories and the District of Columbia.

<sup>3</sup> *Amendment of Parts 2 and 90 of the Commission's Rules to Codify New Procedure for Non-Federal Public Safety Entities to License Federal Interoperability Channels*, Order, DA 18-282 (PSHSB and OET March 22, 2018) (Order).

forth in the NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual).<sup>4</sup>

A non-federal public safety entity may communicate on the Federal Interoperability Channels for joint federal/non-federal operations, provided it first obtains a license from the Commission authorizing use of the channels. Commission regulations provide that non-federal use of the Federal Interoperability Channels is limited to those circumstances in which federal and non-federal agencies have a need to interoperate; routine day-to-day communications and administrative uses are prohibited. Federal and non-federal agencies may, however, use the channels for testing, training, and exercises involving interoperability.

#### State Officials Now Responsible for Coordinating Non-Federal Access to Federal Interoperability Channels

The NTIA Manual enables federal agencies and non-federal entities to use mobile and portable radio units on available Federal Interoperability Channels on a shared basis under a new streamlined process.<sup>5</sup> Under this process, the SWIC or state appointed official in each state is responsible for coordinating access to the Federal Interoperability Channels by non-federal public safety entities. Each SWIC/official will sign an agreement with a federal user with a valid assignment. The NTIA Manual does not dictate the terms of these agreements, but as a practical matter, all forty of the Federal Interoperability Channels may not be available for non-federal use in every state or territory (e.g., along the borders with Canada and Mexico). Thus, an agreement may specify which Federal Interoperability Channels are available for use in the particular state or territory and establish the conditions for their use by non-federal public safety entities.

#### New Licensing Process in Place Once Agreement is Signed

Once the federal-state agreement for a given state is signed, non-federal public safety entities in the state may file an application via the Commission's Universal Licensing System (ULS) to license the designated Federal Interoperability Channels under the new streamlined process.<sup>6</sup>

Before filing with the Commission, the applicant must provide its SWIC/official with a copy of its application. The SWIC/official will review the application and provide the applicant with its written concurrence if it finds the proposed operation conforms to the conditions specified in the agreement. The applicant must include a copy of the SWIC/official's written concurrence with its ULS application.

A state agency may, if it so chooses, apply for a license which authorizes mobile and portable units to operate statewide on the designated Federal Interoperability Channels. Upon grant of that application, the state agency may authorize local and tribal agencies to operate mobile and portable units on the designated Federal Interoperability Channels under the state agency's call sign pursuant to Section

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<sup>4</sup> See NTIA Manual at §§ 4.3.16, 7.3.4, and 7.12, available on NTIA's website at [www.ntia.doc.gov/osmhome/redbook/redbook.html](http://www.ntia.doc.gov/osmhome/redbook/redbook.html).

<sup>5</sup> See *id.* at § 4.3.16; see also 47 U.S.C. § 903(e) (requiring proof of compliance with Commission licensing requirements for non-federal operations. All forty federal interoperability channels may not be available for non-federal use in every state or territory.

<sup>6</sup> See <http://wireless.fcc.gov/uls/index.htm?job=home>.

90.421 of the Commission's rules.<sup>7</sup> Alternatively, if a local or tribal agency wishes to license the designated Federal Interoperability Channels under its own call sign, Commission rules require that agency to apply for a separate license. As an applicant, the local or tribal agency — like the state agency — would follow the new streamlined procedures described above.

Frequency coordination from an FCC-certified frequency coordinator is not required for licensing of Federal Interoperability Channels covered by the agreement.<sup>8</sup> Furthermore, non-federal applicants no longer need to obtain written certification from a Federal Government agency and the Bureau will no longer refer applications for the Federal Interoperability Channels to the Interdepartment Radio Advisory Committee's (IRAC) Frequency Assignment Subcommittee for coordination.<sup>9</sup>

The new streamlined process applies only to non-federal public safety applicants seeking to license mobile and portable radio units on the designated Federal Interoperability Channels. Applicants seeking to license base stations or seeking to license channels allotted for Federal Government use other than those listed in the attached Appendix will continue to need written certification from a Federal Government Agency, and the Commission will continue to send such applications to IRAC's Frequency Assignment Subcommittee for coordination.<sup>10</sup>

#### Order Modifying Rules to Conform to New Streamlined Procedure

In an Order released concurrently with this Public Notice, the Bureau and OET have updated the Commission's rules to conform to the new streamlined procedure.<sup>11</sup>

The rules adopted in that Order will become effective thirty days after publication in the Federal Register except for new Section 90.25 which contains a new information collection requirement which requires review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). OMB will assign the Commission a new OMB control number once it approves the new information collection. Section 90.25 will become effective only after OMB review and approval and the Commission publishes a notice in the Federal Register announcing the effective date of the rule.

Until the updated rules become effective, Bureau staff will keep pending any application it receives for the Federal Interoperability Channels. However, applicants having an immediate need for access to Federal Interoperability Channels may apply to the Bureau for Special Temporary Authorization which, if granted, will allow use of the channels prior to the effective date of the amended rules.

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<sup>7</sup> 47 CFR § 90.421.

<sup>8</sup> Frequency coordination is not needed for any application for a Federal Government frequency. *See* 47 CFR § 90.175(j)(2).

<sup>9</sup> *See Federal Government Spectrum Available for Public Safety Interoperability Communications*, Public Notice, 16 FCC Rcd 13662 (WTB 2001) (announcing the pre-streamlining procedures).

<sup>10</sup> The process for Federal Government agencies to utilize non-federal public safety channels (FCC channels) remains unchanged. Federal agencies may program FCC channels into their mobile or portable units if they receive prior approval from a non-federal public safety entity that holds a license for the channels on which the Federal agency wishes to interoperate. *See* 47 CFR § 90.421(a). In addition, a Federal agency may share a non-federal public safety licensee's facilities including base stations pursuant to the sharing provisions in Section 90.179 of the Commission's rules which requires the parties to enter into a written agreement establishing, among other things, the method of operation, the system components covered by the sharing arrangement, and the method by which costs are apportioned. *See* 47 CFR § 90.179.

<sup>11</sup> *See supra* note 3.

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

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## Appendix

### NTIA Designated Federal Interoperability Channels<sup>12</sup>

#### A. Law Enforcement Plans

LE VHF Plan		
Identifier	Mobile Transmit (MHz)	Mobile Receive (MHz)
LEA	167.0875 (S)	167.0875
LE1	162.0875	167.0875
LE2	162.2625	167.2500
LE3	162.8375	167.7500
LE4	163.2875	168.1125
LE5	163.4250	168.4625
LE6	167.2500 (S)	167.2500
LE7	167.7500 (S)	167.7500
LE8	168.1125 (S)	168.1125
LE9	168.4625 (S)	168.4625

LE UHF Plan		
Identifier	Mobile Transmit (MHz)	Mobile Receive (MHz)
LEB	414.0375 (S)	414.0375
LE10	418.9875	409.9875
LE11	419.1875	410.1875
LE12	419.6125	410.6125
LE13	414.0625 (S)	414.0625
LE14	414.3125 (S)	414.3125
LE15	414.3375 (S)	414.3375
LE16	409.9875 (S)	409.9875
LE17	410.1875 (S)	410.1875
LE18	410.6125 (S)	410.6125

(S) - Simplex

#### B. Incident Response Plans

IR VHF Plan		
Identifier	Mobile Transmit (MHz)	Mobile Receive (MHz)
NC1 Calling	164.7125	169.5375
IR1	165.2500	170.0125
IR2	165.9625	170.4125
IR3	166.5750	170.6875
IR4	167.3250	173.0375
IR5	169.5375 (S)	169.5375
IR6	170.0125 (S)	170.0125
IR7	170.4125 (S)	170.4125
IR8	170.6875 (S)	170.6875
IR9	173.0375 (S)	173.0375

IR UHF Plan		
Identifier	Mobile Transmit (MHz)	Mobile Receive (MHz)
NC2 Calling	419.2375	410.2375
IR10	419.4375	410.4375
IR11	419.6375	410.6375
IR12	419.8375	410.8375
IR13	413.1875 (S)	413.1875
IR14	413.2125 (S)	413.2125
IR15	410.2375 (S)	410.2375
IR16	410.4375 (S)	410.4375
IR17	410.6375 (S)	410.6375
IR18	410.8375 (S)	410.8375

(S) - Simplex

<sup>12</sup> The NTIA Manual requires analog FM emission (11KF3E) on the calling channels and for users to operate on the remaining channels using the proper Continuous Tone-Controlled Squelch Systems (CTCSS) and/or Network Access Code (NAC). See NTIA Manual at § 4.3.16.