



LAND MOBILE COMMUNICATIONS COUNCIL

March 4, 2015

Rear Admiral (ret.) David Simpson
Bureau Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Roger C. Sherman
Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: WT Docket No. 02-55
Memorandum of Agreement (MOA) - Expansion Band and Guard Band Pre-
Coordination Procedures

Dear Sirs:

Attached you will find a Memorandum of Agreement (“MOA”) that has been drafted by the Land Mobile Communications Council (“LMCC”) that is now being executed by the Federal Communication Commission (“FCC”)-certified frequency advisory committees (“FACs”) who, through their execution of the MOA, commit to conduct frequency coordination and application certification processes in accordance with its terms. The MOA is intended to ensure compliance with FCC application filing procedures announced in *Public Notices* associated with the release of 815-816/860-861 MHz Expansion Band (“EB”) and 816-817/861-862 MHz Guard Band (“GB”) (collectively “EB/GB”) spectrum¹.

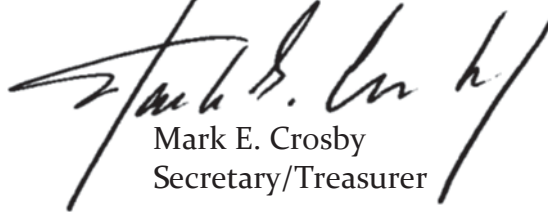
This MOA is being provided to the FCC for informational purposes and will be posted for public inspection on the LMCC’s web site. It is intended to ensure an efficient

¹ Work on this MOA had been suspended in light of the LMCC’s March 27, 2014, Petition for Rulemaking regarding interim eligibility for EB and GB channels which remains pending before the FCC. This MOA does not substantially resolve the issues identified in the Petition for Rulemaking. The LMCC urges the FCC to take action on the Petition for Rulemaking before releasing additional EB/GB spectrum.

pre-coordination process and avoid the submission of mutually exclusive applications to the FCC on behalf of applicants for EB and GB spectrum².

Should you have any questions or comments regarding this matter, please contact me. If necessary, we would be pleased to meet with the Bureaus to discuss the provisions and implementation of the procedures defined within the MOA.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark E. Crosby
Secretary/Treasurer

Attachment

cc: FCC Secretary
LMCC Membership (Via Email)
Brian Marengo (Via Email)
Roberto Mussenden (Via Email)
Roger Noel (Via Email)
Scot Stone (Via Email)

² As the FCC is aware, certain FACs have previously executed an MOA governing the “Pre-coordination” procedures for “Sprint Vacated” 800 MHz spectrum. Given the differences in applicant eligibility, the FACs have consistently supported separate MOAs governing Sprint Vacated and EB/GB spectrum releases.

Memorandum of Agreement 800 MHz Expansion Band and Guard Band Spectrum

This Memorandum of Agreement (“MOA”) is entered into by and among the undersigned representatives of Federal Communication Commission (“FCC”)-certified frequency advisory committees (“FACs”) who, through their execution of this MOA, commit to conduct frequency coordination and application certification processes in accordance with the terms herein.¹ The MOU is intended to ensure compliance with FCC application filing procedures announced in *Public Notices* associated with the release of 815-816/860-861 MHz Expansion Band (“EB”) and 816-817/861-862 MHz Guard Band (“GB”) (collectively “EB/GB”) spectrum.² This MOA, which shall be provided to the FCC for informational purposes and which shall also be posted for public inspection on the Land Mobile Communication Council (LMCC) web site, shall serve to ensure an efficient pre-coordination process and avoid the submission of mutually exclusive applications to the FCC on behalf of applicants for EB and GB spectrum.³

1. Pre-Coordination Notification

(a) Notification Procedures

Pre-coordination of applications for EB/GB spectrum shall commence on the dates and times specified by the FCC in its *Public Notices* announcing the availability of this spectrum in specific NPSPAC regions. At the time specified, each FAC may submit electronic notification to all other FACs of applications that have been prepared for coordination. The notification for each application shall be filed individually with a return receipt requested. These notification reports shall contain the information specified in Paragraph 2. Pertinent attachments may be sent separately through email attached to the reports, or may be made available at an identified, separate location. Reports shall be forwarded to the email addresses associated with the FACs identified in Paragraph 8 by 11:59 p.m. Eastern Time each day. Batch filings are prohibited and any applications submitted via batch filing shall be treated as invalid for purposes of notification.

¹ Only FACs that execute this MOU are permitted to participate in the processes and procedures described herein.

² See, for example, FCC DA 12-1838.

³ Applications filed by Public Safety entities to expand coverage on already authorized EB frequencies and/or to add EB frequencies are governed by the provisions in Public Notice, DA 07-1648, released April 6, 2007. During the notification period described in Paragraph 1(a), applications from EB incumbents for EB spectrum made available pursuant to the relevant FCC *Public Notice* must be processed in accordance with the procedures in this MOA.

Notification submittals shall generate a date/time stamp to be shared with other FACs through the Z1 record.

(b) Waiting Period

Applications for EB/GB channels must be notified to all eligible coordinators a minimum of five (5) business days before filing with the FCC. All notified applications will be listed in a generally distributed email no later than 11:59 p.m. Eastern Time on the day of notification so that electronic receipt may be verified the following morning. Filing of EB/GB applications with the FCC may not occur before close of business on the sixth (6th) business day after the day of notification (weekends and Federal holidays not being counted as business days). If the FCC specifies a longer period in a Public Notice, that period shall control the FCC filing date.

2. Application Requirements

Notified applications for EB/GB spectrum shall contain, at a minimum, the following:

- Completed FCC Form 601 that complies with Universal Licensing System (ULS) requirements and includes at least:
 - Applicant name and mailing address
 - Contact name and phone number
 - Channel(s)
 - Coordinates or ASR for each base/repeater
 - Antenna height for each base/repeater
 - ERP for base/repeater(s), controls and mobiles
 - Area of operation for mobiles/controls
 - Emission designators for all base/repeater(s), controls and mobiles
 - Number of mobiles
 - Eligibility rule section and description;
- FAC identification;
- A certification from the FAC that the application complies with the contour requirements specified by the applicable FCC Public Notice with regard to protection of an adjacent NPSPAC Region that has not completed 800 MHz Band reconfiguration; and
- Certification that all licenses, pending applications on file with the FCC, and applications as to which notifications were sent previously pursuant to this MOA were considered during the frequency selection process consistent with FCC Rules.

Incomplete applications shall be re-filed in accordance with the processes identified in Paragraph 1. Application attachments shall be maintained for sixty (60) days after license grant.

3. Channel Limitation.

All applicants shall be limited initially to five (5) channels within any one hundred thirteen (113) km/seventy (70) mile radius with the radius established based on the coordinates of the first certified transmitter site. Some or all of the five (5) channels may be coordinated at multiple sites within the one hundred thirteen (113) km/seventy (70) mile radius. In the event there are channels remaining following the disposition of all applications, FACs may submit additional applications for already notified applicants pursuant to Paragraph 1 seeking up to five (5) additional channels within the same one hundred thirteen (113) km/seventy (70) mile radius. The maximum number of channels that any applicant may receive within that radius shall be consistent with applicable FCC Rules

4. Mutual Exclusivity.

It is the responsibility of the submitting FAC to ensure that the applications it processes are not mutually exclusive with any application for which a notification was submitted on a previous day. FACs must resolve mutually exclusive applications among their applicants prior to submitting applications for notification

(a) Priority

Instances of mutual exclusivity are created when two or more applications are submitted on the same day for some or all of the same channel(s) and the primary fixed sites do not satisfy the co-channel protection standards in FCC Rule Section 90.621(b). The date and time stamp submitted in the Z1 record shall determine the order of precedence among mutually exclusive applications. For purposes of computing time limits, a "business day" shall include the full calendar day (i.e., from 12:00 a.m. Eastern Time until 11:59:59 p.m. Eastern Time).

(b) Objections

An objection based on full or partial mutual exclusivity may be made only by the FAC that previously submitted a complete application in accordance with pre-coordination procedures. A subsequent, fully mutually exclusive application(s) shall be withdrawn by the submitting FAC and may be refiled with alternative channels consistent with Paragraph 1. If the subsequent application is mutually exclusive as to some, but not all, channels, the non-mutually exclusive channels shall remain approved and protected

as notified and the applicant may file another application consistent with Paragraph 1 and with the channel limitations in Paragraph 3.

5. Engineering Solutions

Mutual exclusivity may not be resolved through engineering solutions that would require a waiver under FCC Rule Section 90.621 until all previously notified applications have been filed with the FCC or withdrawn. These procedures do not prohibit FACs from entering into non-waiver resolution approaches in consultation with their applicants as long as the alternative resolution approach does not conflict with other provisions of this MOA or adversely impact the processing of a later-notified application.

6. Entire Agreement

This MOA constitutes the entire agreement among the participating FACs and supersedes all prior oral or written agreements and understandings, with respect to the subject matter herein. This MOA shall not be amended except by unanimous agreement in writing of the participating FACs.

7. Enforcement

If there are repeated, material breaches by a FAC of the procedures defined herein, a two-thirds majority of the non-breaching FACs may request the FCC to terminate the offending FAC's certification to conduct frequency coordination in EB/GB spectrum.

8. Execution

This MOA is entered into by and among the undersigned FACs, in each case by its duly authorized representative, as of the latest date set forth below.

**American Association of State Highway
And Transportation Officials (AASHTO)**

Signed _____
Title _____
Date _____
Email _____

**Forest Industries
Telecommunications (FIT)**

Signed _____
Title _____
Date _____
Email _____

American Automobile Association (AAA)

Signed _____
Title _____
Date _____
Email _____

**Forestry-Conservation
Communications Association (FCCA)**

Signed _____
Title _____
Date _____
Email _____

American Petroleum Institute (API)

Signed _____
Title _____
Date _____
Email _____

Association of American Railroads (AAR)

Signed _____
Title _____
Date _____
Email _____

**Association of Public Safety
Communications Officials Int'l (APCO)**

Signed _____
Title _____
Date _____
Email _____

Enterprise Wireless Alliance (EWA)

Signed _____
Title _____
Date _____
Email _____

**International Municipal Signal
Association (IMSA)**

Signed _____
Title _____
Date _____
Email _____

MRFAC, Inc. (MRFAC)

Signed _____
Title _____
Date _____
Email _____

**PCIA – The Wireless Infrastructure
Association (PCIA)**

Signed _____
Title _____
Date _____
Email _____

Utilities Telecom Council (UTC)

Signed _____
Title _____
Date _____
Email _____