

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**Report and Order**

**RM-11433 Docket 13-87**

**Request for Clarification**

1. The National Regional Planning Council (NRPC) respectfully files this Request for Clarification under Docket 13-87 on behalf of State interoperable bodies and 700 MHz Regional Planning Committees. The clarification is associated with the administration of Air to Ground Channels by State Interoperability bodies as outlined in the Report and Order FCC 14-172 (Footnote 53) by the Commission as compared to the Commission's rule 90.523 (b) which allows States to delegate the approval process for interoperability channels to other entities, such as regional planning committees. The NRPC seeks clarity on a states authority to delegate the approval process for 700 MHz interoperability spectrum by statewide interoperable bodies and whether the delegation of a similar approval process by a State Interoperable body, or its equivalent, could also apply to the state interoperable body's administration of newly created 700 MHz Air to Ground channels as identified in FCC 14-172.

## **The National Regional Planning Council**

The National Regional planning Council (NRPC) is an advocacy body formed in 2007 that supports public safety communications spectrum management by Regional Planning Committees (RPC) in the 700 MHz and 800 MHz NPSPAC public safety spectrum as required by the Federal Communications Commission. We liaison with FCC certified frequency coordinators, licensees, applicants, vendors, adjacent regions as well as the Commission on a regular basis to ensure our planning responsibilities and the goals of those first responder agencies we serve are met. These Regional Planning Committees are made up of public safety volunteer members that dedicate their time, in addition to the time spent on their regular positions, to coordinate spectrum efficiently and effectively for the purpose of making it available to public safety agency applicants in their region. The work these people do reflects their dedication to public safety communications and to ensuring local public safety agencies and user needs are heard and met within their regions and beyond.

As a body that advocates the *voice* of regional planning committees and one that does not attempt to consolidate and centralize that voice into a single message, we encourage each region planning committee to voice their own opinions and speak to the Commission in filings and comments as best they can with the intimate knowledge they have as to initiatives in place and impacted within their own regions. Subsequently, the NRPC does not in this proceeding speak for each individual regional planning committee but recent national regional planning meetings and discussion has highlighted specifically the need for this issue to be addressed by the

Commission. We are hopeful that each regional planning committee will respond in our filing of this petition on their own behalf bringing their own viewpoints into consideration. We encourage each region to do so.

## **Discussion**

2. The Report and Order (FCC 14-172) created 700 MHz Air to Ground channels (Formerly 700 MHz Secondary Trunked Channels) for communications use between air and ground units and associated ground stations under the administration and coordination of state interoperable bodies. In paragraph 19 the Commission explained “we assign responsibility for coordinating these channels to the states and permit aircraft to use either the mobile or base transmit side of the channel pair” Further, Footnote 53 provided information as to why the Commission feels the states are in the best position to administer the new Air to Ground channels as these channels are immediately adjacent to current 700 MHz Interoperability Channels, also administered mostly by an interoperability body in each State or Territory. The Footnote also stated “nonetheless, we encourage the state to coordinate operations on the newly designated Air to Ground channels with regional planning committees.”
3. The Commission tasked the States with administering 700 MHz interoperability channels in 2001 (Fourth Report and Order, Fifth Notice of Proposed Rulemaking FCC 01-10, Paragraph ) and Rule 90.525 (a) as the centralized role states played in managing emergency communications suited the requirements associated with interoperable channel coordination and administration. States were offered the

opportunity to administer the 700 MHz interoperability channels by notifying the Commission of its decision to administer 700 MHz interoperability spectrum no later than December 31, 2001. By the deadline 40 states and territories elected to assume responsibility to administer the interoperability channels, 1 state had delegated the authority to administer 700 MHz interoperable spectrum to its 700 MHz regional planning committee and 12 states and territories took no action whatsoever by the December 31, 2001 deadline. Clearly, the need to administer 700 MHz designated interoperability spectrum at the time varied across states and territories. We conclude that some states and territories today remain better equipped to support this role than others.

Lastly, 90.525 (b) indicates that states may delegate the approval process associated with 700 MHz Interoperability channels to other entities, including 700 MHz regional planning committees.

## **Summary**

The National Regional Planning Council seeks clarification as to whether state interoperability bodies, recently assigned the responsibility of administering and coordinating the re-designated 700 MHz Air to Ground channels, have the authority themselves to delegate the administration of Air to Ground channels to other entities, such as 700 MHz regional planning committees, in a manner similar to their authority to delegate the administration and coordination of the 700 MHz interoperability channels. Many states are not equipped sufficiently or familiar enough with the process, procedures and licensing mechanisms required to administer 700 MHz Air to

Ground channels and, while they may want to be included in the interoperable dialogue associated with the decision making process of coordinating 700 MHz Air to Ground channels at a high level, they may need to delegate the technical day to day application review and licensing approval process that comes with the responsibilities associated with 700 MHz Air to Ground channel coordination and issuance of guidelines to others, such as their respective 700 MHz regional planning committee(s).

We seek clarity on the process affiliated with state interoperable bodies delegating their authority with 700 MHz Air to Ground channels to regional planning committees and any documentation the Commission might require in doing so, should the a state's delegation authority for 700 MHz Interoperability Channels be consistent with its delegation authority for 700 MHz Air to Ground channels.

We thank the Commission for its continued confidence in the regional planning community.

**Respectfully,**

**William Carter, Chairperson**

**National Regional Planning Council**

**September 9, 2015**