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REGION-20 PUBLIC SAFETY LEGISLATIVE/REGULATORY AFFAIRS COMMITTEE

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AUG 21 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WIRELESS TELECOMMUNICATIONS BUREAU
PUBLIC SAFETY AND PRIVATE WIRELESS DIVISION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Washington, DC Metropolitan Area	)	
Regional Public Safety Plan	)	GN Docket No. 90-7
(Region-20)	)	
	)	
Philadelphia Metropolitan Area	)	
Regional Public Safety Plan	)	GN Docket No. 89-573
(Region-28)	)	

WRITTEN EX PARTE PRESENTATION:
RESPONSE STATEMENT

Submitted by:

Region-20 Public Safety Review Committee
Legislative/Regulatory Affairs Committee
Dr. Michael C. Trahos, D.O., NCE, CET - Chairman
4600 King Street, Suite 6K
Alexandria, Virginia 22302-1249

August 21, 1998

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List A B C D E

Before the
Federal Communications Commission
Wireless Telecommunications Bureau
Public Safety and Private Wireless Division
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4600 King Street, Suite 6K
Alexandria, Virginia 22302-1249

August 21, 1998

I. INTRODUCTION

1. Before the Federal Communications Commission (Commission) is submitted, pursuant to the conditional acceptance **ORDER** regarding the Region-20 and 28 Plans[1], this **RESPONSE**

[1] **ORDER**, GN Docket Nos. 90-7 & 89-573, DA 96-2066, December 9, 1996, Paragraphs 10 (a) and 11.

REGION-20 PUBLIC SAFETY LEGISLATIVE/REGULATORY AFFAIRS COMMITTEE

STATEMENT concerning the establishment of satisfactory *inter*-regional coordination procedures.

II. RESPONSE STATEMENT

2. On July 31, 1998, Regions-20 and 28 executed an **INTER-REGIONAL COORDINATION PROCEDURES AGREEMENT (AGREEMENT)**. Appendix to this document, as Attachment A, is a copy of the executed **AGREEMENT**.

III. CONCLUSION

3. With the submission of this **RESPONSE STATEMENT** and the **EX PARTE PRESENTATION** of January 30, 1997, Region-20 hereby fulfills the requirements of the conditional acceptance **ORDER**.

4. Region-20 requests Commission issuance of an unconditional ***MEMORANDUM OPINION AND ORDER*** acknowledging the acceptance of the Region-20 filings and the removal of all contingencies from the **ORDER** of December 9, 1996.

5. Upon Commission issuance of an unconditional ***MEMORANDUM OPINION AND ORDER***, the Region-20 RPRC shall hereby incorporate these mutually agreed upon *inter*-regional coordination procedures by substitution of Section 32, in its entirety thereof, of the Region-20 Plan with this **RESPONSE STATEMENT**.

6. Additionally and ***only*** upon issuance of an unconditional ***MEMORANDUM OPINION AND ORDER***, it is requested by Region-20 that the **PETITION FOR**

EMERGENCY DECLARATORY RULING[2], filed against Region-28, be withdrawn without prejudice.

7. Commission issuance of an unconditional ***MEMORANDUM OPINION AND ORDER*** in this matter is appreciated by Regions-20 and its constituents, and is in the **public interest**.

Respectfully submitted,

Michael C. Trahos

Dr. Michael C. Trahos, D.O., NCE, CET
Chairman - Region-20 Public Safety RPRC
Legislative/Regulatory Affairs Committee

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[2] **PETITION FOR EMERGENCY DECLARATORY RULING**, GN Docket No. 89-573, Region-20 Public Safety Review Committee, Legislative/Regulatory Affairs Committee, December 12, 1996.

IV. CERTIFICATE OF SERVICE

I, Dr. Michael C. Trahos, do hereby certify that a copy of this **WRITTEN EX PARTE PRESENTATION** was sent by First Class United States Mail to the parties listed below on the day and date first aforementioned.

1. Ms. Magalie R. Salas - Secretary
   Federal Communications Commission
   1919 M. Street, N.W. - Room 222
   Washington, DC 20554

2. Mr. John Clark - Deputy Chief
   Public Safety and Private Wireless Division
   Wireless Telecommunications Bureau
   Federal Communications Commission
   2025 M. Street, N.W. - Room 8010
   Washington, DC 20554

3. Ms. Kathryn Hosford
   Public Safety Liaison Officer
   Public Safety and Private Wireless Division
   Wireless Telecommunications Bureau
   Federal Communications Commission
   2025 M. Street, N.W. - Room 8010
   Washington, DC 20554

4. Mr. Steve H. Souder - Chairman
   Region-20 Public Safety Regional Plan Review Committee
   Arlington County (VA) Emergency Communications Center
   1400 North Uhle Street, 5th Floor
   Arlington, VA 22201-9995

5. Mr. Alan T. Kealey - Vice-Chairman
   Region-20 Public Safety Regional Plan Review Committee
   State of Maryland Department of Budget and Management
   Office of Information Technology
   45 Calvert Street
   Annapolis, MD 21401

REGION-20 PUBLIC SAFETY LEGISLATIVE/REGULATORY AFFAIRS COMMITTEE

6. Dr. Michael C. Trahos, D.O., NCE, CET - Chairman
Region-20 RPRC Legislative/Regulatory Affairs Committee
4600 King Street, Suite 6K
Alexandria, VA 22302-1249

7. Mr. Richard R. Reynolds - Chairman
Region-28 Public Safety Planning Update Committee
Office of Telecommunications Management
State of Delaware
801 Silver Lake Boulevard
Dover, DE 19904-2460

8. Mr. Norman R. Coltri, P.E. - Vice-Chairman
Region-28 Public Safety Planning Update Committee
New Jersey State Police
Box 7068, Number 2 Trooper Drive
West Trenton, NJ 08628

9. Mr. Don Appleby - Project Manager
Governor's Office Administration
State of Pennsylvania
1 Technology Park
Harrisonburg, PA 17110

10. Mr. W. Michael Trupman, Esquire
Mr. Lawrence W. Lewis, Esquire
Deputy Attorney Generals
Department of Justice
State of Delaware
820 North French Street, 6th Floor
Wilmington, DE 198___

11. Mr. M. Jay Groce, III - Deputy Director
Chester County Department of Emergency Services
601 Westtown Road, Suite 12
West Chester, PA 19382

12. Mr. Frank W. Stoda - Senior Engineer
Radio Engineering and Services Branch
Network Services Division
Department of Information Technology
County of Fairfax (VA)
3613 Jermantown Road
Fairfax, VA 22030

13. Col. Carl A. Williams - Superintendent
New Jersey State Police
P.O. Box 7068
West Trenton, NJ 08628

14. Mr. Ali Shahnami
APCO AFC, Inc.
2040 South Ridgewood Avenue
South Daytona, FL 32119

Respectfully,

Michael C. Trahos

Dr. Michael C. Trahos, D.O., NCE, CET
Chairman - Region-20 Public Safety RPRC
Legislative/Regulatory Affairs Committee

ATTACHMENT A

REGION-20 PUBLIC SAFETY REGIONAL PLAN REVIEW COMMITTEE

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WIRELESS TELECOMMUNICATIONS BUREAU
PRIVATE WIRELESS DIVISION
WASHINGTON, D.C. 20554

In the Matter of	)	
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Philadelphia Metropolitan Area	)	
Regional Public Safety Plan	)	GN Docket No. 89-573
(Region-28)	)	

INTER-REGIONAL COORDINATION PROCEDURES AGREEMENT

By and Between:

Region-20 Public Safety Regional Plan Review Committee
Mr. Stephen H. Souder - Chairman
And
Region-28 Public Safety Planning Update Committee
Mr. Richard R. Reynolds - Chairman

July 31, 1998

REGION-20 PUBLIC SAFETY REGIONAL PLAN REVIEW COMMITTEE

Before the
Federal Communications Commission
Wireless Telecommunications Bureau
Private Wireless Division
Washington, D.C. 20554

In the Matter of	)	
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INTER-REGIONAL COORDINATION PROCEDURES AGREEMENT

By and Between:

Region-20 Public Safety Regional Plan Review Committee
Mr. Stephen H. Souder - Chairman
And
Region-28 Public Safety Planning Update Committee
Mr. Richard R. Reynolds - Chairman

July 31, 1998

I. INTRODUCTION

1. Pursuant to the conditional acceptance **ORDER** regarding the Region-20 and 28 Plans[1], *infra* is the mutually agreed upon **INTER-REGIONAL COORDINATION PROCEDURES AGREEMENT (AGREEMENT)**.

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[1] **ORDER**, GN Docket Nos. 90-7 & 89-573, DA 96-2066, December 9, 1996, Paragraphs 10 (a) and 11.

II. INTER-REGIONAL COORDINATION PROCEDURES AGREEMENT

2. To provide adequate protection to adjacent regions, proper engineering design must be implemented. This engineering must be based upon actual signal strength contours and in adherence to 47 CFR 90.205 and 90.635.

3. The Region-20[2] and 28[3] Plans differ with respect to *intra*-regional system protection criteria. This **AGREEMENT** does not, nor does it attempt to, alter this aspect of the Plans respectively.

4. Regions-20 and 28 are in agreement on several basic/underlying principles of *inter*-regional coordination. They are:

- [A]. To ensure adequate protection to adjacent regions, it has been agreed that co-channel and adjacent channel interference-free signal strength protection F (95,95) contours not fall within any adjacent region, operational service area signal strength, F (95,95) contours.[4]
- [B]. That any and all *inter*-regional coordination must be signal strength based.
- [C]. Ensuring interference-free signal strength protection dictates that all signal strength contours $\geq$ 5 dBu of a proposed system do not extend beyond its designated regional

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[2] **WASHINGTON, D.C. METROPOLITAN AREA REGIONAL PUBLIC SAFETY PLAN (REGION-20)**, GN Docket No. 90-7, DA 94-131, February 10, 1994, Sections 25 & 26, Pages 26 & 27.

[3] **PHILADELPHIA METROPOLITAN AREA REGIONAL PUBLIC SAFETY PLAN (REGION-28)**, GN Docket No. 89-573, December 16, 1993, Appendix F-1, Page 38 & 7.

[4] Example: An adjacent region F (95,95) 5 dBu contour does not fall *inter*-regional within a co-channel system F (95,95) 40 dBu contour. [See also Footnote 7 infra.]

boundary unless pre-license authorization concurrence from the adjacent region(s) has been properly secured.

- [D]. *Inter*-regional signal strength emission contours ≥ 5 dBu, that radiate into an adjacent region, shall further abide by mutually agreed to *inter*-regional co-channel and/or adjacent channel interference-free separation protection criteria.[5]

5. The following is the specific procedure for *inter*-regional coordination which has been agreed upon by Regions-20 and 28, and which will be used by the Regions in establishing *inter*-regional coordination procedures with its other adjacent Regional Planning Committees.[6]

- A. An application filing window is opened.
- B. Applications by eligible entities are accepted.
- C. An application filing window is closed after appropriate time interval.
- D. *Intra*-regional review and coordination takes place, including a technical review resulting in assignment of channels.
- E. After *intra*-regional review, a copy of the frequency-specific application including a definition statement of proposed service area shall then be forwarded to the adjacent region(s) for review. The agreed upon format for this exchange of data shall be based on the APCO FDR-2 form, included as an application Attachment, and accompanied by the applicant's proposed service area definition (map or narrative).[7] This information will be sent to the adjacent regional chairperson(s) by a next day delivery system.

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[5] The F (95,95) 5 dBu co-channel and F (95,95) 25 dBu adjacent channel *inter*-regional contours of a proposed system must not intersect (*must be non-overlapping*) with the 40 dBu contour of an existing adjacent region licensee.

[6] Ibid., at Footnote 1, Paragraph 14.

[7] Service area shall normally be defined as the area included within the geographical boundary of the applicant plus three (3) miles. Other definitions of service area shall be justified with an accompanying *Memoranda of Understanding* or other applicable documentation. Should a proposed service area extend into an adjacent Public Safety region(s), then the proposed service area must be approved by the affected regions.

- F. The adjacent region reviews the application. Where unconditional concurrence exists, a letter of concurrence shall be sent, via next-day delivery system, to the initiating regional chairperson within 60 calendar days.

  [1]. If only partial or non-concurrence exists, a working group comprised of representatives of the two regions shall be convened within 30 calendar days. The working group shall then report its findings within 30 calendar days to the regional chairperson via next-day delivery system. Findings may include, but not be limited to:

  (I) unconditional concurrence;

  (ii) conditional concurrence contingent upon modification of applicant's technical parameters; or

  (iii) partial or total denial of proposed frequencies due to inability to meet co-channel/adjacent channel interference free protection to existing licensees within the adjacent region.[8]

  [2]. If resolution is unobtainable by the working group, then the matter shall be forwarded, for evaluation, to the APCO[9] regional frequency advisors, who service the affected regions. These frequency advisors will, within 30 calendar days, report their recommendation(s) to the regional chairpersons via next-day delivery system.

- G. Where adjacent region concurrence has been secured, and the channel assignments would result in no change to the region's currently Commission approved channel assignment matrix, the initiating region may then advise the applicant(s) that their application may be forwarded to APCO for processing and forwarding to the Commission.

- H. Where adjacent region concurrence has been secured, and the channel assignments would result in a change to the region's currently Commission approved channel assignment matrix, then the initiating region shall file with the Commission a ***PETITION TO AMEND*** their current regional plan's frequency matrix, reflecting the new channel assignments, with a copy of the ***PETITION*** sent to the adjacent regional chairperson(s).

- I. Upon Commission issuance of an ***ORDER*** adopting the amended channel assignment matrix, the initiating regional chairperson will send a courtesy copy of

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[8] The non-concurring region shall identify the affected licensee(s), the engineering propagation model used, and the specific engineering technical criteria applied to the model.

[9] ***Memorandum of Understanding***, APCO & FCC, Report No. CI 98-12, July 17, 1998.

this ***ORDER*** to the adjacent regional chairperson and may then advise the applicant(s) that they may forward their applications to APCO for processing and forwarding to the Commission.

- J. This procedure will apply to all *intra/inter*-regional applications coordinated by Regions-20 and 28.

III. CONCLUSION

6. **IN AGREEMENT HERETO**, Regions-20 and 28 do hereunto set their signatures the day and year first above written.

Respectfully,

Stephen H. Souder

Mr. Stephen H. Souder
Chairman - Region-20 Public Safety
Regional Plan Review Committee

Richard R. Reynolds

Mr. Richard R. Reynolds
Chairman - Region-28 Public Safety
Planning Update Committee