



# PUBLIC NOTICE

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## 700 MHz PUBLIC SAFETY BAND – ANNOUNCEMENT OF UPDATES OF INTEROPERABILITY SPECTRUM ADMINISTRATION DECISIONS<sup>1</sup>

WT Docket No. 96-86

By this *Public Notice*, the Wireless Telecommunications Bureau accepts and approves the decisions made by each state, district or territory regarding the administration of the 2.6 megahertz of spectrum in the 764-776 and 794-806 MHz band (700 MHz public safety band) designated for interoperability communications (interoperability spectrum).<sup>2</sup>

By way of background, in 1998, the Commission adopted a band plan for the 700 MHz public safety band.<sup>3</sup> With respect to the interoperability spectrum, in 2001, the Commission decided that the states, in the first instance, should be responsible for administration of the interoperability channels. In light of the central role that states provide in managing emergency communications, the Commission concluded that the states are best suited for administering the interoperability spectrum and that state-level administration would promote safety of life and property through seamless, coordinated communications on the interoperability spectrum.<sup>4</sup> However, recognizing that some states may not want to administer this spectrum, the Commission established safeguards to ensure that an entity would be responsible for administering the interoperability spectrum. The Commission also recommended, but did not require the formation of State Interoperability Executive Committees (SIEC) to administer the interoperability spectrum.

<sup>1</sup> This Public Notice updates *Public Notice* (DA-02-1957) (rel. Aug 8, 2002).

<sup>2</sup> The Commission has defined “interoperability” as “an essential communications link within the public safety and public service wireless communications systems which permits units from two or more different entities to interact with one another and to exchange information according to a prescribed method in order to achieve predictable results.” Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communications Requirements from the Year 2010, WT Docket 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152, 189-190 ¶ 76 (1998).

<sup>3</sup> *Id.* at 154 ¶ 2 (1998).

<sup>4</sup> See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010, WT Dockets No. 96-86, *Fourth Report and Order and Fifth Notice of Proposed Rule Making*, 16 FCC Rcd 2020, 2025-26 ¶ 11-13 (2001).

Each state was required to notify the Commission by December 31, 2001, of its decision to administer the interoperability spectrum by establishing a SIEC or its equivalent. If a state did not notify the Commission of a decision by December 31, 2001, then effective January 1, 2002, the 700 MHz Regional Planning Committee(s) (RPC) would assume the responsibility for administering the interoperability spectrum. On November 9, 2001, the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Division sent reminder letters to each state.<sup>5</sup>

This Public Notice reports the results of the decisions made by the states through either their action or inaction regarding administration of the interoperability spectrum. We note that thirty-seven states and the District of Columbia elected to use either existing state entities to serve in the capacity of a SIEC or indicated their intention to establish a SIEC in the future.<sup>6</sup> In addition, only one state specifically designated its 700 MHz RPC as the entity to perform the functions described for a SIEC.<sup>7</sup> Finally, thirteen states, Puerto Rico and the U.S. Virgin Islands did not respond.<sup>8</sup> Consequently, as we noted above, the applicable 700 MHz RPCs will have the responsibility for administering the interoperability spectrum.<sup>9</sup>

However, if a state that did not respond prior to the December 31, 2001 deadline is now interested in administering the interoperability spectrum, there are two requirements. First, the state must submit a letter signed by the Governor indicating the state's desire to establish a SIEC or equivalent body to administer the spectrum or delegate that authority to an existing state agency. Second, if the 700 MHz RPC has already been established and was designated by the Commission to administer the interoperability spectrum, then a written statement or letter signed by the Chairperson of such RPC agreeing to relinquish the responsibility should accompany a state's written request to assume responsibility for the administration of the interoperability spectrum. We anticipate that SIECs who are responsible for developing the statewide interoperability plan would work in concert with their RPCs.

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<sup>5</sup> See Letter from D'wana R. Terry, Chief, Public Safety and Private Wireless Division, WTB (dated Nov. 9, 2001). This letter served as reminder of two matters related to states' use of the 700 MHz public safety band: (a) application for the 700 MHz state geographic license and (b) each states responsibility to notify the Commission of its decision regarding the administration of interoperability spectrum.

<sup>6</sup> States electing to manage the interoperability spectrum either by forming an SIEC or by using an existing state entity to perform the functions of a SIEC are as follows: Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and the District of Columbia.

<sup>7</sup> Montana is the only state that specifically delegated the management of the interoperability spectrum to its 700 MHz Regional Planning Committee.

<sup>8</sup> We received no responses from the following states prior to the December 31, 2001 deadline: Puerto Rico, the U.S. Virgin Islands, Alabama, Colorado, Georgia, Idaho, Michigan, Minnesota, New Mexico, Ohio, South Dakota, Vermont, West Virginia and Wyoming.

<sup>9</sup> See *Fourth R&O* at 2026 ¶ 13.

A list containing interoperability spectrum administration point of contact information is available at <http://wireless.fcc.gov/publicsafety/700MHz/interop.html>. For further information, to send updates to the point of contact listing, or to request SIEC meeting announcements to be posted to the Commission's 700 MHz public safety web site, contact Jeannie Benfaida, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via email to [jbenfaid@fcc.gov](mailto:jbenfaid@fcc.gov).

Action by the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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