

**NPSAC Region 36 Public Safety Planning Committee
Western Pennsylvania**

Donald R. Appleby, Jr. - Chairman
Governors Office of Administration
Radio Systems Development Project
Five Technology Park
Harrisburg, Pennsylvania 17110-2913
(717) 772-8005



December 19, 2003

92-274

(Delivery by Federal Express)

Ms Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Dear Ms. Dortch:

Attached find an original and four copies of a filing to amend the NPSAC Region 36 Public Safety Plan for Western Pennsylvania

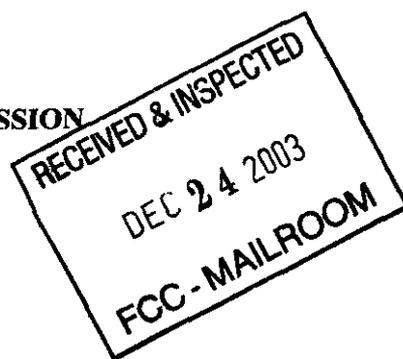
Sincerely,

/s/ Original Signed

Donald R. Appleby, Jr - Chairman

C: Ms. D'wana Terry, Division Chief
Public Safety & Critical Infrastructure Division

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC



In the Matter of:

Development and Implementation of)
A Public Safety National Plan and)
Amendment of Part 90 to Establish)
Service Rules and Technical Standards)
For the Use of the 821-824/866-869 MHz)
Bands by the Public Safety Services)

General Docket No. 87-112

Western Pennsylvania Public Safety)
Plan. NPSPAC Region 36)

PR Docket No. 92-274

TO: The Commission

**Petition to Modify NPSPAC Region 36 Plan with the Addition of New Allocations and
Change in the Allocation Method for Future Allotments**

Summary

The Western Pennsylvania NPSPAC Region 36 has completed action on a filing window designed to identify changes to the allocation matrix for channels in the 821-824/866-869 MHz Public Safety band. The proposed changes in allocations were submitted for review to the NPSPAC Regions adjacent to Region 36. These Committees have concurred with the revision and have supplied notification letters to that effect. The Commission is requested to modify the allocation matrix of the NPSPAC Region 36 Plan to reflect these allocation changes.

The NPSPAC Region 36 Plan currently identifies a comparative window allocation process, consistent with Commission practices in other bands, as a mechanism for frequency allocation. The comparative window process allow for competing applicants to be evenly evaluated and channels allotted according to a defined allocation evaluation matrix. This mechanism has served the Region 36 Committee well over the several years of planning. The Region 36 Committee now recognizes that the amount of spectrum remaining to be allotted is very small and only available in specific geographic areas of the Region. Comparative Windows no longer serve a purpose in the allocation process. A first-in/first-out process is now more responsive to the needs of the public safety community in the Region. We propose to modify the NPSPAC Region 36 Plan to provide for this new filing method.

Allocation Changes

In September and November 1999, the NPSPAC Region 36 Committee held public meetings to announce and promote a second filing window for allocation of 821-824/866-869 MHz spectrum in Western Pennsylvania. Filing Window 2 was closed on February 1, 2000. As a result of the Window, three applicants filed for allocation of available spectrum. The Counties of Westmoreland and Allegheny were new applicants in the process. The Commonwealth of Pennsylvania filed to add channels to the existing statewide system.

Review of applications and evaluation of possible allocations continued through November 2000. On December 7, 2000, a recommended allocation under Window 2 was prepared and distributed to surrounding regions for their review and concurrence.

NPSPAC Region 36 is surrounded by five planning regions: Ohio Region 33 to the west; Western New York Region 55 to the north; West Virginia Region 44 to the southwest; Maryland/Virginia Region 20 to the south; and Eastern Pennsylvania/Southern New Jersey/Delaware Region 28 to the east. Each of these regions was supplied with proposed allocations, which included engineering plots showing the 5/25 and 40 dBu contours.

Between December 2001 and November 2003, NPSPAC Region 36 communicated with surrounding regions to address concerns and comments relating to the Window 2 proposal. During this period several joint region meetings, teleconferences, and correspondence exchanges were transacted. In October 2002, a major revision of NPSPAC Region 36 Window 2 allocations resulted from the peer review by adjacent regions. This revised allocation matrix was then re-distributed to all surrounding regions for further analysis. In early August 2003 we reached consensus with all surrounding regions on a compatible allocation plan. As consensus was reached over a long discussion period, and concurrence letters were dated over this period, NPSPAC Region 36 secured new concurrence letters from the five surrounding regions. The last of these letters was received December 5, 2003.

We have attached the revised channel allocation listing that was approved by the NPSPAC Region 36 Committee and which received the concurrence of the surrounding regions. The Commission is requested to review and approved this allotment of channels at the earliest opportunity.

Allocation Process Amendment

Since the inception of the NPSPAC Region 36 Plan a comparative window application process was used to determine allocation of the 821-824/866-869 MHz spectrum. This process has served the Committee well over the years. We currently see that the amount of remaining spectrum has dwindled and is only available in select geographic portions of the Region. Allocation in Region 55 to State of New York, in Region 33 to State of Ohio, and in Region 36 to Commonwealth of Pennsylvania, has significantly limited the ability to have future filing windows. We do, however, recognize that at certain locations and with certain technical parameters, other channels may be available. To accommodate the public safety agencies in the acquisition of NPSPAC channels, Region 36 has voted to abandon the window allocation process in favor of a first-in/first out allocation scheme. Request for allocation of NPSPAC spectrum would be submitted at any time and would be considered by the Evaluation Subcommittee of NPSPAC Region 36. The request for allotment must include the specific channels requested and a technical showing that the channels can be licensed without causing interference to existing allotments in the region and all surrounding regions. When approved by the NPSPAC Region 36 Evaluation Subcommittee the surrounding regions will be immediately notified and asked for concurrence. In an attempt to reduce administrative filing processes, the NPSPAC Region 36 Committee will only amend the regional Plan on a quarterly basis.

The current NPSPAC Region 36 Plan states on pages 26-27¹ :

Frequency Allocation Processes

The attached flow chart, (Appendix A) entitled "800 MHz Frequency Allocation Process", shows the sequence of events to be followed by the Region 36 Planning Committee in the process of allocating the six megahertz of 800 MHz spectrum. This process follows the guidelines established under the National Plan for Public Safety Spectrum Relief

The Region 36 Plan incorporates a filing window concept which will provide for the evaluation of all applications for the available spectrum at the same time. The evaluation matrix process is as follows:

Upon approval of the Region 36 Plan by the Federal Communications Commission (FCC) the six megahertz of spectrum is made available for allocation. The allocation is placed in the frequency pool (Block #1). If frequencies are available in the pool (a second iteration of the evaluation matrix could occur if all frequencies are not allotted on the first iteration) a window opening announcement is made (Block #2). The window period will

¹ Approved by the Commission on February 1, 1993 as PR Docket 92-274

be two (2) calendar months or 60 days, (Block #3 thru Block #4) with early or late applications rejected (Block #5). Those applications which are received during the window period are reviewed by the Pennsylvania Frequency Advisor (Block #6). The Advisor will determine if the application is in compliance with the State plan, if a State Plan exists (Block #7). An application that is not in compliance will be returned to the applicant with an explanation of changes required to be compliant. Having complied with the State Plan and provided a needs assessment (Block #9) has been provided, the Evaluation Subcommittee will apply the Evaluation Matrix (Block #10). The Evaluation Subcommittee is defined as: one (1) member (four (4) minimum) from each area of eligibility, including the Frequency Advisor who are also members of the Planning Committee for Region 36.

The implementation of the Evaluation Matrix will result in the

The NPSPAC Region 36 Committee proposes to amend this section to read:

Frequency Allocation Processes

The attached flow chart, (Appendix A) entitled "800 MHz Frequency Allocation Process", shows the sequence of events to be followed by the Region 36 Planning Committee in the process of allocating the six megahertz of 800 MHz spectrum. Blocks #1 through #6 are deleted by Plan Amendment.

The Region 36 Plan incorporates a first-in/first-out evaluation of all applications for the available spectrum. The evaluation matrix process is as follows:

Applications requesting an allocation of spectrum in the 821-824/866-869 MHz band are processed as received by the Region 36 Committee. Such applications must be complete and ready for evaluation. The applications must include:

- 1. A completed FCC application form for the radio service.**
- 2. Specific channel frequencies that are requested.**
- 3. An engineering submission showing the requested channels/frequencies will not interfere with existing allocations in Region 36, or any of the regions surrounding Region 36**

- a. **Region 36 will provide existing allocation information, however full technical details may not be available and will need to be researched by the applicant.**
 - b. **Technical analysis will include coverage and interference contours**
 - c. **Analysis is based on TIA TSB-88A propagation standards.**
 - i. **Service area: 40 dBu F(90,90) Okumura-Hata-Davidson with defraction modeling disabled. The general service area should not extend beyond 3 miles of the geographic jurisdiction area without explanation.**
 - ii. **Co-channel interference: 5 dBu F(50,50) Okumura-Hata-Davidson with defraction modeling disabled.**
 - iii. **Adjacent Channel interference: 25 dBu F(50,50) Okumura-Hata-Davidson with defraction model disabled. If the proposed or existing system is operating at 11.3 kHz bandwidth, the adjacent channel contour is reduced to 30 dBu. If both the proposed and existing adjacent channel systems are operating at 11.3 kHz bandwidth, interference analysis is not required.**
- 4. Full answers to the questions proposed in the Evaluation Matrix highlighting, but not limited to, spectrum givebacks and funding commitment.**

The Region 36 Committee will process the applications as received and forward them to the Evaluation Subcommittee for technical review. Should the application be found defective or the channels/frequency found to cause interference, the application will be returned to the submitter for correction. There will NOT be a placeholder for application re-submission. The first-in technically correct application will be awarded the channels.

The Evaluation Subcommittee will determine if the application is in compliance with the State plan, if a State Plan exists (Block #7). An application that is not in compliance will be retuned to the applicant with an explanation of changes required to be compliant. Having complied with the State Plan and provided a needs assessment (Block #9) has been provided, the Evaluation Subcommittee will apply the Evaluation Matrix (Block #10) only for applications received on the same day. Applications not received concurrently will jump directly to Frequency is Allotted (Block #20)

At the time frequencies are allotted, adjacent regions will be notified of the process and a concurrence will be requested. Should an adjacent region reject the allocation, it will be the responsibility of the applicant to work with the adjacent region to resolve any issues. The channels will be reserved for the applicant until resolution with the adjacent region. If the specific reserved channels cannot be cleared thru the adjacent region, the allocation will be removed from the Region 36 allocation matrix and the application will be returned to the submitter. The submitter can re-submit on alternate channels, however no consideration will be given to the prior application as to filing time.

Upon receipt of concurrence approval letters from all adjacent regions, the allocation will be placed into a pending plan amendment file. Plan amendments, as required, will be filed with the FCC on a quarterly basis, January 1, April 1, July 1, October 1.

The Evaluation Subcommittee is defined as a working group appointed by the Region 36 Committee Chair. The chair of the subcommittee must be a voting member of Region 36. Other subcommittee membership may be members or technical advisors to the Region 36 Committee. All members of the Evaluation Subcommittee must be approved by consensus of the Region 36 Committee taken at a public meeting of the Committee.

The implementation of the Evaluation Matrix will result in the

Committee Actions

The NPSPAC Region 36 Committee recommends that the Western Pennsylvania Regional Plan be amended to reflect the changes proposed in this document. Concurrence of the frequency allocations by adjacent regions is provided by letter attachment to the filing. The amendment of the allocation procedure is a process internal to NPSPAC Region 36. As such, concurrence of this change was not requested or deemed required from the adjacent regions.

The Commission is urgently requested to approve the changes in this plan, which will permit licensing and construction of these public safety systems. Such approval is in the public interest and consistent with public policy.

Respectfully Submitted,

/s/ Original signed

Donald R. Appleby, Jr.
Chair
NPSPAC Region 36

December 24, 2003

*Lou J. Oshier, Chairman
FCC Region 55
800 MHz Regional Planning Update Committee
Erie County Central Police Services
95 Franklin St., Rm. 230
Buffalo, NY 14202*

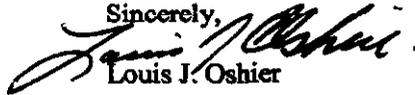
August 5, 2003

Mr. Donald R. Appleby Jr.
Chairman Region 36
Governors Office Of Administration
Radio Systems Development Project
Five Technology Park
Harrisburg, Pennsylvania 1711-2913

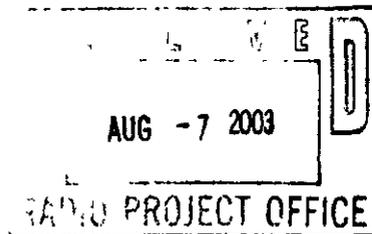
Dear Chairman Appleby,

Region 55 has reviewed your plan regarding channel allotment and region 55 does give it's concurrence and we fully support you plan modification with the FCC.

Sincerely,


Louis J. Oshier

Region 55 Chairman





GOVERNOR'S OFFICE OF ADMINISTRATION
COMMONWEALTH OF PENNSYLVANIA
Radio Systems Development Project
Room 109, Five Technology Park
Harrisburg, Pennsylvania 17110-2913
www.radio.state.pa.us

October 3, 2003

Donald G. Flahan
Region 33 Chairman
Ohio Turnpike Communications
857 East Dartmoor
Seven Hills, OH 44131

Dear Mr. Flahan:

The Commonwealth of Pennsylvania is activating its statewide Public Safety Communications System, operating predominately on NPSPAC frequencies; and we are currently in the process of submitting our revised frequency plan to the FCC for approval. Previously we sought and obtained concurrence in the form of a letter from your Region regarding our particular NPSPAC Channel allotment. Again, we are requesting that you send us a current letter indicating your Region's concurrence with our plan modification. We are sorry for any inconvenience this second request causes and appreciate your support of our Public Safety Communications System.

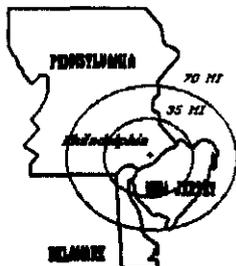
Thank you.

Very best regards,

Donald R. Appleby, Jr.
Chairman, Region 36
dappleby@state.pa.us
717-772-8006
(fax- 717-772-8097)

State of Ohio
Region 33
800 MHz

Approved
DATE 12-5-03
CHAIRMAN



REGION 28 PLANNING UPDATE COMMITTEE

EASTERN PENNSYLVANIA, SOUTHERN NEW JERSEY, and DELAWARE

Office of Information Services
Telecommunication Technologies
801 Silver Lake Blvd
Dover, DE 19904-2407

Richard R. Reynolds, Chairman
Morris J. Groce, III, Vice Chairman
Judith R. Brackin, Secretary

VOICE: (302) 739-9648 FAX: (302) 739-9642
VOICE: (610) 344-5000 FAX: (610) 344-5050
VOICE: (610) 344-5000 FAX: (610) 344-5050

November 4, 2003

Mr. Donald Appleby
Chairman, Region 36 RPRC
Commonwealth of Pennsylvania
Governor's Office of Administration
Radio Project Development Office
One Technology Parkway, Room 190
Harrisburg, PA 17110-2913

RE: Region 36 Window #2

Dear Mr. Appleby:

This is in response to your letter dated October 3, 2003 in which you make reference to your December 7, 2000 letter requesting Region 28's concurrence to your Window #2 filing. You also mentioned that you misplaced our original approval letter dated February 28, 2001 during a recent move of your office.

Please accept this letter, which supersedes the February 28, 2001 letter as our **Official Unconditional Approval and Concurrence** of the Region 36 Window #2 assignments as presented in your Plan Amendment described in your December 7, 2000 letter. If you have any questions concerning this response please call me at the number listed above.

Sincerely Yours,

Richard R. Reynolds
Chairman, Region 28 PUC

**Region 44 - West Virginia
Public Safety Planning Committee
420 Buckhannon Pike
Nutter Fort West Virginia 26301-4343
304-623-8559**

November 25, 2002

**Donald R. Appleby, Jr. Chairperson, Region 36
Governors Office of Administration
Radio System Development Project
One Technology Park
Harrisburg Pennsylvania 17110-2913**

Chairperson Appleby:

Region 44 approves your Region's update to the modification of your Regional Plan. This specifically applies to Allegheny and Westmoreland Counties.

This letter is in response to your letters of September 6, 2002 and October 21, 2002. In your letter of September 6, 2002 you commented on your letters of December 7, 2000 and June 27, 2002 as not being responded to by Region 44. These letters were responded to on July 3, 2002 by the undersigned. If you do not have a copy of my letter dated July 3, 2002 then let me know and I will send a copy of it to you.

Sincerely,

Frederick B. Smart
**Frederick B. Smart
Chairperson Region 44**

*Resent
11-25-03 FBS*

Region 20 - 821 MHz Planning Committee
District of Columbia, State of Maryland and Northern Virginia

Alan T. Kealey, Chairman
Maryland Department of Natural Resources
580 Taylor Avenue, E-3
Annapolis, Maryland 21401

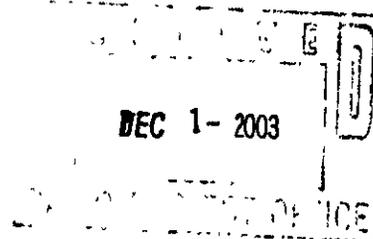
410-260-8887

akealey@dnr.state.md.us

410-260-8878 (fax)

November 21, 2003

Mr. Donald Appleby
Region 36 Chairperson
Commonwealth of Pennsylvania
Governor's Office of Administration
Radio Project Development Office
One Technology Park, Room 190
Harrisburg, PA 17110



RE: Region 20 -- 821 MHz Approval of Region 36 Plan Modification

Dear ~~Chairman~~ Appleby: *Don*

This letter is in response to your request for a second letter affirming our approval of the Region 36 plan modification.

The Region 20 - 821MHz Planning Review Committee (RPRC), Technical Subcommittee has completed its review of your September 6, 2002 modification request. Based on that review, the Region 20 - 821MHz RPRC approves your modification as requested

Please feel free to contact me at 410-260-8887 if you have any questions.

Sincerely,

Alan T. Kealey, Chairman
Region 20 - 821 MHz

cc: Region 20 - 81 MHz Secretary, including modification request
Region 20 - 821MHz Technical Committee Chair

Encl: Copy of original Region 20 821 MHz approval letter
Region 36 Modification Request Cover Letter

Committee Actions

The NPSPAC Region 36 Committee recommends that the Western Pennsylvania Regional Plan be amended to reflect the changes proposed in this document. Concurrence of the frequency allocations by adjacent regions is provided by letter attachment to the filing. The amendment of the allocation procedure is a process internal to NPSPAC Region 36. As such, concurrence of this change was not requested or deemed required from the adjacent regions.

The Commission is urgently requested to approve the changes in this plan, which will permit licensing and construction of these public safety systems. Such approval is in the public interest and consistent with public policy.

Respectfully Submitted,

/s/ Original signed

Donald R. Appleby, Jr.
Chair
NPSPAC Region 36

December 24, 2003

DOCKET NO. 97-274

DOCUMENT OFF-LINE

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- o This document is confidential (**NOT FOR PUBLIC INSPECTION**)

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One diskette. For diskette see docket # 87-112.