

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
700 MHz Regional Planning-Region 24 700 MHz Plan)	WT Docket No. 02-378
)	
)	
To: The Commission)	

**Petition for Reconsideration
Of the
Region 24 700 MHz Regional Planning Committee**

Stephen T. Devine, Chair
Region 24 (Missouri) 700 MHz Regional Planning
Committee

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Petition for Reconsideration of the Region 24 (Missouri) 700 MHz Regional Planning Committee

Introduction

The Region 24 700 MHz Regional Planning Committee hereby respectfully submits the following Petition requesting the Federal Communications Commission reconsider conditions and requirements placed on the Region 24 700 MHz Regional Planning Committee associated with its letter, submitted March 29 2004, denying the Region's 700 MHz Regional Plan, which was submitted to the FCC for approval on September 16, 2003.

The Region 24 700 MHz Regional Planning Committee feels certain requirements noted in the Commission return are excessive and inconsistent with previous Commission action. Certain Commission requirements will delay Region 24's implementation of 700 MHz spectrum and will create an environment that will deny access to available 700 MHz public safety spectrum by existing eligible applicants causing undue harm to active planning now under way.

Areas of Agreement

Several new issues have come to light in Region 24 regarding 700 MHz public safety spectrums since the original filing of the plan September 16, 2003, including the introduction of an eligible applicant requesting General Use channel allotments from an approved Region 24 plan in Jackson County, Missouri. The region will strive to provide sufficient channel allotments to this applicant, pending FCC action on plan approval.

In reviewing the Commission's return letter to the Region 24 Chairperson, Region 24 concurs with the Commission's noting of several administrative changes requiring modification in the plan. Region 24 acknowledges the need to obtain concurrences from regions that prior to the original plan filing, had not convened a 700 MHz committee, namely Region 4 (Arkansas) and Region 34 (Oklahoma). The Commission is correct in that both regions have since convened an initial meeting and concurrence (an indication of successful coordination) to the Missouri plan must be obtained.

Region 24 also agrees with the Commission regarding the submission of meeting notices and examples of outreach, which need to be included in the plan filing. Copies of magazine articles and press releases highlighting outreach of the 700 MHz regional planning initiative have been compiled and future plan submissions will include these notices.

With regard to the language included in the plan that establishes a frequency “give back” policy in Region 24, new language will be presented that requires and outlines the basic essentials of an agreement that is to be reached between the region and the applicant. We feel cooperation between the applicant and the region is imperative to ensure efficient channel implementation and improved spectrum efficiency.

These corrections, along with other administrative amendments outlined in the return letter, will be addressed. The Region 24 700 MHz Regional Planning Committee will submit a corrected version of the plan through the proper channels addressing these changes.

Areas of Disagreement

The Region 24 Regional Planning Committee disagrees with the Commission's requirement that requires Region 24 to "redistribute a revised plan to all adjacent regions and obtain new concurrences from each of the eight regions prior to submission of a revised plan." Region 24 feels strongly that the existing concurrences obtained by the Region 24 700 MHz Regional Planning Committee from six (6) of their eight (8) adjacent regions are a lasting indication of the successful coordination required by the Commission in this Docket and that the original coordination was not undone due to the administrative nature of the corrections required in the Commission return of Region 24's plan.

It is our position that the administrative changes required in the Commission's return of the Region 24 plan have no impact on Region 24's adjacent regions. The preservation of these concurrences is important to Region 24 as no other region has as many immediately adjacent regions. A repeat of the time frame associated with obtaining the original concurrences, which took over 6 months initially, will cause undue and unnecessary delay to qualified Missouri applicants for 700 MHz spectrum. This is particularly harmful for public safety

agencies in Region 24, as it is one of the few regions in which the 700 MHz public safety spectrum is available today for use in major metropolitan areas.

Administrative changes have previously been classified in this and other commission proceedings involving regional plans, as minor in nature, requiring no additional adjacent region concurrence. It has been previously determined by the Commission that changes in existing channel or pool allotments that can affect adjacent regions are considered major changes. Such changes historically required new adjacent region concurrence to ensure compatibility and co-existence with adjacent regions channel allotments, which is not the case in this instance. No such “major” changes are being made to the Region 24 Plan.

While the Commission’s changes required to the Region 24 plan are administrative in nature, Region 24 feels it is appropriate to distribute the revised plan to the six (6) adjacent regions from which Region 24 previously obtained concurrence to ensure those regions have an opportunity to comment on the Region 24 plan amendments. However, the Commission’s approval of the Region 24 plan should not be contingent upon receiving a second concurrence from those six regions where no substantive technical modifications have been made. Region 24 believes that those regions should be served with notice of a window of opportunity to offer comment concurrently and the possibility that those regions

may not respond in a timely manner should not delay the long and arduous efforts of Region 24.

Region 24 feels it is appropriate to require concurrence from both Region 4 (Arkansas) and Region 34 (Oklahoma) as they had not convened initially, as well as execute the appropriate inter-regional dispute agreement letters with Region 4 and Region 34, based on the National Coordinating Committee's recommendations.

Conclusions

The Region 24 700 MHz Regional Planning Committee appreciates the Commission's efforts to retain high standards in its efforts to administer and approve regional plans throughout all 55 regions implementing 700 MHz public safety spectrum. As noted in its original filing, Region 24 is free of broadcaster incumbency and, unlike other regions in which incumbent broadcasters render their public safety 700 MHz allocation unusable, has immediate access to the band and anticipates filling applications immediately upon plan approval.

A copy of this Petition for Reconsideration will be sent to Region 24's eight (8) adjacent regions.

Regards,

Stephen T. Devine, Chairperson

Stephen T. Devine (signed)

Region 24 700 MHz Regional Planning Committee

CC. Chairpersons of Region 4, 13, 15, 16, 17, 26, 34, 39

