

**Before the
FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20554

In the Matter of)
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Petition for Rule Making)
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National Public Safety Planning Advisory)
Committee (NPSPAC) Coordination of use and)
Prioritization of Additional Public Safety)
Spectrum Made Available though the 800 MHz)
Rebanding Process)
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WT Docket No. 02-55

**Petition for Rule Making:
National Association of Regional Planning Committees
Hereby Submitted July 22, 2005**

I. PETITION FOR RULEMAKING

The National Association of Regional Planning Committees (NARPC) hereby submits the following petition for rule making (PET RM) to the Federal Communications Commission ('Commission') on the matter of Commission designated Regional Planning Committees improving effective mission critical spectrum usage by providing the Commission a "Priority Matrix". A regional matrix will consist of the results of a prioritization mechanism implemented in any given region to ensure efficient distribution of new public safety spectrum that will be made available to public safety at the end of the 800 MHz rebanding process. The goal of a region providing the Commission a priority matrix is to ensure those public safety entities most in need of this important spectrum would be in a position to apply for and receive available public safety channels regardless of how quickly they filed their license application to their selected FCC Certified Frequency Coordinator after the Commission's notice declaring the channels available. The priority matrix would be developed within a region to improve the less than efficient distribution of valuable radio spectrum which can occur when multiple applicants, with a need for channels to be used within the same community, concurrently file applications requesting channels with multiple frequency coordinators. Often, the end result of such a process is that agencies, which, from a regional perspective, are not most in need of new available spectrum, obtain FCC authorizations and agencies that are generally perceived at the regional level to be more deserving of being licensed in the 800 MHz band, do not.

It is our position that Regional Planning Committees that do not choose to provide potential applicants a filing window, or Regions that open a filing window with the result indicating an environment where there is no channel contention between applicants, would allow vacated 800

MHz channels made available through the 800 MHz re-banding process to be distributed in a manner consistent with normal frequency coordination and selection.

II. INTRODUCTION

1. Regional Planning is accomplished across the entire United States and its territories. There are fifty-five (55) designated planning regions assigned to various states, regions and metropolitan areas with each region having an 800 MHz NPSPAC (FCC Docket 87-112) planning Committee. Separate Regional Planning Committees also exist to administer and develop regional plans for public safety 700 MHz spectrum. These committees additionally serve as the advocate and resource for public safety implementation of 4940-4990 MHz spectrum. The 800 MHz NPSPAC Regional Planning Committees are responsible for the planning, administration, and coordination of dedicated exclusive Public Safety spectrum in the 800 MHz bands. Membership and participation in regional planning committees is open to all eligible public safety users, with each region's planning committee representing the public safety user community in a region. The National Association of Regional Planning Committee (NARPC) acts as an integrated voice for the national regional planning community providing a forum for their outreach and initiatives while promoting heightened regional planning dialogue within the volunteer-based regional planning community. Non-public safety interests, including vendors and consultancies, can participate in the regional planning process but are not eligible to vote on issues under the jurisdiction of the regional planning committee. The NARPC appreciates the sustained level of support and cooperation it has received from the regional planning community for its advocacy, and it looks forward to expanding its working relationship with regional planning groups throughout the nation. The NARPC

encourages each region to work collaboratively in an open forum to promote *their region's* user participation while working toward achieving their spectrum management and regional planning goals.

2. A priority matrix created by a region, in many cases, will be an extension of an existing practice already occurring when there is contention between agencies for limited public safety radio channels. A priority matrix should be accomplished through a procedure in which each region, should it independently choose to do so, identifies priority applicants for available spectrum through regional outreach and community awareness. All agencies can be informed of the new channel availability in a notice announcing a filing window for applications for a fixed period of time. This filing window requires each applicant requesting channels to submit an application to which a consistent region-wide priority matrix will be attached. Each region developing a priority matrix for these non-RPC governed channels will be required to provide, to the Commission, documentation of their efforts and details of the outreach associated with making potential applicants aware of the filing window and the associated deadline for filing applications. The completed applications, along with the completed priority matrix, will be provided to the region's 800 MHz NPSPAC committee for review by a specific deadline. The 800 MHz regional planning committee would then review the matrix report from each applicant, decide where there is contention for channels, and then create a priority list of users based on information provided by each applicant in areas where channel contention exists. The entire process and the subsequent priority list for a region would have to be completed and filed with the Commission by no later than 90 days prior to that particular region being certified as having its re-banding completed and its vacated channels available.

The evaluation will benefit the regional public safety community by utilizing local knowledge of systems from end users and RPC personnel in each region. The regional planning committee should provide the Commission a final priority list for review.

3. While the channels made available during 800 MHz re-banding between 854 and 860 MHz are not currently governed by regional planning guidelines or each regions' existing 800 MHz plans currently under the Commissions rules, this Petition for Rule Making is not intended to amend those rules or alter the existing environment or the operating characteristics of the new channels. This process will simply utilize the existing regional resource that is its 800 MHz regional planning committee, allowing it to do what it normally does: Prioritize the efficient and effective use of spectrum in its region. The vacated channels to be prioritized by the 800 MHz regional planning committee referred to in this Petition should not be required to operate under conditions or guidelines created by the regions existing 800 MHz regional plan.
4. The NARPC is of the opinion that after the regional planning committee has provided the Commission with the priority results from its filing window, the regional planning committee's work is complete with regard to this referenced effort. The Commission will then decide the most effective manner in which to allow these channels to be implemented after being provided the priority list of users in a specific region.
5. The NARPC believes that if post re-banding public safety spectrum is disseminated through the current frequency coordination process alone, a large majority of first responders and public safety agencies will not get the spectrum they need. With the introduction of this new channel availability, the standard frequency coordination process could produce a frenzy of applications simultaneously entered through the four

competing public safety frequency coordination services and that this practice would not achieve results that are in the best interest of those needing the spectrum most.

6. In the instant matter, we respectfully urge the Commission to utilize the respective Regional Planning Committees (RPCs) and their well-defined and proven procedures for spectrum management and channel distribution within a region.
7. Therefore, the NARPC requests, in this Petition for Rulemaking, that the Commission consider the results of a regional prioritization matrix before assigning channels in any region which has undertaken efforts to develop such a matrix designed for the prioritization of the newly made available spectrum.

III. ADVANTAGES TO PUBLIC SAFETY WHEN REGIONAL PLANNING COMMITTEE'S PRIORITIZE NEWLY AVAILABLE PUBLIC SAFETY SPECTRUM

8. NARPC believes that Regional Planning Committees identifying local spectrum needs for the use of new public safety spectrum is in the best interest of local users. We believe a prioritization process to be a well-proven and well-defined tool that deals fairly with arbitration between competing applications to provide an equitable resolution. Consequently, we perceive that Regional Planning Committees, through their established spectrum management structure, are eminently qualified to fairly and equitably manage the distribution of spectrum to our nation's first responders.
9. The NARPC is also aware that checks and balances should be a necessary part of any process in order to maintain fairness and equality. It would be essential for criteria identified as contributing factors to a priority matrix be consistent throughout all regions

to reduce the possibility of inter-regional prioritization conflicts. NARPC looks forward to participating in the development of these criteria.

IV. SUMMARY

10. The NARPC respectfully urges the Commission to give our petition for rulemaking the strongest consideration. We reason that when applications in contention with one another for a specific user's area can be anticipated, a Regional Planning Committee system of prioritization is an efficient means of achieving outcomes that serve both public safety and the public good.

Respectfully submitted,

/s/

Stephen T. Devine

Chair – National Association of Regional Planning Committees

Chair – FCC Region 24, NPSPAC 800 MHz Regional Planning Committees

July 22, 2005