

The below form is a copy of the signed versions accompanying this document.

## **Appendix H**

### **Sample Form**

# **Inter-Regional Coordination Procedures and Procedures for Resolution of Disputes That May Arise Under FCC Approved Plans**

## **INTRODUCTION**

This is a mutually agreed upon Inter-Regional Coordination Procedures Agreement and Dispute Resolution Agreement between Region 39 700 MHz Regional Planning Committee and Region NN.

The following is the specific procedure for inter-Regional coordination and dispute resolution; which has been agreed upon by Regions 39 Tennessee, Region 1 Alabama, Region 4 Arkansas, Region 10 Georgia, Region 13 Southern Illinois, Region 17 Kentucky, Region 23 Mississippi, Region 24 Missouri, Region 31 North Carolina, Region 37 South Carolina, Region 42 Virginia, and Region 44 West Virginia, which will be used by the Regions to coordinate with adjacent Regional Planning Committees.

## **INTER-REGIONAL COORDINATION PROCEDURE**

The coordination procedure will consist of the following steps:

1. An application-filing window is opened or the Region announces that it is prepared to begin accepting applications on a first-come/first-served basis.
2. Applications by eligible entities are accepted.
3. An application-filing window (if this procedure is being used) is closed after appropriate time interval.
4. Intra-Regional review and coordination takes place, including a technical review resulting in assignment of channels.
5. After intra-Regional review, a copy of those frequency-specific applications requiring adjacent Region approval, including a definition statement of proposed service area, shall

then be forwarded to the adjacent Region(s) for review.<sup>1</sup> This information will be sent to the adjacent Regional chairperson(s) using the CAPRAD database.

6. The adjacent Region reviews the application. If the application is approved, a letter of concurrence shall be sent, via the CAPRAD database, to the initiating Regional chairperson within thirty (30) calendar days.

7. 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 a frequency coordinator for processing and filing with the Commission.

8. 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).

9. Upon Commission issuance of an *Order* adopting the amended channel assignment matrix, the initiating Regional chairperson will send a courtesy copy of the *Order* to the adjacent Regional chairperson(s) and may then advise the applicant(s) that they may forward their applications to the frequency coordinator for processing and filing with the Commission.

## **Dispute Resolution**

The procedure will consist of the following steps should a dispute occur:

If the adjacent Region(s) cannot approve the request, the adjacent Region shall document the reasons for partial or non-concurrence, and respond within ten (10) calendar days via mail, email or fax. If the applying Region cannot modify the application to satisfy the

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<sup>1</sup> If an applicant's proposed service area extends into an adjacent Public Safety Region (s), the affected Region(s) must approve the application. 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 *Memorandum of Understanding (MOU)* or other application documentation between agencies, i.e. mutual aid agreements.

objections of the adjacent Region then, a working group comprised of representatives of the two Regions shall be convened within thirty (30) calendar days to attempt to resolve the dispute. The working group shall then report its findings within thirty (30) calendar days to the Regional chairpersons via email, mail or fax. Findings may include, but not be limited to unconditional concurrence; conditional concurrence contingent upon modification of applicant's technical parameters; or 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.

If the Inter-Regional Working Group cannot resolve the dispute, then the matter shall be forwarded for evaluation to the National Plan Oversight Committee (NPOC), of the National Public Safety Telecommunications Council (NPSTC). Each Region involved in the dispute shall include a detailed explanation of its position, including engineering studies and any other technical information deemed relevant. The NPOC will, within thirty (30) calendar days, report its recommendation(s) to the Regional chairpersons via the CAPRAD database. The NPOC's decision may support either of the disputing Regions or it may develop a proposal that it deems mutually advantageous to each disputing Region.

## CONCLUSION

In agreement hereto, Regions 39 and Region 1, 4, 10, 13, 17, 23, 24, 31, 37, 42 and 44 do by the signing of the document pledge to abide by this Agreement.

Respectfully,

[all signatories to agreement]

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Date: \_\_\_\_\_