

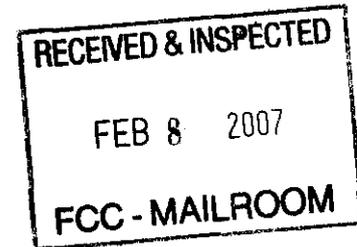


Federal Communications Commission
Washington, D.C. 20554

January 31, 2007

DA 07-460

Joseph M. Turner, Chair
700 MHz Regional Planning Committee
Michigan Public Safety Frequency Advisory Committee
2719 State Street
Saginaw, MI 48602



Re: 700 MHz Regional Plan – Region 21 Michigan, WT Docket 02-378

Dear Mr. Turner:

This letter responds to the request for review of the Region 21 (Michigan)¹ 700 MHz Regional Planning Committee Plan. We have reviewed the Plan and identified several plan elements that are deficient. Accordingly, we are dismissing the Region 21 (Michigan) 700 MHz Plan without prejudice. As a result of our action, we suggest that Michigan submit a revised Plan that resolves the deficiencies discussed herein.

By way of background, the Commission adopted a band plan for the 700 MHz public safety band in 1998, and established a structure to allow regional planning committees (RPCs) optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.² There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.³ The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁴

On April 10, 2006, Michigan submitted a request for Commission review and approval of its proposed Plan.⁵ As has been the case with respect to Michigan's submission, it is customary for

¹ The Region 21 (Michigan) 700 MHz regional planning area consists of the entire state of Michigan.

² See 47 C.F.R. § 90.527; see also Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010, WT Docket No 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

³ A list of 700 MHz regional planning committees and region activities is available at <http://wireless.fcc.gov/publicsafety/700MHz>. Each regional plan must contain certain elements, and must be coordinated with adjacent regions. *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84, 195 ¶ 87.

⁴ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

⁵ See Region 21 700 MHz Plan filed April 10, 2006, by Joseph M. Turner, Chairman, Region 21 (Michigan) Regional Planning Committee.

Commission staff to informally work staff-to-staff with regional planning committees to resolve any plan deficiencies and omissions, and to request supplemental submissions in order to establish a Plan that is a sufficiently compliant with Commission rules and policies for placement on public notice for comment. Following staff review, several deficiencies were identified in the Michigan plan; most importantly, the Plan did not include letters of concurrence and dispute resolution agreement from Michigan's adjacent regions: Region 13 (Illinois), Region 14 (Indiana), Region 54 (Southern Great Lakes), Region 33 (Ohio), and Region 45 (Wisconsin).⁶

On May 18, 2006, Chairman Turner provided a progress update resolving some, but not all, of the discrepancies, indicating that an amended version of the plan would be submitted in the near term. We have not received an amended Plan and, therefore, the April 10, 2006 Plan as submitted by the Region 21 (Michigan) Regional Planning Committee is DISMISSED without prejudice. We encourage the Region 21 700 MHz Regional Planning Committee to submit a revised Plan addressing all deficiencies at its earliest convenience.

Should you have any questions concerning this matter, please contact Jeannie Benfaida at (202) 418-2313 or Jeannie.Benfaida@fcc.gov.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION



Dana Shaffer
Deputy Chief, Public Safety and Homeland Security Bureau

⁶ The Plan did not identify, nor contain (1) adjacent region letters of concurrence and dispute resolution agreements from all adjacent regions, (2) the date of plan adoption, (3) copies of meeting announcements and meeting minutes with attendance records for all meetings held, (4) tribal government information (and explanation of efforts to include tribal governments in the regional planning process) and (5) Michigan (Upper and Lower Peninsulas) counties that share a border with Canada.