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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 24 (MISSOURI) 700 MHZ REGIONAL PLAN AMENDMENT

PS Docket No. 06-229 and WT Docket No. 02-378

Introduction. On January 31, 2008, the Region 24 (Missouri)¹ 700 MHz Regional Planning Committee (Region 24) (RPC) submitted a proposed amendment² to its 700 MHz Public Safety Plan for General Use³ spectrum in the 769-775/799-805 MHz band. Region 24 concurrently requests a temporary, limited waiver of Section 90.527(a)(5) of the Commission's rules, 47 C.F.R. § 90.527(a)(5), which provides that regional plans must include an explanation of how the plan had been coordinated with adjacent regions, because it had been unsuccessful in obtaining Letters of Concurrence from three of its adjacent regions: Region 4 (Arkansas); Region 17 (Kentucky); and Region 34 (Oklahoma).⁴ On July 23 and 25, 2008, Region 24 submitted Letters of Concurrence from Region 17, Region 34, and Region 4.⁵ For the reasons discussed below, we approve the Region 24 700 MHz Plan Amendment, and dismiss the Waiver Request as moot.

Background. On July 31, 2007, the Federal Communications Commission (Commission) adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁶

¹ The Region 24 (Missouri) 700 MHz regional planning area encompasses the entire state of Missouri, consisting of 114 counties and the City of St. Louis (which does not reside within a Missouri county). See Plan Appendix C – List of Counties within Region 24.

² See Letter from Steven J. Makky, Sr., Region 24 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 96-86, PS Docket No. 06-229 (filed Jan. 31, 2008) (Plan Amendment and Waiver Request). The Region 24 Plan was initially approved in July 2005. See Wireless Telecommunications Bureau Approves Region 24 (Missouri) 700 MHz Regional Plan, WT Docket No. 02-378, *Public Notice*, 20 FCC Rcd 12482 (WTB 2005).

³ The General Use spectrum is administered by RPCs and licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

⁴ See Waiver Request at 1-2.

⁵ See Letter from Steven J. Makky, Sr., Region 24 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 96-86, PS Docket No. 06-229 (filed July 23 and July 25, 2008) (submitting Letters of Concurrence from Region 4 (Arkansas); Region 17 (Kentucky) and Region 23 (Mississippi)).

⁶ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

In revising the band plan for the public safety 700 MHz band, the Commission noted that consolidating the narrowband channels in the upper part of the band will impact approved and pending 700 MHz RPC plans. Accordingly, the Commission required RPCs with approved plans or plans on file to submit amended plans consistent with the decisions adopted in the *Second Report and Order* by November 23, 2007.⁷ On November 9, 2007, the Bureau extended the deadline for RPCs to submit amended plans, consistent with the decisions adopted in the *Second Report and Order*, to January 31, 2008, and provided additional guidance for the development of plan amendments.⁸

Review of the Region 24 Plan Amendment. The Plan Amendment includes the following elements:

- Updated Plan Section 1, by identifying the document as the 769-775/799-805 MHz regional plan for Region 24 Missouri; and by revising Sections 1.1 and 1.2 to identify the members elected to the RPC chair and vice-chair positions.
- Deleted Plan Section 3.5, Wideband Data, and inserts instructions for entities desiring implementation of either wideband or broadband data systems, to contact the Public Safety Broadband Licensee as set forth in the *Second Report and Order*.⁹
- Revised Plan Appendix G – Region 24 Channel Allotments, by correcting the frequencies to conform to the new consolidated narrowband spectrum plan.¹⁰
- Replaced the prior layout of the 700 MHz band chart with the revised 700 MHz public safety band spectrum chart.¹¹

The Plan Amendment was reviewed by, and Letters of Concurrence obtained from all eight regions adjacent to Region 24: Region 4 (Arkansas); Region 13 (Illinois); Region 15 (Iowa); Region 16

⁷ As of the adoption date of the *Second Report and Order*, the following regional plans had been approved: Region 5 (Southern California), Region 19 (New England), Region 24 (Missouri), Region 22 (Minnesota), Region 12 (Idaho), Region 39 (Tennessee), Region 43 (Washington), Region 41 (Utah), Region 3 (Arizona), and Region 40 (Northern Texas). The following regional plans were pending as of the adoption date of the *Second Report and Order*: Region 1 (Alabama), Region 27 (Nevada), Region 45 (Wisconsin), Region 7 (Colorado), Region 9 (Florida), Region 16 (Kansas), and Region 20 (Northern Virginia, Maryland and the District of Columbia).

⁸ See Public Safety and Homeland Security Bureau Announces an Extension of the Deadline for 700 MHz Regional Planning Committees to Amend 700 MHz Narrowband Plans from November 23, 2007 to January 31, 2008, PS Docket No. 06-229, WT Docket No. 96-86, *Public Notice*, 22 FCC Rcd 19461 (PSHSB 2007).

⁹ See Plan Amendment Section 3.5 Wideband Data.

¹⁰ See Plan Amendment Appendix G – Region 24 Channel Allotments by County (revised 12/16/2007).

¹¹ See Plan Amendment Appendix I – DTV Transition (spectrum overview chart).

(Kansas); Region 17 (Kentucky); Region 23 (Mississippi); Region 26 (Nebraska); and Region 39 (Tennessee).¹²

On March 13, 2008, the Region 24 Plan Amendment was placed on *Public Notice* for comment.¹³ We received no comments. We have reviewed the Region 24 Plan Amendment, and conclude, based on the information before us that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 24 (Missouri) 700 MHz Public Safety Plan Amendment is APPROVED.

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.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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¹² See Plan Amendment Appendix J – Meeting Announcements (includes copies of email concurrences from adjacent regions).

¹³ See Comments Invited on Region 24 (Missouri) 700 MHz Plan Amendment, PS Docket No. 06-229; WT Docket No. 02-378, *Public Notice*, 23 FCC Rcd 4067 (PSHSB 2008). Comments were due April 3, 2008, and reply comments were due April 14, 2008.