

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

Implementing a Nationwide,
Broadband, Interoperable Public
Safety Network in the 700 MHz
Band

PS Docket 06-229

Development of Operational, Technical and
Spectrum Requirements for Meeting Federal
State and Local Public Safety
Communications Requirements Through the
Year 2010

WT Docket No. 96-86

Petition for Rulemaking

The Region 24 700 MHz Regional Planning Committee respectfully submits this Petition for Rulemaking to the Commission with regard to existing FCC rules outlined in FCC 90.521. The Digital Television (DTV) transition has been a long, complicated process that is nearing its endpoint with the end results being a more efficient use of existing RF spectrum, platforms for newer commercial technologies that will better serve the public and much needed additional radio spectrum in the 700 MHz band for the nation's public safety community. The DTV transition is scheduled to be completed by June 12, 2009. The Region 24 700 MHz Regional Planning Committee requests the Commission revisit some of its current rules addressing spectrum efficiency and construction notification that were predicated on a DTV transition date of January 1, 2007 that has and will continue to have an immediate and lasting impact on public safety 700 MHz system implementation.

Region 24 700 MHz Regional Planning Committee

The Region 24 700 MHz Regional Planning Committee represents geographically the area encompassing the entire State of Missouri. The region has been active since its inception,

developed for approval the second FCC 700 MHz plan and had members active in the Commission's National Coordination Committee (NCC) process on determining the rules and requirements for public safety 700 MHz. Region 24 also had the first 700 MHz local licensee in the City of Independence 700 MHz radio system, FCC authorization WQEQ501, a six (6) site system comprised of both General Use and State License 700 MHz narrowband channels. We know that being proactive in our planning process and making 700 MHz spectrum available to public safety agencies will lead to more use throughout the region and applications have recently been approved for licensing by the region.

While the regional planning committee feels that the ten (10) years the Commission dedicated to the 6.25 KHz migration ending with the anticipated DTV transition date ending on January 1, 2007 was a reasonable amount of time for licensees to migrate to such narrow bandwidths, Region 24 is also cognizant of the impact that the Commission's current rules have on current licensees and future applicants of the 700 MHz band.

While aware that improved channel efficiencies are being sought to ensure effective use of the 700 MHz spectrum and the responsibilities the Commission has to ensure long term efficient use of the band by public safety, we seek to promote a healthy dialogue that takes into consideration the extension of the anticipated DTV transition, how the transition extension impacted public safety users due to 700 MHz rules that can require agencies to shorten the lifecycle of some equipment used by narrowband licensees to meet 6.25 KHz bandwidths per channel (or its equivalent) as outlined in FCC 90.535. We also hope to address how Geographic State Licensee's that have been encumbered by the extension of the DTV transition may need additional time to meet the construction requirements for their authorizations set out by the Commission in FCC 90.529. Region 24 700 MHz Regional Planning Committee looks forward to working with the Commission on these and other issues pertinent to improving public safety communications.

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- 1. 700 MHz Geographic State License build-out five (5) and ten (10) year benchmark dates at meeting one-third (1/3) and two-thirds (2/3) state territory area or population coverage benchmarks should be modified in the Commission's rules to be based on a final DTV transition date of June 12, 2009 rather than January 1, 2007. (90.529)**

- 2. 6.25 KHz channel efficiency or equivalent usage deadlines for 700 MHz General Use and State License narrowband spectrum in the Commission's rules should be modified to be consistent with a DTV transition completion date of June 12, 2009 rather than January 1, 2007. (90.535)**

1. In the Commission's Third Report and Order, 00-348 released October 10, 2000, the Commission concluded that the issuance of a State geographic license for 2.4 MHz of 700 MHz public safety spectrum to each state was "a logical outgrowth of the RPC process" and "would provide a valid approach for the varying communications needs of the public safety community – Federal, State and Local." The Commission was correct in identifying the viability of a 700 MHz license, for each state to implement geographically that does not require site-by-site based licensing. These geographic licenses provide states the flexibility needed in their 700 MHz implementation and allows them to work with and in support of local agencies with their geographic spectrum during and after each region's 700 MHz regional planning and FCC plan approval process.

The Commission, in 90.529 (a) (b), stipulated conditions for State Geographic 700 MHz licensees to certify that they had met certain build-out conditions on or

before each build-out date. State Geographic 700 MHz licensee build-out dates identified in 90.529 (b) (1) and 90.529 (b) (2) were as follows:

“Each applicant must certify that they are providing or are prepared to provide “substantial service” to one-third of their population or territory by January 1, 2012, *i.e.* within five (5) years of the date that incumbent broadcasters are required to relocate to other portions of the spectrum”.

“Each applicant must certify that they are providing or are prepared to provide “substantial service” to two-thirds of their population or territory by January 1, 2017, *i.e.* within ten (10) years of the date that incumbent broadcasters are required to relocate to other portions of the spectrum”.

It should be noted that the Commission’s rules identify a DTV transition date of January 1, 2007 as the beginning of the State Geographic 700 MHz license 5 and 10 year construction period. The DTV transition date has been extended to June 12, 2009 due to the extensive amount of work and education required in converting from analog to digital broadcasting and with channel reassignments in such a transition. The extension of the DTV transition has extended DTV incumbency on TV channels 62 through 69 prohibiting the build-out of public safety 700 MHz in many areas while at the same time reducing the amount of time State Licensees have to implement their 700 MHz State License geographic spectrum and meet the Commission’s rules

Region 24 700 MHz Regional Planning Committee requests the Commission amend its rules to retain 5 and 10 year construction benchmarks for 700 MHz State Geographic Licensees with a new beginning date of June 12, 2009 with a 1/3 population or territory coverage benchmark at 5 years and a 2/3 population or territory coverage benchmark at 10 years from the start of the DTV transition.

2. Region 24 also feels that the Commission's ten (10) year timeline implemented in the rules with regard to the 700 MHz transition to very narrowband technologies (6.25 KHz or equivalent) should also be modified to recognize the new DTV transition date of June 12, 2009. In many areas of the country 700 MHz public safety system implementation is becoming more prevalent with agencies purchasing base and subscriber equipment that operates in the 700 and 800 MHz band and, while some radios are being marketed that can operate in the 700 MHz band today and can be upgraded to operated with a channel efficiency of 6.25 KHz, none are ready for delivery. This has caused agencies that had 700 MHz spectrum available to them to purchase equipment that, while it could operate with bandwidths as small as 12.5 KHz per voice path, could not be upgraded to operate at efficiencies equating to 6.25 KHz per the Commission's requirement. The equipment may have to be replaced before its intended life cycle will be met. Due to difficulties in identifying regular funding mechanisms at the local level,, it is not unusual for public safety agencies to plan on utilizing its equipment (fixed and mobile) for more than 10 years.

While we believe a 10 year time frame for such a transition is sufficient for public safety agencies to migrate to newer, more spectrally efficient technologies, we feel that investments made today and in the last few years by public safety agencies developing 700 MHz systems with scarce funding will require those agencies to prematurely discard equipment purchased within the last few years that operates in the 700 MHz narrowband spectrum that is not upgradeable to a 6.25 KHz or equivalent technology. We are concerned that the rules based on a DTV transition date of January 1, 2007 will cause public safety agencies that have migrated to the 700 MHz band in the last several years too short a time before they will have to replace equipment (fixed and mobile). With new, 6.25 KHz or equivalent upgradable equipment becoming available for purchase and implementation in the coming months, we feel that 10 year migration period, ending on June 12, 2019, will allow public safety agencies to realize the full

potential of the equipment they have implemented in the 700 MHz band in recent years prior to the completion of the DTV transition.

Finally, with the ongoing work associated with 6.25 KHz equivalent Project 25 Phase II technologies we are confident that a 700 MHz 6.25 KHz or equivalent transition date of June 12, 2019 will not inhibit the development of public safety interoperability.

Region 24 looks forward to working with the Commission on these and other important public safety issues as necessary.

Regards

Steve J. Makky Sr., Chairperson

Region 24 700 MHz Regional Planning Committee