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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 5 (SOUTHERN CALIFORNIA) 700 MHZ REGIONAL PLAN AMENDMENT

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

Introduction. On February 17, 2009, the Region 5 (Southern California)[1] 700 MHz Regional Planning Committee (RPC) submitted a proposed modification (Plan Amendment) to amend its 700 MHz Public Safety Plan[2] for General Use spectrum in the 769-775/799-805 MHz band.[3] For the reasons discussed below, we approve the Region 5 700 MHz Plan Amendment.

Background. In 1998, the Commission 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.[4] There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.[5] 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)

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[1] The Region 5 (Southern California) 700 MHz regional planning area consists of ten counties: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, Kern, San Louis Obispo and Ventura.

[2] *See* Letter from David Buchanan, Chair, Region 5 700 MHz Regional Planning Committee, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 02-378 (filed Feb. 17, 2009) (Plan Amendment). The Region 5 Plan was initially approved in April 2004, and amended in June 2008. *See* Region 5 (Southern California) 700 MHz Regional Committee Proposed Public Safety Plan; 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. 02-378, WT Docket No. 96-86, *Order,* 19 FCC Rcd 8110 (WTB-PSCID 2004); Public Safety and Homeland Security Bureau Approves Region 5 (Southern California) 700 MHz Plan Amendment, WT Docket 02-378, PS Docket No. 06-229, *Public Notice,* 23 FCC Rcd 8759 (PSHSB 2008).

[3] The General Use spectrum is administered by regional planning committees (RPCs) and is 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* 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*); 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, *Second Memorandum Opinion and Order,* 15 FCC Rcd 16844 (2000).

[5] *See* 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/.

reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.[6]

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.[7] 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).

Review of the Region 5 Plan Amendment. The Plan Amendment revises the frequency allocations to align the border-area public safety agency allocations to the current U.S.-Mexico agreements in the 700 MHz band. The Plan Amendment also provides the County of Riverside (Riverside) with additional channels for implementation of an entirely new radio system on the 700 MHz General Use channels, thereby permitting Riverside to vacate its 800 MHz licensed channels to facilitate rebanding[8] in Southern California. The Plan Amendment was reviewed by, and letters of concurrence obtained from, all three regions adjacent to Region 5: Region 3 (Arizona), Region 6 (Northern California), and Region 27 (Nevada).[9]

On April 20, 2009, the Region 5 Plan Amendment was placed on *Public Notice* for comment.[10] We received no comments. We have reviewed the Region 5 Plan Amendment, and conclude, based on the information before us that it complies with Commission 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 5 (Southern California) 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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[6] *First Report and Order,* 14 FCC Rcd at 195 ¶ 87.

[7] 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).

[8] Rebanding of the 800 MHz band is governed by procedures established by the Commission in WT Docket 02-55.

[9] *See* 47 C.F.R. 90.527(a)(5) (requiring that each regional planning committee provide an explanation of how its plan has been coordinated with adjacent regions).

[10] *See* Public Safety and Homeland Security Bureau Seeks Comments on Region 5 (Southern California) 700 MHz Plan Amendment, PS Docket No. 06-229; WT Docket No. 02-378, *Public Notice,* 24 FCC Rcd 4770 (PSHSB 2009). Comments were due May 11, 2009, and reply comments were due May 20, 2009.