PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 13 (ILLINOIS), REGION 18 (LOUISIANA), REGION 23 (MISSISSIPPI), REGION 27 (NEVADA), AND REGION 31 (NORTH CAROLINA) NPSPAC REGIONAL PLANNING COMMITTEES STREAMLINED AMENDMENTS TO REFLECT 800 MHZ BAND RECONFIGURATION IN THE 806-809/851-854 BAND

WT Docket No. 02-55, Gen. Docket Nos. 90-148, 91-228 and PR Docket Nos. 89-478, 92-268, 93-150

Introduction. By this *Public Notice,* the Public Safety and Homeland Security Bureau (Bureau) approves the National Public Safety Planning Advisory Committee (NPSPAC) streamlined regional plan amendments (Streamlined Amendments) reflecting the new 806-809/851-854 MHz band allotments submitted by the Region 13 (Illinois),[1] Region 18 (Louisiana),[2] Region 23 (Mississippi),[3] Region 27 (Nevada),[4] and Region 31 (North Carolina)[5] regional planning committees (RPCs).

Background. The *800 MHz Report and Order* and subsequent orders in this proceeding provide for reconfiguration of the 800 MHz band in order to eliminate harmful interference to public safety operations within the band.[6] As part of band reconfiguration, in all non-border areas, the former NPSPAC band at 821-824/866-869 MHz has shifted 15 megahertz lower in the band to 806-809/851-854 MHz, and

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[1] *See* Letter from Gary Cochran, Chair, Region 13 (Illinois) 800 MHz Regional Planning Committee to David Furth, Acting Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Gen. Docket No. 91-228 (filed Apr. 6, 2009) (submitting Streamlined Plan Amendment).

[2] *See* Letter from William R. Vincent, Chair, Region 18 (Louisiana) 800 MHz Regional Planning Committee to David Furth, Acting Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Gen. Docket No. 90-498 (filed Mar. 24, 2009) (Streamlined Plan Amendment).

[3] *See* Letter from John F. Wyckoff, Chair, Region 23 (Mississippi) 800 MHz Regional Planning Committee to David Furth, Acting Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, PR Docket No. 89-478 (filed Apr. 2, 2009) (submitting Streamlined Plan Amendment).

[4] *See* Letter from James A. Wilson, Chair, Region 27 (Nevada) 800 MHz Regional Planning Committee to David Furth, Acting Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, PR Docket No. 92-268, WT Docket No. 02-55 (filed Mar. 27, 2009) (stating that Region 27 opted for the streamlined amendment, submitted on December 29, 2008) (submitting Streamlined Plan Amendment); *see also* Letter from James A. Wilson, Chair, Region 27 (Nevada) 800 MHz Regional Planning Committee to Federal Communications Commission, PR Docket No. 92-268 (filed Dec. 29, 2008) (submitting Plan Amendment).

[5] *See* Letter from Wayne E. Eberhard, Chair, Region 31 (North Carolina) 800 MHz Regional Planning Committee to David Furth, Acting Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, PR Docket No. 93-150, WT Docket No. 02-55 (filed Mar. 31, 2009) (submitting Streamlined Plan Amendment).

[6] *See* Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order,* 19 FCC Rcd 14969 (2004) (*800 MHz Report and Order*).

NPSPAC incumbents are in the process of relocating from the old to the new band. As a consequence of 800 MHz band reconfiguration, all non-border 800 MHz non-border RPCs[7] are required to amend their regional plans currently on file with the Commission to reflect the 15 megahertz shift in the NPSPAC band from 821-824/866-869 MHz to 806-809/851-854 MHz.

The Commission's policies require the RPCs to prepare and submit regional plans for use of the NPSPAC band in their respective Public Safety Regions.[8] The RPCs must also update their regional plans as needed to conform to changes in the nationwide NPSPAC band plan, and to reflect other changes in the disposition of NPSPAC channels within the region, technical requirements, or procedures for assigning channels.[9]

On February 10, 2009, the Bureau directed RPCs for non-border NPSPAC regions to file amendments to their 800 MHz regional plans by April 13, 2009, to bring them into conformity with the new 800 MHz band plan.[10] Plan amendments were subject to a streamlined filing and approval procedures provided that they were limited to changes in frequency listings based on the new band plan. Alternatively, RPCs could elect to file amended regional plans by June 10, 2009 that combined rebanding-related changes with other modifications that were not rebanding-related, provided that they notified the Bureau by April 13, 2009 of their intent to do so.

Review of the Streamlined and Non-Streamlined Plan Amendments. Streamlined Regional Plan Amendments are limited to shifting channel assignments in the existing plan downward by 15 megahertz. RPCs were allowed to submit such amendments without obtaining adjacent region concurrence, and were permitted to include administrative updates (*e.g.*, changes to RPC by-laws or membership) in their amendments under this process. The Bureau waived normal public notice and comment procedures for processing the streamlined amendments.

Non-Streamlined Regional Plan Amendments include other substantive modifications to regional plans, *i.e.*, changes to, channel allocations within the region, technical parameters, or procedures for assigning channels. RPCs are required to obtain adjacent region concurrence to support plan amendments prior to filing. After initial review, the Bureau will place non-streamlined amendments on public notice for comment prior to approval.

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[7] RPCs for all NPSPAC regions in Waves 1, 2, and 3, other than Region 19 (New England), must file amendments. NPSPAC Region 19 and all NPSPAC regions in Wave 4 are excluded from this requirement, and RPCs for these regions are not required to submit amended plans at this time. We will provide information on the plan amendment process for these regions at a later date, after the 800 MHz Transition Administrator determines replacement channel assignments for NPSPAC licensees in the U.S. – Canada and U.S. – Mexico border areas.

[8] *See* 47 C.F.R. § 90.16 (no assignments will be made in spectrum designated for the Public Safety National Plan until a regional plan for the area has been accepted by the Commission); *see also* Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services, *Report and Order,* Gen. Docket 87-112, 3 FCC Rcd 905 (1987) (*National Plan Report and Order).*

[9] *See National Plan Report and Order*, 3 FCC Rcd at 911 ¶57.

[10] *See* Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Plans to Reflect 800 MHz reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band, WT Docket No. 02-55, *Public Notice,* 24 FCC Rcd 1364 (PSHSB 2009).

We have reviewed the Region 13, Region 18, Region 23, Region 27, and Region 31 Streamlined Plan Amendments and conclude, based on the information before us, that they comply 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 13 (Illinois), Region 18 (Louisiana), Region 23 (Mississippi), Region 27 (Nevada), and Region 31 (North Carolina) 800 MHz NPSPAC Streamlined Plan Amendments are 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 Associate Chief, Public Safety and Homeland Security Bureau.

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