

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

**Petition for Rulemaking**

The National Regional Planning Council (NRPC) files this Petition for Rulemaking with the Commission to achieve two (2) objectives identified as priorities in recent meetings of the National Regional Planning Council. The first priority petitions the FCC to create two (2) new public safety specific Radio Service Codes designating conventional and trunked operation in the post re-banded 800 MHz band *for spectrum managed by regional planning committees at the local level* from 806-851/809-854 MHz. Today, conventional and trunked operation in these bands are designated with Radio Service Code's GE and YE and these radio service codes include public safety operations between 851-854 MHz as well as non-public safety operations from 854-862 MHz.

Secondly, the National Regional Planning Council requests the Commission implement safeguards and heuristics through the Universal Licensing System (ULS) intended to ensure that Letters of Approval from the appropriate regional planning committee are provided for any filing or action that addresses, in part or in total, regional planned managed 700 or 800 MHz public safety spectrum to ensure that local management of this public safety spectrum resource continues in a consistent manner and in accordance with Commission approved 700 and 800 MHz regional plans..

The National Regional Planning Council feels strongly that adding public safety specific radio service designators and requiring written approval for any filing involving spectrum managed by either 700 or 800 MHz regional planning committees will ensure the consistent, local coordination of these valuable spectrum assets.

## **National Regional Planning Council**

The National Regional planning Council (NRPC) is an advocacy body formed in 2007 that supports public safety communications spectrum management by Regional Planning Committees (RPC) in the 700 MHz and 800 MHz NPSPAC public safety spectrum as required by the Federal Communications Commission. We liaison with FCC certified frequency coordinators, licensees, applicants, vendors, adjacent regions as well as the Commission on a regular basis to ensure our planning responsibilities and the goals of those first responder agencies we serve are met. These Regional Planning Committees are made up of public safety volunteer members that dedicate their time, in addition to the time spent on their regular positions, to coordinate spectrum efficiently and effectively for the purpose of making it available to public safety agency applicants in their region. The work these people do reflects their dedication to public safety communications and to ensuring local public safety agencies and user needs are heard and met within their regions and beyond.

As a body that advocates the *voice* of regional planning committees and one that does not attempt to consolidate and centralize that voice into a single message, we encourage each region planning committee to voice their own opinions and speak to the Commission in filings and comments as best they can with the intimate knowledge they have as to initiatives in place and impacted within their own regions. Subsequently, the NRPC does not in this Petition for Rulemaking speak for each individual regional planning committee but recent national regional planning meetings highlighted specifically the need for these issues to be addressed by the Commission and a unanimous vote on the issues by the members in attendance indicated that this filing with the Commission was requested.

We are hopeful that each regional planning committee will respond in our filing of this petition on their own terms and with their own viewpoints. We encourage each region to do

so.

Regional Planning Committees (RPC's) located in the fifty five (55) regions as identified by the Commission today manage a portion of spectrum between 769-775/799-805 MHz (700 MHz public safety narrowband allocation) and 851-854/806-809 MHz (800 MHz NPSPAC Band Post Re-Banding). With the NPSPAC portion of the band moving from 866-869 MHz down 15 MHz to 851-854 MHz, coinciding with the elimination of separate conventional and trunked 800 MHz radio service codes for public safety and non-public safety designated spectrum, there have been instances where coordination requirements for RPC based public safety spectrum have been misconstrued for those pertinent for coordination of non RPC managed public safety spectrum. With a single radio service code providing for a certain radio system's operation between 851-862 MHz, at times whether a channel should be coordinated with RPC guidelines or not, or whether a channel is a RPC managed channel or not, has come into question. We think that the 800 MHz re-banding initiative should result in independent, distinct public safety radio service codes being utilized reflecting conventional and trunked operations in the 851-854 MHz band so it is clear as to which spectrum is under the authority of the respective regional planning committee and which spectrum is not and to ensure that the implementation of this spectrum is consistent with the regional plan on file.

Secondly, we request the Commission implement requirements in its Universal Licensing System (ULS) to ensure that any actions taken utilizing spectrum coordinated by the regional planning committees require written concurrence be submitted by each region in each filing. These filings can include, but are not limited to, new applications, modification of existing call-sign, requests for Special Temporary Authorities (STA) and Assignment of Authorization. When applications involve one or more 700 or 800 MHz channel that are managed by the respective regional planning committee, it is critical that these actions and filings, some of which can be done directly through the Commission's ULS system, bring the appropriate regional planning oversight and approval into the filing process to ensure that the channel is utilized consistently and in accordance with the regional plan..

One instance recently had an assignment of authority involving an FCC authorization that included an 800 MHz NPSPAC frequency. The applicant filed directly onto ULS and was able to assign the frequencies and elements of an existing callsign to another user in the region. While both users were in the same region, the particular channel being assigned was a regional-wide channel that was used region across the entire region as needed and other applicants had filed pending applications that may have been deemed more deserving by the regional planning committee than the agency that was assigned the assets. In this instance the perspective and evaluation of applications of the regional planning committee was bypassed and deserving applicants were not given the opportunity to utilize the channel had it become available.

The end result is that the direct assignment by the licensee resulted in an assignment that was not approved by the regional planning committee. We feel that ULS should require a letter of approval from appropriate Regional Planning Committee for these ULS direct filed applications just as new and license modification applications that are coordinated by the FCC certified frequency coordinators are required to provide.

Respectfully,

Stephen T. Devine, Chairperson  
National Regional Planning Council

May 13, 2011