

NRPC recommendations for 700/800 MHz Regional Planning Committees

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NRPC

- NRPC Chairperson Carter and I reached out to the FCC for guidance as to how the NRPC can better educate and support RPC's in their filings, notifications, etc with the FCC. He felt that if there protocol's that could improve in the RPC/FCC process, we wanted to get the correct information to RPC's.
- The following NRPC RPC guidelines are the result of our dialogue with the FCC and summarize the best practices we encourage RPC's to implement in their regional planning process.
- The NRPC wants to thank the FCC Public Safety and Homeland Security Bureau for its continued support.

700 MHz Regional Plan Amendment Guidance

NRPC recommendations to 700 MHz
RPC's when amending 700 MHz
Regional Plans

700 MHz Recommendations

- In April 2013, the FCC modified its Staff review policy of modifications to 700 MHz regional plans to reduce delays in licensing public safety systems at the RPC level.

The Commission concluded “Bureau Staff would no longer place **minor** amendments to Regional Plans on Public Notice for comment”. Staff would “*instead acknowledge receipt of the plan amendment by email.*”

- RPC Chairperson’s should be sure their correct email address is on file with the FCC.

700 MHz Recommendations, cont.

- Amendments are considered **minor** “..if the amendment only involves changes to the channel allotments..” AND
 - A the proposed channel change or channel addition involves a facility that is **located more than** seventy miles from an adjacent region border.
 - B The Co-channel or adjacent channel interference contour of the facility changing or adding the channel **does not intersect** the border of an adjacent region
 - C The proposed channel change or channel addition has been **coordinated in writing** with any affected adjacent region.

700 MHz Recommendations, cont.

- **Secondly, the Commission stated “that Bureau Staff should continue to provide advance notice via Public Notice (PN) of major amendments involving changes in the way channels are allocated, allotted or coordinated..”**
- **The Commission also directed that “Bureau Staff will now approve any major amendment without further action if no party raises any objection during a short commenting period, e.g. 30 days..”**

700 MHz Recommendations, Cont.

- Lastly, the Commission noted that “Bureau staff has always considered changes in **RPC membership or leadership positions as administrative in nature** and will continue to accept these changes without placing them on Public Notice for Comment..”
- Although the Commission has streamlined the process for internal review of regional plan modifications, the Commission stated that “**RPC’s shall continue to notify the Bureau and adjacent regions of any proposed modification to their Commission-approved regional plan as required under 90.527 (b) of our rules...to ensure transparency and integrity in the regional planning process..**”

800 MHz Regional Plan Amendment Guidance

NRPC recommendations to 800 MHz
RPC's when modifying 800 MHz
Regional Plans

800 MHz Recommendations

- The FCC Staff Review process of 800 MHz NPSPAC Regional Plan amendments *is a different process with different criteria than 700 MHz plan amendments.*
 - All 800 MHz **rebanding** related amendments will be treated under **streamlined** staff review procedures.
 - All 800 MHz **non-rebanding** substantive plan amendments, including changes to channel allocations with the region, technical parameters or procedures for assigning channels, will be subject to:
 - Standard Notice and comment procedures
 - Adjacent region concurrence

Eligibility

How 700 MHz eligibility and 800 MHz eligibility differ

700 MHz Eligibility

- For 700 MHz narrowband spectrum, eligibility is determined by Federal Statute (47 U.S.C. 337 (f)), FCC regulations (Section 90.523) and FCC precedent. The statutory eligibility criteria boils down to whether the entity provides “public safety services” as defined below:
 - The term “Public Safety Services” means services that
 - the sole or principal purpose of which is to protect the safety of life, health or property
 - are provided by state or local government entities (or non-governmental organizations authorized by a governmental entity whose primary mission is the provision of such services)
 - are NOT made commercially available to the public by the provider.
- As example, a state or local government entity generally would be eligible to use 700 MHz narrowband spectrum so long as they provide “public safety services” defined as the sole or principal purpose of which is to protect the safety of life, health and property.

800 MHz Eligibility

- For 800 MHz NPSPAC, Section 90.20 of the Commission's rules govern eligibility. So going forward, just keep in mind that the use of **700 MHz public safety spectrum is governed by statute and is more restrictive than the eligibility rule in Section 90.20**, which governs 800 MHz, as well as VHF and UHF public safety spectrum.

800 MHz Eligibility, cont.

- For example, the Public Safety and Homeland Security Bureau granted Ameren, a for profit utility, a waiver to use 800 MHz public safety spectrum on the Illinois STARCOM system, but prohibited Ameren from using the State License 700 MHz spectrum because they couldn't/didn't meet the statutory criteria in place @ 700 MHz.

700 MHz State License Spectrum

- FCC 90.529 requires 700 MHz State Licensees to make an interim substantial service showing as of June 13, 2014 (1/3)
- FCC issued guidance via Public Notice as to how states can provide notification.
- **Three States** have cancelled their license thus far with several others seeking relief from the FCC via waiver.
- After the interim benchmark expires, the PSHSB will address how RPC's can implement State License spectrum in their regional plans, where applicable.
- The NRPC will work with the FCC and 700 MHz RPC's on the process that needs to be implemented to integrate vacated 700 MHz State License spectrum into their regional plans.

Summary

- NRPC has provided these guidelines and best practices to the RPC's to improve their operation and interaction with the FCC.
- The FCC issues Public Notices announcing 700/800 MHz Regional Planning Committee meetings as a **courtesy** to the regions so notifying the FCC of the meeting at least 30 days prior to the meeting date is encouraged.
- If there is a gap in between when a RPC Chairperson makes the membership aware of a meeting and when they notify the FCC, perhaps copying the FCC PSHSB on the initial notification of a meeting is appropriate.
- Work with the FCC as they are in place to support you. Many of the guidelines outlined herein aid FCC Staff in their support of RPC's.

Summary, Cont

- When filing plan amendments, RPC's should **Highlight portions** of the plan that are being amended or provide the FCC a document with "track changes" options implemented along with the new language. This makes better use of everyone's time and makes no mistake as to which areas of the plan the region intends to make subject to the amendment.

Questions?

National Regional Planning Council

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