



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PROVIDES GUIDANCE TO CANADA BORDER REGIONAL PLANNING COMMITTEES ON AMENDING THEIR 800 MHZ REGIONAL PLANS TO REFLECT BAND RECONFIGURATION

**Eight Canada Border Regional Planning Committees Must File Amended Plans or Notifications by
October 22, 2018**

WT Docket No. 02-55

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) provides guidance to eight 800 MHz Regional Planning Committees (RPCs) on amending their regional plans to reflect the reconfigured 800 MHz band plan established in the Commission's 800 MHz rebanding proceeding.¹

Background

The *800 MHz Report and Order* and subsequent orders in this proceeding provide for reconfiguration of the 800 MHz band to eliminate harmful interference to public safety operations within the band.² As part of band reconfiguration, the former NPSPAC band at 821-824/866-869 MHz was shifted 15 megahertz lower in the band to 806-809/851-854 MHz. All licensees in the NPSPAC regions bordering Canada have completed relocating to the new NPSPAC band.

The Commission's policies require the RPCs to prepare and submit regional plans for the NPSPAC band in their respective Public Safety Regions.³ The RPCs must also update their regional plans as needed to conform them to changes in the nationwide NPSPAC band plan, and to reflect other

¹ This *Public Notice* is generally consistent with guidance provided by the Bureau for filing Plan Amendments for 800 MHz Band Reconfiguration Waves 1 through 3. See *Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Regional Plans to Reflect 800 MHz Band Reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band*, Public Notice, 24 FCC Rcd 1364 (PSHSB 2009) (*Guidance PN*). The Bureau's guidance for filing plan amendments to conform to the new National Public Safety Planning Advisory Committee (NPSPAC) band plan established a streamlined and non-streamlined review process. *Id.*

² 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*).

³ 47 CFR § 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, 3 FCC Rcd 905 (1987) (*National Plan Report and Order*).

changes in the disposition of NPSPAC channels within the region, including technical requirements, or procedures for assigning channels.⁴

Amending 800 MHz Regional Plans to Reflect 800 MHz Band Reconfiguration

We direct the eight RPCs for the NPSPAC regions bordering Canada⁵ to file amendments to their 800 MHz regional plans by October 22, 2018 to bring them into conformity with the new 800 MHz band plan as detailed below.⁶ Alternatively, RPCs may elect to file amended regional plans by December 19, 2018, that combine these conforming band reconfiguration-related changes with other modifications, provided that they notify the Bureau by October 22, 2018 of their intent to do so.⁷

Streamlined Plan Amendments. Changes to regional plans that reflect only changes in frequency listings based on the new NPSPAC band plan (i.e., changes that are limited to shifting channel assignments in the former plan downward by fifteen megahertz) and do not propose any other amendments except for administrative updates (e.g., changes to RPC by-laws or membership) will be subject to streamlined processing.⁸ Under the streamlined procedure, RPCs may submit their amendments to the Bureau without first seeking concurrence from adjacent Public Safety Regions.⁹ The Bureau will waive normal public notice and comment procedures for processing these amendments.¹⁰

Non-Streamlined Plan Amendments. Changes to regional plans that reflect other modifications such as changes to technical parameters or procedures for assigning channels, will be processed under non-streamlined procedures.¹¹ Thus, RPCs must obtain concurrence to their

⁴ See *National Plan Report and Order*, 3 FCC Rcd at 911 para. 57.

⁵ This *Public Notice* applies to the following NPSPAC regions: Region 2 (Alaska); Region 19 (New England, which covers Connecticut, Maine, Massachusetts, New Hampshire and Vermont), Region 21 (Michigan); Region 30 (Eastern Upstate New York); Region 33 (Ohio); Region 36 (Western Pennsylvania); Region 43 (Washington); and Region 55 (Western Upstate New York). Note that all NPSPAC regions in the U.S./Mexico border area are excluded from the requirements of this Public Notice and RPCs for these regions are not required to submit amended plans now. We will provide information on the plan amendment process for these Mexico Border regions later, after the 800 MHz Transition Administrator determines replacement channel assignments for NPSPAC licensees in the U.S. - Mexico border areas.

⁶ Some NPSPAC Regions along the U.S.-Canada border area were assigned spectrum in the new NPSPAC (806-809/851-854 MHz) band so that their assigned channels, including mutual aid channels, are already consistent with new NPSPAC operations in the U.S. non-border areas. See *Improving Public Safety Communications in the 800 MHz Band*, Second Report and Order, 23 FCC Rcd 7605 (PSHSB 2008) (*CBR Order*). *Guidance PN*, 24 FCC Rcd at 1364.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ RPCs may also elect to file conforming band reconfiguration-related amendments separately from other amendments. In such cases, the conforming band reconfiguration-related amendments will be processed under the streamlined procedures described in this *Public Notice*, while the other amendments will be processed under non-streamlined procedures. *Id.*

amendments from adjacent regions prior to filing, and the Bureau will place such amendments on public notice and seek comment prior to approval.¹²

Obtaining Licensing Data from the 800 MHz Transition Administrator

To facilitate the filing of NPSPAC regional plan amendments, Canada border RPCs may request post-rebanding licensing data for their region from the 800 MHz Transition Administrator by submitting a request to Comments@800TA.org.

Procedures and Filing Dates for Regional Plan Amendments

Review of Streamlined Plan Amendments: Canada border RPCs that intend to submit amended plans reflecting post-reconfiguration channel assignments in the new NPSPAC band without other amendments except for administrative changes must submit their modifications to the Bureau by October 22, 2018.

Review of Non-Streamlined Plan Amendments: Canada border RPCs that intend to submit amended plans reflecting post-reconfiguration channel assignments in the new NPSPAC band combined with non-reconfiguration related amendments must notify the Bureau of their intention by October 22, 2018, and must file amendments by December 19, 2018.

Content of Amendments: All NPSPAC plan amendments (both streamlined amendments and non-streamlined amendments) must be submitted with a cover letter, signed by the regional chairperson, and must reference the original docket number specifically assigned to that region.¹³ RPCs are encouraged to file their amendments electronically using the Commission's Electronic Comment Filing System (ECFS) under WT Docket 02-55 and the relevant regional plan dockets.¹⁴ To expedite the amendment process, a region may electronically poll its RPC membership for review and approval of a proposed amendment. RPCs may also hold online meetings if they so choose.

Licensing of New NPSPAC Facilities Under Amended Regional Plans

Permanent licensing of new facilities on available channels in the new NPSPAC band is now permitted in the NPSPAC regions bordering Canada.¹⁵ Such applications must be in accordance with the RPCs' amended regional plans.¹⁶ Applicants for new facilities in the new NPSPAC band must obtain frequency coordination from a public safety frequency coordinator and a letter of concurrence from the RPC.

¹² *Id.*

¹³ A list of NPSPAC region contacts and docket numbers is available on the PSHSB web page at <http://www.fcc.gov/pshs/public-safety-spectrum/800-MHz/rpc-directory.html>.

¹⁴ PR Docket Nos. 91-270 (Region 43); 92-287 (Region 55); 93-81 (Region 2); 93-274 (Region 36); 91-258 (Region 33); Gen. Docket Nos. 90-53 (Region 19); 90-221 (Region 21); and 90-394 (Region 30).

¹⁵ Licensing of "new" facilities refers to licensing of facilities that did not previously operate in the former NPSPAC band and to non-rebanding-related modification of facilities after they have been rebanded. The procedures in this *Public Notice* do not apply to rebanding-related license modifications to add post-rebanding channels and remove pre-rebanding channels from the licenses for rebanded facilities. Such rebanding-related modifications do not require coordination or RPC concurrence.

¹⁶ See *Improving Public Safety Communications in the 800 MHz Band*, Supplemental Order and Order on Reconsideration, 19 FCC Rcd 25120, 25159-60 para. 89 note 226 (2004).

Contact Information

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Action by the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau.

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