

Plan Amendment and Submission Guidance.

Remind the regions to highlight plan amendments in yellow or to use track changes. This will greatly improve the speed of our review versus having to do a line by line comparison against an older plan. Case in point, a Region told us they were making certain changes in a cover letter but when we went through the old plan we realized that the cover letter was wrong. We worked it out with the region, but it added time to our review. I know it's a "nit-picky" thing but it really translates into time and resource savings on our end and license applicants.

As always, thanks for sharing these tips.

Remind regions that we issue Public Notices announcing 700/800 MHz RPC meetings as a courtesy to the regions. That said, we strive to issue timely PNs and we encourage the RPCs to notify us 30 days before a meeting. We can't guarantee that requests to publish meeting notices less than 30 days before a meeting will always get published given our resource limitations. It may be easier for the RPCs to notify us at the same time that they notify their membership of upcoming meetings, (maybe a bcc email would suffice, just a thought).

REGIONAL PLAN AMENDMENTS

- 700 MHz Regional Plan Amendments
 - o In April 2013, the Commission modified staff review of 700 MHz regional plan modifications in order to reduce delays in licensing public safety systems as well as burdens on Commission staff.
 - o First, the Commission stated that "Bureau staff will no longer place minor amendments to Regional Plans on public notice for comment." Instead, "[s]taff will simply acknowledge receipt of the amendment by email."
 - o The Commission stated that "[a]mendments will be 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 the 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, or (c) the proposed channel change or channel addition has been coordinated in writing with any affected adjacent region."
 - o Second, the Commission stated "that Bureau staff should continue to provide advance notice via public notice of major amendments involving changes in the way channels are allocated, allotted or coordinated." The Commission 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]."
 - o Third, 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 streamlined the process for internal review of regional plan modifications, the Commission stated that "RPCs shall continue to notify the Bureau and adjacent regions of any proposed modification to their Commission-approved regional plan as required under Section 90.527(b) of our rules." The Commission stated that "[t]his requirement ensures transparency and integrity in the regional planning process."
- 800 MHz NPSPAC Regional Plan Amendments
 - Staff Review of 800 MHz NPSPAC Regional Plan Amendments are different than 700 MHz.
 - First, all 800 MHz rebanding related amendments will be treated under streamlined staff review procedures.
 - Second, all non-rebanding substantive plan amendments, including changes to channel allocations within the region, technical parameters, or procedures for assigning channels, will be subject to
 - (a) standard notice and comment procedures; and
 - (b) adjacent region concurrence.

ELIGIBILITY

- 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 at issue provides "public safety services" as defined below:
 - (f) Definitions
 - For purposes of this section:
 - (1) Public safety services
 - The term "public safety services" means services—
 - (A) the sole or principal purpose of which is to protect the safety of life, health, or property;
 - (B) that are provided—
 - (i) by State or local government entities; or
 - (ii) by nongovernmental organizations that are authorized by a governmental entity whose primary mission is the provision of such services; and
 - (C) that are not made commercially available to the public by the provider.

For example, a state or local governmental entity generally would be eligible to use 700 MHz narrowband spectrum so long as they provide "public safety services" - 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 governs 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.

- For example, the PSHSB granted Ameren a waiver to use 800 MHz public safety spectrum on the Illinois Starcom system, but prohibited Ameren from using the 700 MHz spectrum because they couldn't meet the statutory criteria.

STATE LICENSES

- 700 MHz State Licenses
 - Section 90.529 requires 700 MHz State licensees to make an interim substantial service showing.
 - The PSHSB recently issued guidance regarding how to meet the substantial service showing.
 - At least one State has cancelled its 700 MHz state license.
 - At least one State has requested a waiver of the interim benchmark deadline.
 - After the interim benchmark deadline expires, PSHSB will address how RPCs can accommodate State license spectrum into their plans.