

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

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746-776 / 796-806 MHz Regional Plan for Region 40 (Central & Northeast Texas)

This document is the Regional Plan for Region 40 (Central and Northeast Texas) describing how the 746-776/796-806 MHz General Use frequencies will be allocated and implemented in the Region.

REGIONAL CHAIR

On June 26, 2002, Peter Ungar, City of Fort Worth, convened the Region 40 700 MHz Regional Planning Committee (RPC). The North Central Texas Council of Governments (NCTCOG) hosted the meeting. An election was held and the membership in attendance elected Dan Scrivner, City of Dallas, as the Chair of the Region 40 700 MHz Regional Planning Committee. Peter Ungar was elected Vice-Chair. Contact details for the Chair and Vice-Chair are:

J. Daniel Scrivner, PE
Communications Architect
Department of Communications and Information Services
City of Dallas
3131 Dawson St.
Dallas, TX 75226
Voice: 214-670-7995
Fax: 214-670-7984
Email: j.scrivner@dallascityhall.com

Peter Ungar
Assistant Director / Chief Telecommunications Officer
IT Solutions Department
City of Fort Worth, Texas
1000 Throckmorton
Fort Worth, TX 76102
Voice 817-392-7889
Fax 817-877-8480
Email: Peter.Ungar@fortworthgov.org

REGIONAL PLANNING COMMITTEE BYLAWS AND MEMBERSHIP

Following are the Region 40 700 MHz Regional Planning Committee bylaws. Committee Officer requirements, voting procedures and membership attendance requirements are listed in the bylaws. Membership in the Region 40 Regional Planning Committee is open to any interested party. Voting and operating procedures are described in the Regional Plan Summary section of this plan.

The North Central Texas Council of Governments will act as the coordinating agency for plan development and frequency application review. NCTCOG will host and has hosted many of the meetings for development of the Plan and subcommittee input.

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J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

Contact detail:

Fred Keithley
Director of Community Services
North Central Texas Council of Governments (NCTCOG)
P.O. Box 5888
616 Six Flags Dr.
Arlington, Tx. 76011
Voice 817-695-9171
Fax: 817-608-2372
E-mail: fkeithley@nctcog.org

REGION 40'S BYLAWS

THE BYLAWS OF REGION 40 PUBLIC SAFETY PLANNING COMMITTEE

700 MHz Public Safety Band.

Approved October 2, 2002

ARTICLE I

NAME AND PURPOSE

1.1 Name and Purpose: The name of this Regional Planning Committee shall be the Region 40 Public Safety Planning Committee. Its primary purpose is to foster cooperation, planning and development of regional plans and the implementation of these plans for the 700 MHz Public Safety Band.

ARTICLE II

MEMBERS

For purposes of this Article, the term "member", unless otherwise specified, refers to both voting and non-voting representatives from within the 42 county North Central and Northeast Texas planning area.

2.1 Number, Election, and Qualification: The Regional Planning Committee shall have two categories of members, "voting members" and "non-voting members". New members may be added at any meeting of the Regional Planning Committee.

Voting Members: Voting members shall consist of one representative from any single agency engaged in public safety that is eligible to hold a license under 47 CFR 90.20, 47 CFR 90.523, or 47 CFR 2.103. Each eligible agency shall be allowed one vote. In voting on any issue the individual must identify himself/herself and the agency he or she represents.

Non-Voting Members: Non-Voting members consist of all others interested in furthering the goals of public safety communications.

2.2 Tenure: Each member shall hold membership from the date of acceptance until resignation or removal by the entity or the Region 40 Planning Committee.

2.3 Suspension and Removal: A representative may be removed by action of the representative's entity or removed with cause by a majority vote of attending voting committee members after reasonable notice and opportunity to be heard.

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2.4 Resignation: A representative may resign by delivering a signed written resignation to any elected officer of the Regional Planning Committee or submitting same in person at any Regional Planning Committee meeting.

2.5 Meetings: Meetings shall be held at the facilities of the North Central Texas Council of Governments in Arlington, Texas.

2.5 Special Meetings: Special meetings may be held at any time and at any place within the Region 40 planning area. Special meetings may be called by the chairman or the vice-chairman, or in case of death, absence, or incapacity of the first two officers, by written application of five or more members.

2.6 Call and Notice: The time and place for meetings will be announced at least 21 days in advance.

It shall be reasonable and sufficient notice of the time and place for special meetings to be mailed to members at least five days prior to a called special meeting or a notice sent by email/facsimile at least three days prior to a called special meeting. Such notices must be addressed to the appropriate person at the addresses of record contained in the membership roster of members of the committee. It is the responsibility of the individual member to insure that the address of record is correct. Email is an acceptable form of notification for those who have email addresses.

2.7 Quorum: At any meeting, one officer and a minimum of 10 voting members shall constitute a quorum. Failure to seat a quorum may result in adjournment and the resetting of a future meeting date.

2.8 Action by Vote: Each voting member, representing a particular agency, shall have one vote in accordance with Article 2.1. Each agency is responsible to notify Region 40, through NCTCOG, by signature of the agency's voting representative. In case of a dispute of credentials, the officers, acting as a credentials committee, will determine the authorized voter representative. When a quorum is present at any meeting, a majority of the votes properly cast by voting members present shall decide any question, including election to any office unless stated otherwise in these bylaws.

2.9 Action by Writing: Any action permitted to be taken at any meeting may be taken without a meeting if a majority of the members entitled to vote consent to the action in writing. The written consents must be signed and shall be filed with the records of any actions taken. Such consents shall be treated for all purposes as a vote taken at a meeting. Email consents are not acceptable.

2.10 Proxy Voting: Voting members may vote either in person or by written proxy specifically dated for the meeting at which the proxy is to be executed. The proxy must indicate the name of the voting member who is entitled to execute the proxy, the date of the meeting for which the proxy is intended, and the signature of the voting member in whose name the vote will be cast. A legal proxy shall be counted as a voter in attendance and is therefore considered a part of the quorum count. Voting members carrying a proxy must file the proxy with the secretary prior to any business for which the proxy vote may be cast. Any proxy will terminate at the final adjournment of the meeting for which the proxy was written.

2.11 Special Interest Voting: At no time can a voting member vote on his/her own application. A voting member cannot have a commercial interest in any of his/her region and/or adjacent region's applications on which he/she is reviewing, approving, and/or voting.

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ARTICLE III

OFFICERS AND AGENTS

3.1 Number and Qualifications: The officers of the Region 40 Public Safety Planning Committee shall be a chairman, vice-chairman, and a secretary/treasurer. All officers must be qualified as a voting member

3.2 Election: The chairman and vice-chairman shall be elected at the convening meeting. The secretary/treasurer shall be elected following approval of these bylaws.

3.2 Tenure: The officers' tenure shall be at least one year or until the October meeting held within one year from the adoption of these bylaws, or until their successor, if any, is chosen. Regular elections shall be held at the October meeting each calendar year. There is no term limit on officers.

3.3 Chairman and Vice-Chairman: The chairman shall direct the business of the Region 40 Public Safety Planning Committee and, subject to the control of the voting members, shall have general charge and supervision of the affairs of the Regional Planning Committee. The Chairman shall preside at all meetings of the Regional Planning Committee and shall cast the deciding vote in any case of a tie vote on any issue. The Vice-Chairman shall have all the powers and duties of the chairman during the absence of the chairman or in the event of his or her inability to act.

3.4 Secretary/Treasurer: The secretary/treasurer shall attend to the financial affairs of the Regional Planning Committee and provide assistance to members by recording the Committee's business, notifying the Committee of meetings, facilitating meeting and planning activities, and providing other assistance, as needed. Secretary/treasurer responsibilities will be conducted by NCTCOG.

3.5 Suspension and Removal: Any officer may be suspended, with cause, by vote of a majority of the voting members of record.

3.6 Resignation: An officer may resign by delivering his or her signed written resignation to any other officer or to the North Central Texas Council of Governments. Such resignation becomes effective upon receipt unless specified to be effective at some other time. Acceptance by the Regional Planning Committee is not required for it to be effective unless it so states.

3.7 Vacancies: If an office becomes vacant, the Regional Planning Committee may elect a successor at any meeting, special or regular. The term of the elected successor shall be until his/her successor is elected. A regular election shall be held at the October meeting next.

ARTICLE IV

AMENDMENTS

These bylaws may be altered, amended, or replaced in whole or in part by vote as follows: The voting members may, by a two-thirds vote of a quorum, alter, amend, or repeal any bylaw adopted by the Regional Planning Committee. The Regional Planning Committee may otherwise adopt, alter, amend or repeal any provision of these bylaws, which may be or become in conflict with Federal Communications Commission regulation, by a majority of the quorum.

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ARTICLE V

DISSOLUTION

This Regional Planning Committee may be dissolved by the consent of two-thirds plus one of the voting members at a special meeting called for such purpose. The Federal Communications Commission shall be notified of such action.

ARTICLE VI

RULES OF PROCEDURES

The conducting of business for the Region 40 Public Safety Planning Committing meetings, unless otherwise in conflict with these bylaws, shall be governed by Robert's Rules of Order, newly revised 1990 edition, ninth edition, Sarah Corbin Robert, Henry M. Robert III, and William J. Evans.

DESCRIPTION OF REGION 40

To appreciate Region 40's diversity and general economic composition, the following briefly profiles the State of Texas as a whole.

STATE PROFILE

Population

The State's population reached 21,799,893 in 2002 according to latest U.S. Bureau estimates. By 2040 the population is expected to reach 35 million.

The majority of people-82%-live in the major metropolitan centers of the State; Houston, Dallas, Fort worth, Austin, and San Antonio. The states increase in population was found in these same areas for the most part.

Employment

The State added 2,488,400 non-farm jobs since the 1990 census and this helps support the claim that Texas leads all states in net job creation. The state's expanding population and economy have benefited the Texas construction sector, which has added 239,900 jobs since January 1990. Texas employment in finance and insurance has increased by 25.3 percent since January 1990. Texas employs far more people in the mining sector (which includes oil and gas production) than any other state. While the state has experienced a net decline in mining jobs since January 1990, the sector has enjoyed relative stability compared to the "boom" and "bust" cycles of earlier decades. The services sector includes a wide range of industries from architectural engineering, software and film production to hotels, hospitals, and dry cleaners. The services sector is Texas' largest, employing 7.7 million people.

Labor and Management Diversity

In 1997, there were more than 240,000 Hispanic-owned firms in Texas, and together these enterprises recorded sales and receipts of nearly \$39.5 billion. Black-owned

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firms in Texas numbered just over 60,000 in 1997 and recorded sales and receipts exceeding \$6.8 billion. As a group, the 75,000-plus Texas firms owned by Asians, Pacific Islanders, American Indians, and Alaskan Natives saw sales and receipts of \$22.2 billion in 1997.

Income

Metropolitan per capita income varies considerably across the state. Texas' two largest metro areas, the Dallas PMSA and the Houston PMSA, have large concentrations of jobs in financial and business services as well as high-paying manufacturing jobs in electronics, motor vehicles, chemicals, machinery, and aerospace. These two metros have the highest per capita incomes of any of the state's metropolitan areas. In contrast, the metropolitan areas located along the border with Mexico have per capita income levels that rank among the lowest in the state.

Gross State Product

The Texas gross state product (GSP) is forecast by the Comptroller of Public Accounts to reach \$924.55 billion (in current dollars) in 2005. Since the 1986 recession, the Texas economy has been steadily diversifying. The service sector's share of GSP increased from 14.7 percent in 1986 to 20.5 percent in 2001, while manufacturing fell slightly from 14.1 percent of the economy in 1986 to 13.1 percent in 2001. Mining's share of Texas GSP (i.e., primarily oil and gas extraction) has been as high as 19.6 percent in 1981. Mining declined from 8.8 percent in 1986 to 6.2 percent in 2001.

Real Estate

Despite the downturn in the national economy, median sales prices for existing single-family homes in Texas metropolitan areas are remaining relatively steady. According to recent figures from the National Association of Realtors, as of the second quarter of 2003, home prices in the Austin metro increased slightly from \$151,700 (first quarter 2003) to \$161,200, still the highest among reporting metropolitan areas in Texas. Austin was followed by Dallas which had a median sales price of \$139,900. Houston was next in the rankings with a median sales price of \$136,900 in the second quarter of 2003.

International Trade & Investment

The NAFTA trade area, East Asia, and the European Union are the leading destinations for Texas exports. The state's largest export market continues to be its NAFTA trading partners, Mexico and Canada, which accounted for 54.0 percent of total state exports during 2002. East Asia accounted for 12.0 percent of the state's total exports. Taiwan became the top destination for Texas exports in East Asia. Exports to Taiwan increased 42.3 percent from \$2.6 billion in 2001 to \$3.7 billion in 2002, ranking Taiwan third overall behind Mexico and Canada. Texas exports to the European Union (EU) accounted for 9.9 percent of total state exports for 2002, slightly down from the 2001 export values. Texas exports to the EU went from \$10.7 billion in 2001 to \$9.5 billion in 2002. The United Kingdom remains the principal destination for Texas Exports in the European Union.

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Research and Development

Several Texas universities and research institutions are leaders in electronics, medical, biotechnology, aerospace, advanced materials, and energy-related research. In 2001, Texas was in third place nationwide for producing the most patents, trailing behind California and New York. Texas' patent generation rate has increased significantly as new information technology industries have emerged and as traditional industries (e.g., oil and gas exploration and production) have used advanced research to maintain a competitive advantage in world markets.

Transportation

The importance of international business can be seen in increased air passenger traffic at Texas airports between 1998 and 2000. The state's two largest airports, Dallas-Fort Worth International (DFW) and George Bush Intercontinental in Houston (IAH), serve as major hubs for connecting flights within the domestic air system.

With the increasing importance of global business linkages, the growth in international air traffic at Texas' two largest airports outpaced overall growth from 1995 to 1999. While IAH now handles more international passengers than any other airport in the state, DFW, one the nation's top four domestic hubs, remains much larger. As of May 2003, DFW and IAH were the sixth and fourteenth busiest airports in the world.

DEFINITION OF REGION 40, ITS BOUNDARIES, COUNTIES AND CITIES

Region 40, North Central and North East Texas, includes four COG's (Councils of Governments) namely, North Central Texas Council of Governments (NCTCOG), Texoma Regional Planning Commission, Ark-Tex Council of Governments and the East Texas Council of Governments. There are 42 counties within Region 40. The 42 county area typifies geographical diversity from its rich farmland in the northeast to fairly hilly semi-mountainous terrain in the western part of the region. Much of the Region's area is extensive from the standpoint of public safety officer coverage. There are times when only a few law enforcement officers may be responsible for covering an area greater than 900 square miles. Rural fire departments often operate without sufficient resources, including communications. Region 40 encompasses 31,193 square miles.

List of counties within Region 40

ARK-TEX COG

Bowie	Franklin	Morris
Cass	Hopkins	Red River
Delta	Lamar	Titus

EAST TEXAS COG

Anderson	Cherokee	Harrison
Camp	Gregg	Henderson

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Marion
Panola
Rain

Rusk
Smith
Upshur

Van Zandt
Wood

NCTCOG

Collin
Dallas
Denton
Ellis
Erath
Hood

Hunt
Johnson
Kaufman
Navarro
Palo Pinto
Parker

Rockwall
Somervell
Tarrant
Wise

TEXOMA RPC

Cooke
Fannin
Grayson

All Counties Within Region 40 Listed Alphabetically

Anderson
Bowie
Camp
Cass
Cherokee
Collin
Cooke
Dallas
Delta
Denton
Ellis
Erath
Fannin
Franklin

Grayson
Gregg
Harrison
Henderson
Hood
Hopkins
Hunt
Johnson
Kaufman
Lamar,
Marion
Morris
Navarro
Palo Pinto

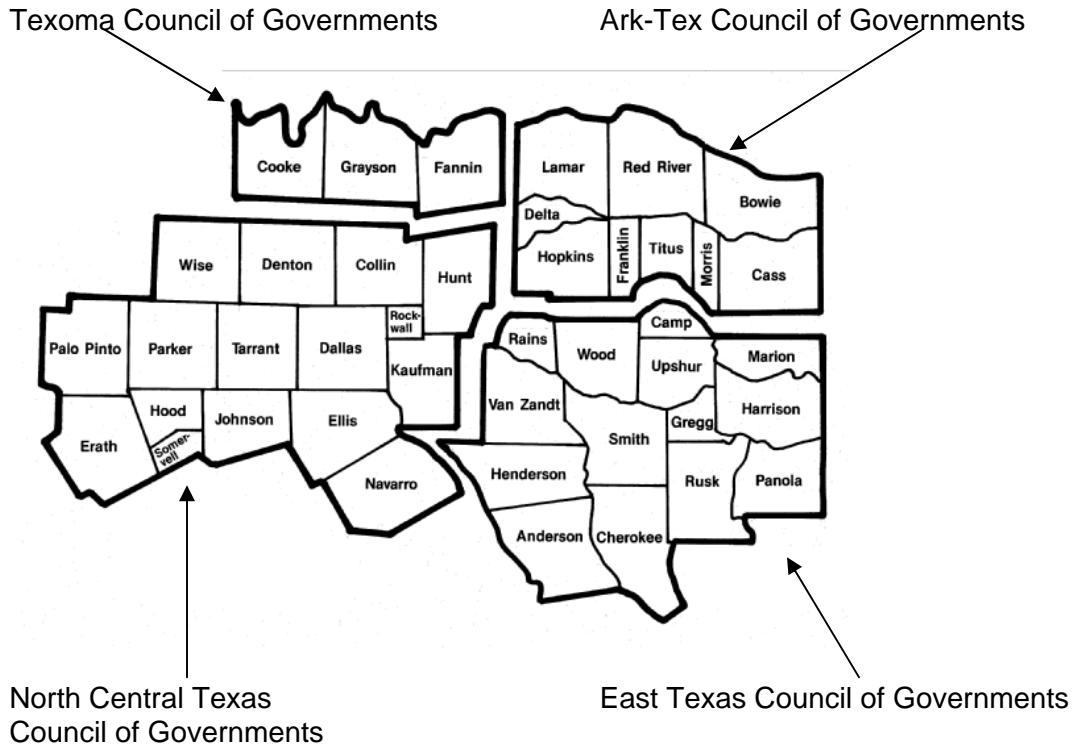
Panola
Parker
Rains
Red River
Rockwall
Rusk
Smith
Somervell
Tarrant
Titus
Upshur
Van Zandt
Wise
Wood

Region 40's boundaries and counties are depicted by the map below:

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Map of Region 40



Region 40 (North Central Texas) has seven (7) adjacent regions. They are as follows:

Region 04, Arkansas
Region 18, Louisiana
Region 34, Oklahoma
Region 49, Central Texas

Region 50, West Texas
Region 51, East Texas - Houston
Region 52, Texas Panhandle

Regional Profiles

(Cities are included in the Counties presented)

Ark-Tex Council of Governments

Serves 10 counties; Lamar, Red River, Delta, Hopkins, Franklin, Titus, Morris, Bowie, Cass, and Miller. Miller County extends into Arkansas where nearly 40,000 persons reside. The area encompasses 6400 square miles and a population of 270,488. More than 40 cities are included in the area. The region's largest city is Texarkana, located in Bowie County. (See Appendix A for more on this region's jurisdictions).

North Central Texas Council of Governments

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is a sixteen-county metropolitan region centered on Dallas and Fort Worth. The region has a population of 5.2 million (which is more than the population of 30 states), and an area of approximately 12,800 square miles (which is larger than nine states). The area is characterized by high tech industries, recreation, cultural facilities, heavy real estate interests, medical research industry, and a quickly recovering economy. Much of the above is the result of the Dallas-Fort Worth Airport and its impact on business as one of the major transportation hubs in the world.

Only minutes outside the metropolitan area of Dallas-Fort Worth is a more rural landscape concentrating on agribusiness; cattle raising, crop growing, and farming of all kinds. This part of the region abounds in lakes where water recreation is a major business. (See Appendix A for more on this region's jurisdictions).

East Texas Council of Governments

serves 14 counties and more than 70 cities in 10,021 square miles. Its population exceeds 700,000, which is divided equally between urban and rural. The largest city is Longview with a population of 73,344. The region abounds in scenic beauty with its many lakes and forests. (More on East Texas jurisdictions may be found in Appendix A).

Texoma Regional Planning Commission

has a population of 178,200 and serves an area of 2736 square miles. It serves persons in three counties, Cook, Grayson, and Fannin and 31 cities. This area is characterized by light industry, cattle raising, and agriculture. Many residents from this region commute to the Dallas-Fort Worth area for employment and entertainment purposes. (More on this region's jurisdictions is found in Appendix A).

Description of Existing Interoperability Contracts, Compacts, and Mutual Aid Agreements

Interoperability Agreements: Many of this region's jurisdictions have formal agreements to provide, pay for, share, and otherwise partner for the use of interoperability channels. One prime example of this is the consortium of six cities, Colleyville, Keller, Grapevine, Southlake, Bedford, and Euless, all share the same frequencies. Frisco, Allen, and Plano share common frequencies and these are operated according to an agreement among the cities. Their system also serves the City of Wylie.

The Texas Immediate Interoperability Plan will soon be operational and available to local jurisdictions. Agencies participating in the Plan will sign an agreement requiring them to meet certain restrictions, such as monitoring certain channels, adhering to protocols, etc.

Region 40 Councils of Government are developing uniform mutual aid agreements that will specify assisting agencies, as well as communications protocols. Funding for this initiative is provided through Homeland Security grants to local governments and Councils of Government. Several hundred agencies in Region 40 have been

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contacted for input to determine the best approach to an effective mutual aid agreement.

Description of the Effect of the Addition of 700 MHz Channels and Interoperability Requirements on Existing Plans

The implementation of 700 MHz frequencies will have significant impact on local public safety agencies throughout Region 40, but particularly in the more densely populated area of the Region. Some factors for consideration include:

Cost of new systems

Local cities and counties will have to plan well ahead of time to secure the funds necessary for implementing a 700 MHz system.

Time before implementation

Even if local governments were ready to procure the new systems, how long will it be before the frequencies are available for public use. This uncertainty may be a barrier for local agencies as they try to identify funding sources.

State direction

What direction will the state of Texas wish and be able to afford to take as it examines the advantages of 700 MHz. As is the current direction with interoperability, the state is encouraging jurisdictions to adopt the VHF system. This will have certain financial and operational considerations that local agencies must examine before policy makers can commit to funding the move. Once funds have been committed to this initiative, there may be great hesitancy to commit funds to an even more expensive venture, like the 700 MHz systems.

Inter-jurisdictional partnerships

Because the move to 700 will be expensive, local agencies may see value in "partnering" so that costs may be shared. Some see this joint compact arrangement as positive, not only from the standpoint of cost effectiveness, but also as a way to use limited spectrum effectively and efficiently.

Overview of Federal and State Public Safety Entities Within Region 40

Federal Law Enforcement Agencies

Federal Bureau of Investigation

The FBI's primary office for this region is located in Dallas at One Justice Way, Dallas, Texas, 75220; phone, 972 559, 5000.

The Bureau has primary jurisdiction over crimes classified as federal offenses. The Dallas Office assigns senior resident agents to locations outside the Dallas area in order to respond quickly to offenses of a federal nature. These satellite offices are located as follows and cover the jurisdictions noted:

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Plano, Texas Field Office: Covers Denton, Collin, Hunt, and Rockwall Counties.

Sherman, Texas Field Office: Covers Grayson, Fannin, Lamar, and Delta Counties.

Tyler, Texas Field Office: Covers Harrison, Marion, Panola, Gregg, Rusk, Cherokee, Anderson, Rains, Wood, Upshur, Van Zandt, Henderson, and Smith Counties.

Texarkana, Texas Field Office: Covers Cass, Camp, Morris, Bowie, Titus, Franklin, Hopkins, and Red River Counties.

Fort Worth, Texas Field Office: Covers Tarrant, Hood, Erath, Palo Pinto, Parker, Wise, and Johnson Counties

Drug Enforcement Administration

The DEA has a strong presence in the northern tier of Texas. Specifically, its main office is located in Dallas, Texas with field offices located in Amarillo, Texas; Fort Worth, Texas; Lubbock, Texas; McAlester, Oklahoma; Oklahoma City, Oklahoma; Tulsa, Oklahoma; and Tyler, Texas. The DEA's mission is to enforce the United States's controlled substances laws and regulations.

U.S. Citizenship and Immigration Services

The USCIS promotes national security, helps eliminate immigration backlogs, and implements immigration improvement solutions. The USCIS's main office for this region is located in Dallas, Texas at 8101 North Stemmons Freeway, Dallas, 75247. The Dallas Office serves all of Region 40's counties.

Bureau of Alcohol, Tobacco, Firearms, Explosives

ATF is a law enforcement division within the Department of Justice. It enforces the federal laws and regulations relating to alcohol, tobacco, firearms, and explosives. Its main office is located in Dallas, Texas at 114 Commerce St., Dallas, 75248. Another office works out of Fort Worth at 6000 Western Place, Suite 40, Fort Worth, 76107. The Tyler, Texas office is located at 110 N. College St., Tyler, Texas, 75702. These offices cover all of Region 40, as well as other counties throughout the state.

U.S. Customs and Border Protection

The U.S. Customs Service is responsible for protecting the U.S.'s borders, assessing and collecting Customs duties, interdicting and seizing contraband, enforcing Custom's laws and regulations, and conducting many other functions that protect the citizens of the U.S.

All of Region 40's jurisdictions are served out of the Houston, Texas office located at 2323 S Shepherd, #1200, Houston, 77019. Ports of Entry in

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Region 40 are located in Addison, Texas; Dallas/Fort Worth Airport, and McKinney, Texas.

U.S. Secret Service

The Secret Service protects the President, Vice President, and their families and other designated person. Also, the Service investigates violations of laws relating to counterfeiting securities of the U.S.

The Service has offices in Dallas and Tyler Texas, which cover the Region 40 area.

Carswell Navel Air Station-Joint Reserve Base

Carswell is located in Fort Worth, Texas and has responsibility for tracking and investigating downed aircraft or other matters of a military nature. Since aircraft fly over many parts of the Region 40 area, Carswell has a distinct need for interoperability in case of downed aircraft. The base is located at 3175 Vandenberg Ave., Fort Worth, Texas 76127.

State Agencies With Enforcement Responsibility

Department of Public Safety

DPS serves the entire region through its many offices. It is the primary state law enforcement agency and has highway traffic safety, crime investigation, and many regulatory responsibilities. DPS has offices in each of Region 40's 42 counties. DPS communicates on VHF throughout most of the state.

Texas Alcoholic Beverage Commission

The TABC supervises and regulate all phases of the alcoholic beverage industry. It has enforcement responsibility in all counties of the Region 40. Many of the counties have either a regional, district, or outpost office.

Texas Forest Service

The Forest Service has law enforcement responsibility in matters of illegal harvesting of timber and the use of state property by unauthorized persons. The Service has direction over all forest interests within the jurisdiction of the state. It has offices in many counties of Region 40.

Texas Parks and Wildlife

The TPW has law enforcement responsibilities to protect the state's wildlife, natural resources, and the environment. Its headquarters is located in Austin, Texas.

Texas Department of Transportation

TxDOT's mission is to provide safe and effective movement of goods and people throughout the state. The Department has many offices and districts

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over the state, five of which serve the 42-county Region 40 area. These are located in Tyler, Dallas, Fort Worth, Atlanta, and Paris, Texas.

State Agency Communications

It is noted that most of the state enforcement agencies operate over VHF. The Interagency Radio Work Group comprised of state agency representatives of the Department of Transportation, Department of Public Safety, Parks and Wildlife, Forestry Service, Youth Commission, Alcoholic Beverage Commission and the Department of Criminal Justice has developed an Interoperability plan that provides local agencies the opportunity to monitor the state's VHF channel. Many of the non-metropolitan counties in Region 40 operate off of the VHF band and, as such, have a direct link to the state agencies; especially DPS, when it is necessary to communicate between agencies.

NOTIFICATION PROCESS

MEETING ANNOUNCEMENTS

The first meeting of the Region 40 700 MHz Public Safety Planning Committee was announced 60 days ahead of the June 26, 2002 meeting. **Notice was announced by way of the FCC website, NCTCOG website, SFFMA website, Radio Resource website, Public Safety Communications Magazine, direct mail outs to the public safety community, and to the e-mail addresses of public safety personnel.** Public safety personnel include emergency management personnel. Federal government, state government, and American Indian personnel were contacted by way of notices in the above referenced sources. Subsequent meetings were announced using the same notification process.

More specifically, announcements for meetings were made:

- ❖ May 7, 2002, for June 26 meeting
- ❖ August 30, 2002 for October 2 meeting
- ❖ January 16, 2003 for February 24 meeting
- ❖ January 24, 2003 for February 24 meeting
- ❖ March 17, 2003 for May 6 meeting
- ❖ March 18, 2003 for May 6 meeting
- ❖ May 28, 2003 for July 17 meeting
- ❖ November 21, 2003 for December 2, 2003

Meeting announcements are found in Appendix B.

COMMENT SOLICITATION

In each of the announcements, invitees were encouraged to provide input into the planning process. They were invited to serve on one or all three committees; Interoperability, Implementation/Outreach, and Planning and Technical. During the meetings, participants were encouraged to comment on a previous meeting's items and the current agenda's items. Comments were given at the time of meetings, provided ahead of meeting times on the websites, and made directly to the chairman and vice-chairman. The chairman stated at the

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first meeting that the Plan should represent all jurisdictions in Region 40 and that all representatives are encouraged to provide the input necessary to make an effective Plan.

Where action was needed, Robert Rules of Order voting protocols were followed.

COPIES OF NOTICES, COMMENTS, AND SUBMISSIONS

Copies of Notices are found in Appendix B
Agendas and Meeting Summaries in Appendix C
Invitees lists in Appendix D
Attendance Lists in Appendix E.

DESCRIPTION OF COMMENT CONSIDERATION

When comments were made at meetings, the Chairman reviewed the question/comment. Deliberation followed until the commenting party was satisfied or until additional information could be gathered and presented at the next meeting. Written comments were provided by e-mail and fax, as well. If voting was required, Roberts Rules of Order was followed.

(For more information on Committee involvement, see the following section, Regional Plan Administration.)

REGIONAL PLAN ADMINISTRATION

821 MHz PLANNING

The Regional Radio Communications Frequency Planning and Allocation Program has been in operation since 1988.

The purpose of the overall program is to develop and implement a plan for the effective distribution and use of 821 MHz radio frequencies, with the intent to improve public safety agencies' overall radio communications effectiveness. This is accomplished by assisting local communities and other qualifying agencies in obtaining appropriate radio frequencies. Results include: less frequency congestion and interference, safer operation of public safety agencies and more effective service to the general public.

The original scope of the Regional Radio Communications Frequency Planning and Allocation Program addressed the frequency spectrum of 821 - 824/866 - 869 MHz, and "give back" frequencies, i.e. those frequencies that are returned for reallocation.

700 MHz PLANNING

A new Committee (Region 40 700 MHz Regional Planning Committee (RPC)) has been formed to address the frequencies in the 700 MHz spectrum. This includes planning, application evaluation, and frequency recommendation activities. Local governments and particularly public safety agencies will benefit.

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OPERATIONS OF THE REGIONAL PLAN COMMITTEE

While the Region 40 700 MHz Committee has not begun the process for opening a filing window to take requests for radio spectrum, the discussions and meetings regarding 700 MHz have been well attended by the public safety agencies within the region. Due to population densities and current scarce spectrum resources in the region, it is anticipated the majority of requests for voice/data spectrum will be from the Dallas – Fort Worth metropolitan areas. Several other areas within Region 40 may request 700 MHz channels to expand and accommodate growth of existing 800 MHz systems.

This committee will use Robert's Rules of Order to conduct meetings. All decisions will be by clear consensus vote with each Public Safety Agency having one vote. Additional voting member considerations are listed in the Region 40 Bylaws. The meetings are open to all persons and a public input time is given for anyone to express a viewpoint or to have input to the regional planning process.

Subcommittees have been formed as needed to work on specific issues. For the initial planning of Region 40, three subcommittees were formed: **Implementation / Outreach, Interoperability, and Technology & Planning**. These subcommittees are intended to work on details of specific issues and make recommendations to the full committee. Any changes to the Regional plan must be voted on and approved by the full Regional Planning Committee. Subcommittees are open to any member. The Chair of the Regional Planning Committee appoints each Subcommittee Chair. The Region 40 subcommittees and their chairs are listed below:

Technology & Planning Subcommittee

Peter Ungar, Assistant Director / Chief Telecommunications Officer, Information Technology Solutions Department, City of Fort Worth, Texas

Interoperability Subcommittee

Gerard Eads, Communications Manager, City of Arlington, Texas

Implementation/Outreach Sub-Committee

Pam Palmisano, Captain, Collin County Sheriff's Department, McKinney Texas

Texas has elected to create a State Interoperability Executive Committee (SIEC) to oversee interoperability channels. The Texas SIEC intends to include a member of the Region 40 RPC on its committee. The Region 40 interoperability subcommittee will serve as liaison with the Texas SIEC and assist in the statewide interoperability planning process. The RPC applauds the State of Texas by including RPC representation on the SIEC.

The Region 40 Interoperability subcommittee duties are as follows:

- ❖ Work with the Texas SIEC in the development of a statewide interoperability plan;
- ❖ Load interoperability channel assignments in CAPRAD
- ❖ Review interoperability plans and applications for conformance to the state plan.

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FULL COMMITTEE MEETING

A minimum of one (1) meeting per year will be held of the full committee. This will be announced and advertised 90 days in advance by the Committee Chair. This meeting will be held in the month of January. The Chairperson can call an additional meeting at a time when he/she deems necessary. Due to its central location, the North Central Texas Council Of Governments (NCTCOG) will host the meeting.

Beginning two years after Federal Communications Commission approval of this Regional Plan, the Chair shall call a meeting of the Committee to elect a Chair, Vice Chair and Secretary to serve for two years. There is no limit to the number of terms that may be served.

If the Chair is unable to serve a complete term the Vice Chair will serve as Chair until the next election meeting. If both the Chair and Vice Chair are unable to serve their full terms one or the other should strive to call a special meeting of the Committee to elect replacements. If for some reason, neither the Chair nor the Vice Chair can call the special meeting; the State or any County within the region may call for a special meeting, giving at least 90 days notice, to elect replacements.

PROCEDURE FOR REQUESTING SPECTRUM ALLOTMENTS

After FCC approval of the Plan, Region 40 will announce a filing window. Agencies desiring a spectrum allotment shall submit a written request to the Chair indicating their need for spectrum.

To request channels from Region 40, the Applicant must submit a copy of the FCC application to the Regional Chairperson for dissemination to the committee. The applicants must also submit an interference prediction map using TIA/EIA TSB 88-a (or latest version) guidelines. The map must show all interference predicted. If an application is objected to by an agency with licensed, or pre-licensed / region approved co-channel or adjacent channel allotments, the objecting agency may request that field tests be done to verify interference signal levels. Coverage area service contours should meet values designated in the Interference Protection section of this document.

The requests will be considered, providing that harmful interference is not caused to existing users or incumbent broadcasters. The technical parameters to determine the extent of any possible interference are given in the Interference Protection section of this Plan. Agencies will need to provide the Committee with a full justification for the additional spectrum. *Insufficient justification will be handled in accordance with the guidelines in the System Implementation section of the plan. All requests will be considered on a first come, first served basis. Requests arriving within the same timeframe will be processed in accordance with the guidelines in the Priority For Receiving Spectrum Allocations section of the plan.*

The Chair, or a designee, will distribute the request to all other agencies with allotments in the plan for review and approval. An agency may protest approval within 30 calendar days of receipt. *Protests will only be considered if an agency, or the Chair, can show harmful interference is likely based on the input submitted by the agency requesting the new allotment or if the allotment does not conform to plan criteria.*

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If the parties cannot resolve the issues and so inform the Chair within 14 calendar days of the protest, then a special full Committee meeting will be scheduled to consider and vote on the protest. Absent a protest, the allocation will be approved by the Chair and forwarded to the frequency coordinator of the applicant's choice for coordination and submission to the FCC.

PROCEDURE FOR FREQUENCY COORDINATION

The Region 40 Planning Committee will utilize and refer to the frequency sort initiated by the National Public Safety Telecommunications Council (CAPRAD) pre-coordination database. The Region 40 Regional Planning Committee has the ability to accept recommendations and the authority to change the original frequency allotment. In order to keep the most effective frequency allotments within Region 40, an annual review of the allotments will be made by the full committee and recommended changes will be voted on. Any changes to the regional allotments must be approved at a meeting of the full Regional Planning Committee. If approved, the Chairperson will update the CAPRAD database and file a plan amendment indicating the approved changes with the Federal Communications Commission.

The pre-coordination database will develop channel allotments in each county within Region 40 using criteria such as current population, census data, height above average terrain (HAAT), and public safety use curves generated by the Public Safety Wireless Advisory Committee to provide spectrally efficient frequency allotments. It is anticipated that this database will be operational with a full frequency sort by the opening of the Region 40 filing window.

Applicants must submit the initial FCC application to the Regional Planning Committee so the committee can ensure the application complies with all elements of the regional plan. If approved, the Regional Planning Committee will make sufficient notification to the applicant's selected FCC certified Frequency Coordinators through the NPSTC database. This process meets the requirements of Rule 90.176 (c).

ADJACENT REGION SPECTRUM ALLOCATION

Region 40 shares borders with seven other Regions:

- Region 04, Arkansas,
- Region 18, Louisiana,
- Region 34, Oklahoma,
- Region 49, Central Texas,
- Region 50, West Texas,
- Region 51, East Texas – Houston,
- Region 52, Texas Panhandle

Region 40 will coordinate channel allocations with all its bordering regions by using the NPSTC CAPRAD database. This tool will ensure adjacent state notification as well as FCC Certified Frequency Coordinator notification.

Region 40 will provide data to the National Public Safety Telecommunications Council (NPSTC) Pre-coordination Data Base to assist with adjacent region coordination.

INTRAREGIONAL DISPUTE RESOLUTION

In the event an agency disputes the **implementation of this plan** or parts of this plan after FCC approval, the agency must notify the Chair of the dispute in writing. **This section does**

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not apply to protests over new spectrum allotments (see 700 MHz Planning section).

The Chair will attempt to resolve the dispute on an informal basis. If a party to the dispute employs the Chair, then the Vice Chair will attempt resolution. In such cases the Chair shall be deemed to have a conflict of interest and will be precluded from voting on such matters. If after 30 days the dispute is not resolved, the Chair (or Vice Chair) will send the dispute to a Dispute Resolution Committee, previously appointed by the Chair and consisting of a member from the State of Texas and at least five members from the jurisdictions in Region 40. That committee will select its own Chair.

The Regional Plan Chair (or Vice Chair) will represent the Region in presentations to the Dispute Resolution Committee. The Committee will hear input from the disputing agency, any affected agencies, and the Region Chair. The Committee will then meet in executive session to prepare a recommendation to resolve the dispute. Should this recommendation be unacceptable to the disputing agency/agencies, Region 40 will forward the matter to the Regional Planning Oversight Committee (RPOC) for additional review and attempted resolution. If the disputing agency remains dissatisfied with the RPOC decision, the dispute and all written documentation will be forwarded to the Federal Communications Commission for final resolution.

The RPOC may be used to resolve inter-regional disputes, also.

INTEROPERABILITY CHANNELS

Interoperability between federal, state and local governments during daily, emergency and disaster operations will normally take place on the interoperability channels identified in the state and the national plan. The RPC has determined that sufficient spectrum has been allocated for interoperability in the national plan to meet the current and future needs of the region. Additionally, through the use of an S-160 and MOU or equivalent agreement(s), a licensee may permit federal agency use of non-federal communication system spectrum if deemed appropriate. Such use, on other than interoperability channels, is to be in full compliance with FCC requirements governing the use of spectrum.

A Sharing Agreement Template follows in Appendix H.

STATE INTEROPERABILITY EXECUTIVE COMMITTEE

The State of Texas will be responsible for the following:

- ❖ use the Incident Command System (ICS) as a guideline in developing their regional interoperability plans.
- ❖ hold the license on interoperability channels for all infrastructure and subscriber units within The State of Texas.
- ❖ have oversight of the administration and technical parameters of the infrastructure for the interoperability channels within the state.
- ❖ administer the interoperability channels via a State Interoperability Executive Committee (SIEC) under NCC guidelines. Backbone issues will be deferred to the SIEC.

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TACTICAL CHANNELS

All mobile and portable units operating in this region should have interoperability channels, both repeat and direct modes, programmed into each unit. The radio must be programmed with the minimum number of channels called for in the NCC guidelines or as the SIEC specifies. The channel display will be in accordance with the NCC guidelines that have common alphanumeric nomenclature to avoid any misinterpretation of use.

All interoperability channels, except as described below, shall be used for conventional-only operation. Normally, users will 'call' a dispatch center on one of the "Calling Channels" and be assigned an available tactical channel. Deployable narrowband operations (voice, data, and trunking) shall be afforded access to the same pool of channels used for similar fixed infrastructure operations. In the event of conflict between multiple activities, prioritized use shall occur. Use prioritization shall be:

Disaster and extreme emergency operations for mutual aid and interagency communications.
Emergency or urgent operation involving imminent danger to life or property.
Special event control, generally of a preplanned nature (including Task Force operations).

MONITORING OF CALLING CHANNELS

It is desired that the State of Texas take responsibility for monitoring the interoperability calling channels. This would include assignment of channels to mutual aid incidents as required. The SIEC will develop operational guidelines for this function.

ENCRYPTION

Use of encryption is prohibited on "Call In" channels and discouraged on all other interoperability channels. If encryption must be used, the standardized encryption algorithm for use on the interoperability channels will be TIA/EIA IS AAAA Project 25 DES encryption protocol.

DEPLOYABLE SYSTEMS

Region 40 supports the use of deployable systems, both conventional and trunked. Deployable systems are prepackaged systems that can deploy by ground or air to an incident to provide additional coverage and capacity on interoperability channels.

General Public Safety Service Channels shall be made available for "deployable" equipment used during disasters and other emergency events that place a heavy, unplanned burden upon in-place radio systems. Use of deployable conventional and trunked interoperability systems will be coordinated so as to minimize interference with permanently installed conventional interoperability infrastructure.

It is expected that the tactical channels set aside for trunked operation will be heavily used by deployable systems. Therefore, the tactical channels cannot be assigned to augment general use trunked systems.

DATA ONLY USE OF THE I/O CHANNELS

Narrowband data-only interoperability operation on the Interoperability channels on a secondary basis shall be limited to two specific 12.5 kHz channel sets. One set is defined by 7GTAC 21 and the other by 7GTAC 51.

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Wideband Data Standards

Within the 12 MHz of spectrum designated for high capacity, wide bandwidth (50 to 150 kHz) channel usage, there are eighteen 50 kHz (or six 150 kHz) channels designated for wideband interoperability use.

DIRECT (SIMPLEX) MODE

In direct (simplex) mode, transmitting and receiving on the output (transmit) side of the repeater pair for subscriber unit-to-subscriber unit communications at the scene does not congest the repeater station with unnecessary traffic. However, should someone need the repeater to communicate with the party who is in "direct" mode, the party would hear the repeated message, switch back to the repeater channel, and join the communications. Therefore, operating in direct (simplex) mode shall only be permitted on the repeater output side of the voice I/O channel sets.

Common Channel Access Parameters

Common channel access parameters will provide uniform I/O communications regardless of jurisdiction, system, manufacturer, etc. This national requirement should apply to base stations and subscriber units. This should apply to fixed or temporary operations. This should apply to tactical, vice, or other mutual aid conventional I/O use.

COMMON CHANNEL PARAMETERS

All voice I/O shall utilize the default values (ANSI/TIA/EIA-102, BAAC-2000, approved April 25, 2000) provided in every radio regardless of manufacturer. Any common channel access parameters not provided shall be programmed accordingly. These parameters include the following:

- P25 Network Access Code - \$293 (default value)
- P25 Manufacturers ID - \$00 (default value)
- P25 Designation ID - \$FFFFFF (designates everyone)
- P25 Talkgroup ID - \$0001 (default value)
- P25 Message Indicator \$000000... 0, out to 24 zeros (unencrypted)
- P25 Key ID - \$0000 (default value)
- P25 Algorithm ID - \$80 (unencrypted)

Any deviation from \$293 will not be permitted unless the SIEC (or the RPC) can demonstrate by Plan amendment through the FCC-approved process, that the intent of \$293 will be preserved on ALL conventional voice I/O channels – transmit and receive.

WIDEBAND DATA

TIA has recommended, and the NCC has endorsed, Scalable Adaptive Modulation (SAM) as the wideband data interoperability standard. TIA is in the process of finalizing the standards documents related to SAM and anticipates completion by August. The NCC is developing tools for determining loading criteria for the wideband data channels.

Once these issues have been finalized, Region 40 will convene (open a filing window) to allocate the wideband data channels and will amend the CAPRAD database to reflect those allocations.

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INTERFERENCE PROTECTION

The frequency allotment list will be based on an assumption that the systems will be engineered on an interference-limited basis, not a noise floor-limited basis. Agencies are expected to design their systems for maximum signal levels within their coverage area and minimum levels in the coverage area of other co-channel users. Coverage area is normally the geographical boundaries of the Agency(s) served plus an area three to five miles beyond.

Systems should be designed for minimum signal strength of 40 dB μ in the system coverage area while minimizing signal power out of the coverage area. TIA/EIA TSB88-A (or latest version) will be used to determine harmful interference assuming 40 dB μ , or greater, signal in all systems coverage areas. This may require patterned antennas and extra sites compared to a design that assumes noise-limited coverage.

To maximize spectrum utilization, receivers of the highest quality must be used in systems. Given a choice of radios to choose from in a given technology family, agencies should use the units with the best specifications. This plan will not protect agencies from interference if their systems utilize low quality receivers.

ALLOCATION OF NARROWBAND “GENERAL USE” SPECTRUM

All agencies requesting spectrum during the initial filing window (see the Notification Process section of the plan) will be allocated channels, if plan requirements are met. Allotments will be made in 25 KHz groups to allow for various digital technologies to be implemented. The Region 40 Technology and Planning Subcommittee recommends that allocations be made on the basis of one 12.5 KHz channel for each voice channel request and one 12.5 KHz channel for each narrowband data request. This recommendation is approved by the full Committee and is part of this plan.

It is the goal of the FCC for one voice channel per 6.25 KHz of spectrum. Applicants should acknowledge the deadline of 12/31/2016 for migration to 6.25 KHz, or 6.25 KHz equivalent efficiencies, when applying for channels in Region 40. For narrowband mobile data requests, one mobile data channel will consist of two (2) 6.25 KHz channels/one (1) 12.5 KHz channel. As 6.25 KHz migration continues, “orphaned” 6.25 KHz channels can be allocated to agencies to maintain consistent grouping of 25 KHz blocks.

ORPHANED CHANNELS

The narrowband pool allotments will have a channel bandwidth of 25 kHz. These 25 kHz allotments are characterized as “Technology Neutral” i.e. able to accommodate multiple technologies utilizing multiple bandwidths. If agencies choose a technology that requires less than 25 kHz channel bandwidth for their system, there is the potential for residual, “orphaned channels” of 6.25 kHz or 12.5 kHz bandwidth immediately adjacent to the assigned channel. An orphan channel may be used at another location within the county area where it was originally approved, if it meets co- and adjacent channel interference criteria.

When in the best interest of public safety communications and efficient spectrum use within the Region, the Regional Planning Committee shall have the authority to move these orphan channel allotments, and/or co-/adj-channel allotments affected by the movement of orphan channels, to other areas throughout the Region, as deemed necessary to retain spectrum

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efficiency and/or minimize co-channel or adjacent channel interference. If it is required to move a full 25 kHz channel (or a portion of a channel) allotment to a location outside of the county area in which it was originally approved, the Regional Planning Committee will review the application as to whether or not the full/partial channel allotment meets frequency coordination guidelines and should be moved to accommodate an application at hand. The movement of the full/partial channel allotments can be approved on a majority vote of Regional Planning Committee members in attendance at a special or regular meeting of the Committee.

If the movement of a full/partial channel allotment is deemed in the best interest of the public safety community, and the relocation requires moving a channel a distance of less than 10 miles outside of its original county area boundaries, there will be no plan amendment required. If the movement of a full/partial channel allotment is deemed in the best interest of the public safety community, and the relocation requires the movement of a channel to a location within 25 miles outside of its original county area boundaries, the Region will be required to amend the regional plan and submit the amendment to the FCC along with obtaining adjacent Region concurrences for the plan update.

If the movement of a full/partial channel allotment is deemed in the best interest of the public safety community, and the relocation requires moving a channel from one Region to another in the interest of inter-regional sharing and cooperation, each Region shall amend its plan and submit the amended plan to the FCC accompanied with adjacent Region(s) concurrences from the participating Region(s).

Region 40 encourages small agencies to join multi-agency systems as they promote spectrum efficiency and meet small and large agency capacity needs.

SYSTEM IMPLEMENTATION

Not all areas in Region 40 are capable of immediately implementing systems using 700 MHz public safety channels. With no restrictions in implementation due to incumbent co-channel broadcasters in the region, implementation of systems will adhere to guidelines in FCC rule 90.529 (b) and (c). PAX TV station Call Sign KPXD, located in Cedar Hill, Texas utilizes analog TV channel 68. Channel 68 is part of the 700 MHz public safety allocations. Public safety channel availability in the Dallas Fort Worth Metroplex area of Region 40 will reflect this incumbent TV channel in the NPSTC pre-coordination frequency sort for Region 40.

An Agency may file a request with the Regional Chairperson for an extension of time to implement. The request should include all details describing why the agency has not implemented and a new implementation schedule. If necessary, the Regional Chairperson will call a special meeting to determine if the allotment should be extended or if the agency should reapply to the committee for another allotment.

PRIORITY FOR RECEIVING SPECTRUM ALLOCATIONS

Due to channel availability, it is expected all agencies within Region 40 asking for 700 MHz allotments should receive allotments as requested. A priority for the Region 40 Planning Committee is to promote multi-agency regional systems to enable interoperability between agencies, particularly in the Metropolitan area of Dallas-Fort Worth.

The “Region 40 Channel Allotment” Table is found as Appendix I.

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When applying for new 700 MHz channels, the Regional Planning Committee expects applicants to relinquish an amount of currently used spectrum ("give back channels") and make that spectrum again available for use within the region. This currently licensed spectrum may be in any public safety band. Agencies with existing licensed 800 MHz systems that are requesting 700 MHz channels for system expansion may not fall under this requirement.

The number of channels an applicant may retain, plus the number of 700 MHz channels requested, will be an amount required to provide minimum interoperable communications to surrounding jurisdictions. **If the committee considers the number of channels relinquished by the applicant insufficient or the number of requested 700 MHz channels to be excessive, the application for 700 MHz channels will not be approved by the Regional Planning Committee and will be returned to the applicant for additional review. An opportunity will be allowed for the applicant to provide additional justification to support the agency's requests. However,** the Regional Planning Committee will be the deciding body for application approval and plan interpretation. It must be stressed that the Region 40 Regional Planning Committee supports and promotes multi-agency systems that allow for regional/wide area coverage within the region.

PRIORITY MATRIX

In the event that future spectrum requests conflict and all cannot be accommodated, the following matrix will be used to determine priority for allotment. This matrix will only be used if two requests are received in the same time frame. Otherwise, the first come first served procedure of the 700 MHz Planning section of the document will be used.

Priority is given to users fundamentally involved with the protection of **Life and Property**. Priority is given to **shared multi-agency systems**. These systems can be either a group of separate departments within a large agency or groups of agencies operating together under a large blanket agency.

Immediate documented funding must be available to construct the system using these 700 MHz frequencies.

This process, if required, will be treated as a dispute, and the procedures outlined in the Interoperability Subcommittee Section of the plan will apply while using the above criteria to allot the frequencies.

COORDINATION WITH ADJACENT REGIONS

The regions adjacent to Region 40 are listed below:

Region 04, Arkansas
Region 18, Louisiana
Region 34, Oklahoma
Region 49, Central Texas
Region 50, West Texas
Region 51, East Texas - Houston
Region 52, Texas Panhandle

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700 MHz Regional Planning Committees have been convened in all adjacent regions. The Chair has sent final copies of this Plan to the Chair of each adjacent Region.

The CAPRAD pre-coordination database will show those channels available that will not interfere with Region 40 allotments or systems.

Region 40 has received concurrent approval from Region 04, Region 18, Region 49, Region 50, Region 51 and Region 52 (see Appendix J, Adjacent Regions' Approval Letters). Because Region 34 has been non-responsive to requests for concurrent approval of the Region 40 plan, Region 40 is requesting a waiver of 90.527(a)(5). (See Appendix L – Waiver of Consent from Unresponsive Adjacent Region). As detailed in the waiver request, Region 40 has set aside spectrum at the Region borders based on population and other factors.

If an adjacent region has difficulties satisfying inter-regional requests due to channel allocation within Region 40, this committee pledges to work with that adjacent region to resolve any issues that benefit public safety communications.

Inter-Regional Dispute Resolution

Region 40 has received concurrent approval of its Inter-Regional Dispute Resolution by way of assigned agreements from Region 04, Region 18, Region 49, Region 50, Region 51 and Region 52 (Appendix K – Inter-Regional Coordination Agreement). Because Region 34 has been non-responsive to requests for concurrent approval of the Region 40 plan and the Inter-Regional dispute Resolution agreement, Region 40 is requesting a waiver of 90.527(a)(5) (See Appendix L – Waiver of Consent from Unresponsive Adjacent Region).

PROCESS FOR EVALUATING APPLICANTS' NEEDS AND COMMITTEE'S RESPONSE

The process for evaluating applicants' communications needs and how the Review Committee would respond is explained in the Interference Protection section of the plan, as well as the following: System Implementation, Priority for Receiving Spectrum Allocations, and Priority Matrix.

Applications for 700 MHz frequencies will be forwarded to the Region 40 Coordinator at the North Central Texas Council of Governments; 616 Six Flags Dr., Arlington, Texas, 76005. Meetings will be announced 30-60 days ahead of time so that an applicant may clear calendars and prepare to defend his/her application. Copies of an applicant's request will be mailed to the Committee members for review before the Chairman convenes the next meeting of Region 40. Once convened, the Committee will hear the applicant's request. The Committee will deliberate, request clarification from the applicant, and, if it conforms to Region 40 rules, the application will be forwarded to APCO with a letter from the Chairman recommending approval.

If the application is not approved or "sent back" for additional work, the Committee, upon receipt of the revised application, will either meet telephonically to hear statements from the full Committee and applicant or, if the application is too complex or problematic, the Committee will meet to deliberate the application. In each instance, telephonic or one on one, the applicant will be present to explain the application.

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The meeting will be recorded and a hard-copy summary of it will be kept for future purposes, if any. The applicant will be notified by letter of the Committee's recommendation. Documentation of how the matrix was applied will be included in the meeting summary.

A running tabulation will be kept of each applicant's request to determine if the applicant's request was successful.

ADJACENT REGION COORDINATION

(Please see the Coordination With Adjacent Regions section of the plan for an explanation of this topic).

CERTIFICATION

I hereby certify that all planning committee meetings, including subcommittee and executive committee meetings were open to the public. A summary of the Committees' deliberations pursuant to adopting this Plan are found in the meeting Summaries; Appendix C: Agenda and Meeting Summaries.

Dan Scrivner, Chairman, Region 40

Region 40 700 MHz Plan / Central and North East Texas

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APPENDICES LIST

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Region 40 700 MHz Plan / Central and North East Texas

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APPENDIX A

REGIONAL PROFILES

Region 40 700 MHz Plan / Central and North East Texas

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APPENDIX B

NOTICE OF MEETINGS

Region 40 700 MHz Plan / Central and North East Texas

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APPENDIX C

AGENDAS AND MEETING SUMMARIES

Region 40 700 MHz Plan / Central and North East Texas

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APPENDIX D

INVITEES LISTS

Region 40 700 MHz Plan / Central and North East Texas

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APPENDIX E

ATTENDANCE LISTS

Region 40 700 MHz Plan / Central and North East Texas

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APPENDIX F

LAW ENFORCEMENT, FIRE, AND EMS AGENCIES IN NORTH CENTRAL TEXAS

Region 40 700 MHz Plan / Central and North East Texas

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APPENDIX G

COMMISSIONED AND CIVILIAN LAW ENFORCEMENT PERSONNEL IN REGION 40

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

APPENDIX H

SHARING AGREEMENT TEMPLATE

Region 40 700 MHz Plan / Central and North East Texas

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APPENDIX I

REGION 40 CHANNEL ALLOTMENT TABLE

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

APPENDIX J

ADJACENT REGIONS' APPROVAL LETTERS

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

APPENDIX K

INTER-REGIONAL COORDINATION AGREEMENT

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

APPENDIX L

WAIVER OF CONSENT FROM UNRESPONSIVE ADJACENT REGION

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

NOTICE OF MEETINGS

MEETING OF JUNE 26, 2002

MEETING OF OCTOBER 2, 2002

MEETING OF FEBRUARY 24, 2003

MEEETING OF MAY 6, 2003

MEETING OF JULY 17, 2003

MEETING OF DECEMBER 2, 2003

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

AGENDAS AND MEETING SUMMARIES

REGION 40, 700 MHz REGIONAL PLANNING MEETING

North Central Texas Council Of Governments

June 26, 2002

9:00 A.M.- 11:30 A.M.

Transportation Board Room

WORKING AGENDA*

Welcome and Introductions (Fred introduces Dan and Peter as Manager of Communications; Peter as Assistant Director and Chief Telecommunications Officer. Plus, Chair of Region 40, Regional Review Committee, and member of same. Also, I will mention that Peter is acting as the Convener of this meeting, as prescribed by the FCC, prior to establishing a 700 MHz planning initiative. I will indicate that you both will be presenting material and responding to questions. I will then turn it over to Peter.)

Status of FCC Rules for 700 MHz Band. (Peter continues.)

Review Work of Public Safety National Coordination Committee (Peter or Dan.)

Encourage Participation on Regional Planning Committee (I will be happy to do so, but that's your call.)

Elect Committee Chair and Vice-Chair (Nominations will come from the floor.)

Purpose of Regional Plan (To meet FCC requirements which will lead to the release of frequencies from the 700 MHz band.)

Process of Plan Development (Once Chair and VC are elected, attendees will be invited to participate in the writing of the plan. Dan and other Region 40 committee members have been through this before, but the effort will take more manpower than the existing committee.)

Planning Sub-Committees (Will mention that the planning sub-committees will be: Technology and Planning, Interoperability, Implementation.)

Solicitation of Involvement (It's at this time when we ask for their help to serve on the planning committee and help to develop the plan leading to the distribution of 700s. I or one of my staff will distribute the Interest to Serve form and ask that the forms be returned by July 9 or so. Also, I would hope that some would hand the forms in before they leave)

Role of NCTCOG in Planning Process (FK indicates that NCTCOG will make meeting arrangements, send out notices, help the committee draft sections of the plan, etc.)

Adjourn

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

SUMMARY

Region 40, 700 MHz Regional Planning Meeting

Peter Ungar, Convener

North Central Texas Council of Governments

June 26, 2002

9:00 A.M. – 11:30 A.M.

Transportation Board Room

Welcome and Introductions

Fred Keithley welcomed the attendees and thanked them. He introduced himself as Director of Community Services for NCTCOG and introduced Suzanne Solomon, 9-1-1 Special Projects Coordinator, as the secretary for this meeting. Mr. Keithley introduced Dan Scrivner as the Chairman of the Region 40 Regional Review Committee, handling 800 megahertz band, and Manager of Communications for the City of Dallas. He then introduced Peter Ungar, who convened the meeting as prescribed by the FCC, as the Assistant Director and Chief Telecommunications Officer for the City of Fort Worth. Joe Blair, the first Vice Chairman of Region 40, was also in attendance. Mr. Keithley encouraged participants to ask questions whenever they wished and to not hold them to the end of the meeting.

Status of FCC Rules for 700 MHz Band, Review Work of Public Safety National Coordination Committee

Mr. Ungar explained that under the FCC rules, this is a public and open meeting, which is why there is a recording and a secretary to take minutes. The purpose of the meeting is to review the status of the FCC rules for the 700 MHz bandwidth, to review the work to date of the Public Safety National Coordination Committee, to establish a Regional Planning Committee, to elect a Chairperson, and to establish procedural rules and bylaws, sometime in the near future.

Encourage Participation on Regional Planning Committee

Purpose of Regional Plan

The purpose and goal of this Regional Planning Committee will be to manage and develop a plan which allocates the available 700 MHz spectrum to the public safety community in FCC's Region 40 area (Northern Texas Region, composed of 42 counties of the Northeast, North and North Central Texas area. The region is characterized by the large urban metropolitan Dallas/Fort Worth area as well as less populated rural jurisdictions and smaller communities.)

The 700 MHz spectrum may not be available for approximately four years, but the Regional Plan needs to be developed in advance of the spectrum allocations by the Federal Communications Commission (FCC). Region 40 touches four other RPCs: Regions 49, 50, 51 and 52.

Process of Plan Development

Television channels 60 through 69 (746-806 MHz) will be reallocated. The FCC's goals are to alleviate the current LMR (Land Mobile Radio) congestion in other bands, to provide public safety access to new technologies, to promote interoperability and to satisfy PSWAC (Public Safety Wireless Advisory Committee) requirements.

24 MHz of 60 MHz will be allocated to public safety. Eligibility requirements are that it be used only for protection of life, health or property. Non-governmental organizations may be eligible but will need a

Region 40 700 MHz Plan / Central and North East Texas

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letter of support. This opportunity is currently open to all four current Public Safety Frequency Coordinators.

A 746-806 MHz band illustration was shown to demonstrate the bandwidth being offered.

The general use of the 24 MHz being allocated to Public Safety will be administered through the Regional Planning Committees. 7.7 MHz will be narrowband, and 4.8 MHz will be wideband. It will also be used for purposes of interoperability.

The National Coordination Committee (NCC) was established in 1999 to develop recommendations for digital standards and use of the Interoperability Channels. The NCC submitted its first report to the FCC on February 25, 2000. The NCC was tasked to develop a National Plan and recommend interoperability standards. They proposed 0.8 MHz narrowband interoperability (32 @ 12.5 kHz) and proposed 0.8 MHz interoperability guard (either side of I/O channel, 64 @ 6.25 kHz). They also proposed 1.8 MHz wideband interoperability (18 @ 50 kHz).

Additionally, the NCC proposed 2.4 MHz narrowband as a “block grant” to each state, 0.3 MHz narrowband as low power (analog) on-scene/itinerant, and 5.4 MHz wideband reserve. Narrowband channels can be aggregated to 25 kHz bandwidth, and wideband channels can be aggregated to 150 kHz bandwidth.

The NCC recommended that Project 25, Phase I as the digital I/O standard, and that trunking be permissible but not mandatory on the I/O channels. The 4th FCC R&O adopted the Project 25, Phase I as the digital standard on January 11, 2001. The second year (2001) work was to develop receiver standards, continue work on wideband standards, and finalize the National Plan Template and Regional Planning Guidelines.

The Regional Plan required for licensing on the General Use Channels was approved. The National Plan Template was adopted in May of 2001, and Regional Plans must still be developed.

States were required to notify the FCC by December 31, 2001 if they were planning to administrate the 700 MHz I/O channels. Administration involves holding the license, resolving licensing issues and developing a statewide interoperability plan. If the FCC did not receive notice, administration of the interoperability channels reverted to the Regional Planning Committee as of January 1, 2002. The State of Texas did apply, and received approval to administer the interoperability channels.

Television channels must be cleared for use. An illustration was shown demonstrating where the spectrum is currently available in the nation for this use. Dallas, Fort Worth, Plano and Arlington do not have this spectrum available because PAX and one other station are currently using that bandwidth.

There are television incumbency rules in place to protect the incumbent analog and new digital television receivers in the spectrum until the broadcast transition ends. The deadline is December 31, 2006 to end analog broadcasts. By market, exceptions may be granted by the FCC. For example, if less than 85% of households in that market have digital television services, that market will be granted an exception. If at least one of four national television network affiliates are not broadcasting digital, that would be considered an exception. If the license is within 120 kilometres of Canada or Mexico, some special limitations apply in those areas as well.

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To summarize the current status in the United States, in 1997, the spectrum was reallocated to Public Safety. In 2000, Band Manager spectrum was focused for private wireless use. In 2001, the narrowband Project 25 standard was adopted. A wideband standard is under development in TIA, the target 1 H 2003. Each state has a 700 MHz license. Over half the Regions have started planning – in Texas, there are six Regional Planning Committees. Three are actively working, two are beginning, and one is currently not committed.

Several spectrum-clearing issues have been identified. Both co-channel and adjacent channel television stations must be cleared. The current clearing deadline is December 31, 2006, but current law allows going beyond that date. Public Safety must compete with broadcasters, cable operators and content providers in Congress. Canadian channel 60-69 clearing and a US/Canadian agreement are also needed for the border areas.

Question: Why are some lobbying to delay the deadline?

Mr. Ungar: It's expensive. Television stations switching from analog to digital will cost them from five to six million dollars. Also, the market penetration isn't there. Everyone is pushing digital televisions, but the consumers are not yet finding them cost effective. A digital television costs two to five thousand dollars, whereas an analog television may cost only one or two hundred dollars.

Question: What area does PAX cover? What about the areas that don't get PAX?

Mr. Ungar: TV-PAX-68 covers a huge geographical area. Though the signal might not be received on a television, it will still be there with a strength that might impact your communications. It might not be strong enough for the television to translate, but strong enough to mess with Public Safety communications.

Planning Subcommittees and Solicitation of Involvement

The Regional Planning Committee is following the process outlined by the FCC, and is not doing anything radical. We need to elect chairs and officers, to establish sub-committees for implementation and outreach. The RPC needs to develop by-laws using the by-laws from the existing Region 40 committee as a starting point.

Mr. Scrivner addressed the implementation and outreach category. When the Regional Planning Committees began work in 1987, the FCC criticized some regions, not Region 40, for limiting the involvement of the local committees in allocating the bandwidth. So this time, the Regional Planning Committee must be certain that everyone who wishes to be involved, is involved.

Elect Committee Chair and Vice-Chair

The floor was turned over to Mr. Keithley for the nominations.

Mr. Keithley made it clear that the Council Of Governments wants to elect the best officers possible, so the COG is present at this meeting as a facilitator/coordinate. This meeting is really to encourage the participants to nominate, to understand that from this point forward, the committee has about a year to two years of planning. The planning will require drafting and editing, convening and arriving at a final draft which will, once completed, go forward to the FCC. Without that, there will be no 700 MHz frequencies for local public safety agencies in Region 40. The officer elected needs good knowledge of the material, good leadership capabilities, and a keen understanding of the process.

Region 40 700 MHz Plan / Central and North East Texas

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At this time, Mr. Keithley opened the floor for nominations for someone to lead the planning process and arrive at a well thought-out, comprehensive plan.

Question: How many people per agency can vote, how will you accept nominating or voting, or actual membership in the voting process?

Peter Ungar: Once the planning committee, chair, and vice chair are selected, voting members of the committees of region 40 must be employed by an agency that holds current radio licenses. There is only one vote per agency.

Gerard Eades, City of Arlington nominated Dan Scrivner for Chair. The nomination was seconded Gary Price, ETCOG.

Mr. Peter Ungar was also nominated for chair. The nomination was seconded.

The majority vote favored Mr. Dan Scrivner, and he was elected the Chairman of the Region 40 Planning Committee.

Mr. Keithley opened the floor for nominations for Vice Chair of the Region 40 Planning Committee.

Captain Robert Boudreaux, City of Irving, was nominated for Vice Chair. The nomination was seconded.

Mr. Peter Ungar was nominated for Vice Chair. The nomination was seconded.

The majority vote favored Peter Ungar, and he was elected the Vice-Chairman of the Region 40 Planning Committee.

The Role of NCTCOG in the Planning Process

Next, details of the Region 40 700 MHz Regional Planning Committee (RPC) were described. Mr. Ungar stated that voting members of the committees of Region 40 must be employed by an agency that holds current radio licenses. There is only one vote per agency. He said, also, that the committee should suggest a secretary/treasurer, at a later date.

Question: How many votes will state agencies receive?

Mr. Ken Yoder, State Frequency Coordinator, answered that Mr. Robert Pletcher, Program Director for DPS will represent the state and vote for all state agencies. Mr. Pletcher is Chairman of the state's Interagency Radio Work Group (IRWG).

NCTCOG, in behalf of the committee, will notify adjacent regions of its meetings. The Chair should attend adjacent regions' meetings, if possible. Written approval of this region's plan by adjacent regions is required.

Sub Committees will include Technology and Planning, Interoperability, and Implementation.

Mr. Keithley passed around a sheet with the subcommittees on it. The subcommittees need people who will write, convene, and have time to commit to the planning initiative. The forms may be left with the Council of Governments today or mailed or faxed back to NCTCOG. Invitations, totaling 720 were sent to local governments, state governments, and all adjacent regions

Question: Are members of committee limited to FCC licensed persons?

Region 40 700 MHz Plan / Central and North East Texas

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Mr. Keithley: Not necessarily. Although they would not be permitted to vote, additional expertise is welcome from the communications industry.

Mr. Ungar: In order to vote, you must be a documented FCC license holder and a service provider. If a city's fire department has a license and the police department has another license, they are considered two agencies. The FCC has stipulated this, but it was requested that that be reconsidered. It is possible for a city to get three votes, if each agency in the city holds its own FCC license.

Question: Can a voter elect an alternate to vote on his or her behalf?

Mr. Keithley: Yes, they can designate a proxy, or several proxies to be at meetings that the voting member cannot attend.

As a method of contact, a public website is being developed. A list server is also being considered. These will facilitate the distribution of information.

Mr. Scrivner stated that the North Central Texas Council of Governments will handle plan development and program coordination. NCTCOG will handle meeting notifications, drafting the Planning Committees' work, and other logistical matters regarding the 700mhz coordination. Mr. Scrivner thanked the attendees for trusting him with chairing this planning effort. It needs to be tailored to our region, to prove to the FCC that this has been made all-encompassing to everyone who fits the definition of public safety. It will take technical expertise to implement. This will be a fair and impartial process, as all have vested interests in the result. It is critical to the future of public safety that this is done properly. Those who have signed up for committees will be contacted by NCTCOG well in advance of the first meeting.

Dan Scrivner thanked the participants, NCTCOG, and Peter Ungar for his work in convening the meeting.

Respectfully submitted,

Fred Keithley, Region 40 Coordinator)
(*Questions may be addressed at any time)

Region 40 700 MHz Plan / Central and North East Texas

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AGENDA

MEETING

REGION 40, 700 MHz

COMMUNICATIONS PLANNING COMMITTEE

Wednesday October 2, 2002

NCTCOG Offices

Approve Summary Notes from June 26, 2002 Meeting (*Action Item*) (Handout)

Discuss and Approve Draft Planning Committee Bylaws (*Action Item*) (Handout)

Announce Chairs of Sub-Committees (Appointed by Chairman Scrivner for Interoperability, Technical and Planning, and Implementation Sub-Committees) (*Information Item*) (Handout of volunteers per sub-committee)

Present the *State of 700 MHz Planning Nationwide* (*Information Item*)

Other Business

Next Meeting

Adjourn

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

SUMMARY

Region 40, 700 MHz Meeting
Communications Planning Committee
Wednesday, October 2, 2002, 1:30pm
NCTCOG Offices

Pre-committee Business: Fred Keithley apologized to the Committee for the confusion regarding the time the meeting was scheduled. He then stated that a lot of the email addresses were questionable from the last meeting and messages from NCTCOG to Committee members were "undelivered", as a result. He asked the members to once again sign in and leave their business card so that all email addresses would be correct in the future. Much of the future meeting correspondence will take place via email.

Mr. Keithley turned the meeting over to the Committee Chairman Scrivner, to conduct the rest of the business.

Approve Summary Notes from June 26, 2002 Meeting

Mr. Scrivner called the meeting officially to order, welcoming participants to the second meeting of Region 40, and thanking them for their attendance. A motion was made and seconded to approve the meeting summary notes from the previous meeting; no corrections or comments were made, notes were approved unanimously.

Discuss and Approve Draft Planning Committee Bylaws

Suggestion was made that paragraph 3.1, secretary/treasurer be stricken, because NCTCOG, who serves as the Committee's treasurer and secretary, cannot be voting member.

Mr. Scrivner said that the bylaws were structured around a suggested format from NPSTC.

Question: "how many votes the state of Texas will receive?". It will receive one, according to the bylaws, under "Voting".

Comment: every entity under an agency, as long as they had a license, would be permitted to vote. It is up to the committee how that stipulation should be interpreted. Mr. Blair clarified that the intent was for every agency eligible to hold an FCC license would be eligible to vote. Mr. Keithley asked for clarification: "if a city had a different license for each entity (Fire, Police, EMS), would they have one vote or three votes?" Mr. Keithley raised the issue that some cities do not have all three agencies and therefore could not hold three licenses.

Mr. Scrivner reminded the committee that the stipulation from the FCC is that the entity (city or county, in this case) must only need to be eligible; it does not necessarily need to hold the license. Mr. Scrivner believed that this differing number of votes per city would not cause a great amount of dissent. In the new definition of Public Safety, any agency, which qualifies for a government license, will qualify as Public Safety.

Motion to strike secretary/treasurer from paragraph 3.1 and 3.2 was made. Mr. Scrivner stated that 3.2 also mentions voting. Motion and second were made. No further discussion. Motion carried unanimously.

Region 40 700 MHz Plan / Central and North East Texas

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Motion to approve the modified bylaws was requested by Mr. Scrivner. Motion to accept bylaws as modified was made, and seconded. No further discussion. Motion carried unanimously.

Mr. Keithley thanked Mr. Joe Blair for his hard work on the bylaws, as did Mr. Scrivner.

Announce Chairs of Sub- committees: Appointed by Chairman Scrivner for Interoperability, Technical and Planning, and Implementation (Outreach)

Chairman Scrivner asked Gerard Eads to chair the Interoperability Sub-committee. Pam Palmisano was selected chair of the Outreach Sub-committee, and Peter Ungar was asked to serve as chair of the Technical and Planning Sub-committee. Mr. Scrivner indicated that the chairs would contact those who signed up interested in participating in the various Sub-committees. If you have not signed up and wish to help, please make your desires known to the chairs of the committees.

The State of 700 MHz Planning Nationwide

Mr. Scrivner introduced Betty Rhinehart from Motorola, who gave a presentation on the current status of 700 MHz planning. Ms. Rhinehart has worked very closely with the FCC during her tenure with Motorola. A few of the highlights from her presentation included:

Report from Recent NCC Meeting, consisted of Technical Sub-committee, Interoperability Sub-committee, Implementation Sub-committee:

1. Technical Sub-committee:

TIA recommended Scalable Adaptable Modulation (SAM) as wideband I/O standard.

2. Interop Subcommittee:

Develop common nomenclature for IO channels, all bands.

Recommend that SIECs manage all IO spectrum, not just 700mhz.

Recommend use of ICS for all but day-to-day IO.

3. Implementation Sub- committee:

Minor modifications to guidelines.

Discussed channel-loading criteria.

NPSTC support office conducting training on the CAPRAD database

B. Syracuse Research developing a program to pre-populate the CAPRAD database:

Syracuse Research CAPRAD Pre-Population proposal

Allot frequencies in 25kHz bandwidth would have 250 KHz separation to minimize combined loss.

Each county system would have at least four voice and one data channels.

Terrain factors would be used for best frequency reuse.

Regions can modify the NYSTEC allocation, if desired.

Input from targeted Regional Chairs (CA, MO, NY) is necessary.

The goal is to have CAPRAD pre-population completed by end of January 2003.

Loading Criteria should be Specified per 25 KHz of spectrum, instead of

Based on individual emissions or initial technical choice.

Given the integrated design of voice and data systems, voice and data loading should be evaluated together using consistent criteria.

Recommend a loading criteria of 200 users per 25khz of spectrum for both voice and integrated data.

Data- loading should be based on current rules.

Region 40 700 MHz Plan / Central and North East Texas

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C. NCC implementation subcommittee prepared the following document to be used by regional planning agencies:

GUIDELINES, SUGGESTION ON HOW TO ADDRESS EACH OF THE REGIONAL PLAN ELEMENTS

- draft bylaws,
- draft dispute resolution process,
- a report on DTV transition,
- a final checklist.
- start/finalize regional plans NOW!
- approved regional plans provide impetus to force broadcast TV out of the band sooner.
- protect incumbent analog and new digital TV receivers in the 746-806 MHz band until broadcast transition ends. Deadline is December 31, 2006 to end analog broadcasts. Market exceptions may be granted by FCC, because less than 85 percent of the households are served by digital TV services. At least one of four Nat'l TV network affiliates is not broadcasting digital.
- Licenses within 120km of Canada and Mexico are subject to future agreements with those countries. Canada has allotted DTV to all full.
- Full access, can TV be moved out faster?
- Ongoing FCC policy discussions,
- Voluntary negotiations between TV incumbents and eventual geographic licensees
- Will commercial carriers in 30mhz segments help buy/push out incumbent TV broadcasters?
- Auction has been delayed indefinitely
- Many commenters in the 800 MHz re-banding docket are proposing that this spectrum go to public safety/federal.
- Also imposed deadlines on TV set manufacturers. 36" and larger has to have 80% of them have DTV tuners, and following year, 100%.
- Rep Billy Tauzin (*R-LA) is sponsoring a house bill to make 12/31/06 a date certain for both co- and adjacent channel TV to vacate the band.
- Need companion Senate bill

Mr. Scrivner asked about sending regions to be trained on database, and who might fund that? Part of the funding would be used for that. Hopefully, more funding will be allocated, but presently, the additional funds have only been for regions that hadn't yet requested their initial funds. First classes are all filled up, but more will take place in 2003; they take place monthly.

Mr. Scrivner asked; if the push is for channel loading area, rather than site specific. What defines an area? Ms. Rhinehart said that has more to do with simulcast loading criteria, as opposed to a multicast. The area would be the size of a simulcast cell. The database does not favor nor disfavor simulcast over multicast – it works nearly the same, except that in multicast, you have to load more units into one location, as opposed to simulcast, where only one would be needed.

Mr. Scrivner thanked Ms. Rhinehart for her presentation.

Other Business / None.

Next Meeting / Tentatively scheduled for after the first of the year. Committee members will be notified when a final date is set.

Adjourn.

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

REGION 40, 700 MHz PLANNING COMMITTEE MEETING

NCTCOG OFFICES

FEBRUARY 24, 2003

1:00 P.M.

AGENDA

APPROVAL OF OCTOBER 2 MEETING SUMMARY NOTES

REPORT FROM IMPLEMENTATION SUB-COMMITTEE

REPORT FROM INTEROPERABILITY SUB-COMMITTEE

REPORT FROM PLANNING AND TECHNOLOGY SUB-COMMITTEE

TEXAS INTERMEDIATE INTEROPERABILITY PROPOSAL : Bob Pletcher
Developed by the Texas Interagency Radio Work Group

OTHER BUSINESS

NEXT MEETING DATE

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

SUMMARY

REGION 40, 700 MHz PLANNING COMMITTEE

MEETINGS

FEBRUARY 24, 2003

NCTCOG OFFICES

SUMMARY OF SUB-COMMITTEE MEETINGS

Sub-committees' Meeting

As planned, the three sub-committees met in the morning of the 24th to review their planning responsibilities and begin to frame their part of the plan. All persons wanting to serve on the sub-committees convened in the Boardroom, joined their respective committees, and were shown to their meeting rooms.

The **Interoperability Sub-committee**, chaired by Gerard Eads, met at 10:30 in the Committee Room to review the Chairman's power point presentation and to prepare for reporting out at the 1:00 General Session. (*To be covered under General Session Summary, below*)

The **Technology and Planning Sub-committee**, chaired by Peter Ungar, met at 10:30 in the 4th floor Board Room to review the Committee's charge and prepare for reporting out to the General Session at 1:00. (*To be covered under General Session Summary, below*)

The **Implementation (Outreach) Committee**, chaired by Capt. Pam Palmisano, met in the 4th floor Committee Room at 10:30 to review their work and prepare for reporting out to the General Session at 1:00. (*To be covered under General session Summary, below*)

GENERAL SESSION SUMMARY

The meeting began sharply at 1:00 p.m. and was conducted by Chairman Scrivner. He welcomed everyone to the 3rd planning meeting of Region 40, 700 MHz, and suggested that the meeting move as quickly as possible to conclude before the pending severe weather set in. He expressed his appreciation for the excellent attendance at both the Sub-committee sessions as well as at the General Session. More than 45 persons attended the General Session.

Chairman Scrivner stated that he hoped this would be a starting point for developing the 700MHz plan that will eventually position local public safety agencies to receive improved communications.

Approval of the October 2 Meeting Summary: Chairman Scrivner called for any comments as to the October 2 Summary notes and hearing none, called for a motion to approve them. A motion was made and seconded and the motion passed unanimously.

Report from the Interoperability Sub-committee: Chairman Scrivner requested Gerard Eads to report on the discussion from earlier that morning when the Sub-committee met. Mr. Eads reviewed the discussion points as follows:

The purpose of the Sub-committee was stated as, "To develop the Interoperability section of the 700 MHz Plan".

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The Sub-committee proposed to invite some vendors to show their capabilities. This display would not be for the Region 40 Committee alone, but would be open for all public safety personnel from throughout the Region 40 area.

Discussed also, was the need for effective management of the 700s. There must be control of the repeaters so that effective inter-agency communications would be assured.

There is the question of coordination of the 700 and 821 MHz plans, once the 700 plan is complete. How will the interop frequencies be managed? The Sub-committee will have to recommend options from which a workable solution will be found.

There may be grant funds for this planning operation.

Mr. Eads suggested that the full Committee may wish to examine the Region 5, Los Angeles plan which may be complete, but not yet approved.

The next Sub-committee meeting is scheduled for April 14, 10:00 a.m., NCTCOG's Committee Room. (same room as on February 24).

Report from the Implementation Sub-committee: Chairperson, Pam Palmisano, reported some of the Implementation Sub-committee's discussion as follows:

The Sub-committee's charge is to contact and encourage as many persons as possible to participate in the planning process.

The Sub-committee will serve as a point of information to other jurisdictions so that as broad an audience as possible may have the opportunity to participate and understand the plan.

NCTCOG was encouraged to develop a web site for the 700 MHz planning and include any notes (Minutes) that may be generated during Region 40 meetings.

The Sub-committee requested Fred Keithley to furnish as many names, addresses, and email addresses of public safety personnel, as possible.

Report from the Technology and Planning Sub-committee: Sub-committee chairman, Peter Ungar, reported on the discussion of the sub-committee to include the following:

The Sub-committee suggested that this region may need to shift to a new paradigm as to the use of spectrum. The shift might be away from just considering the use of additional voice channels to data, voice, and video.

Also, it was suggested that industry representatives may wish to be called in to tell us where this region should be five to ten years from now.

The 700 plan should be visionary and not "business as usual" when it comes to the use of the new spectrum.

The Sub-committee will have the first rough draft of its part of the plan by the next Sub-committee meeting now scheduled for April 14, 10:00 a.m., in NCTCOG's 4th floor Boardroom. (same room as on February 24).

The Texas Intermediate Interoperability Proposal item was explained by Chairman Scrivner in the absence of the Robert Pletcher, the Texas Radio Work Groups Chairman. Chairman Scrivener

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explained that state agencies like DPS, TxDOT, and others will use VHF frequencies for interagency communications in that they already use those frequencies. The state group believes this to be an intermediate solution until a better plan is developed. Pat Worsham, TxDOT, helped explain the state group's approach to use existing frequencies that are available throughout Texas.

Other Business: Chairman Scrivner asked if there were other business to discuss. He wrapped the meeting by thanking all who attended and encouraged them to return to the next meeting that will be announced at a later date. He reminded them that the entire plan is due in completed form by October '03 and that it will take an effort on everyone's part to meet that deadline.

Next Meeting Dates:

The Interoperability Subcommittee and the Technology and Planning Subcommittee will meet:

ON: April 14, 2003
FROM: 10:00 – 11:30 a.m.
AT: The North Central Texas Council of Governments
616 Six Flags Drive, Arlington
Interoperability Subcommittee - 2nd Floor Committee Room
Technology and Planning Subcommittee - 4th Floor Board Room

General Session meeting with the following subcommittees also meeting:

ON: May 6, 2003
FROM: 10:00 – 11:30 a.m. *Subcommittee meetings*
1:00 – 3:00 p.m. *General Session*
AT: The North Central Texas Council of Governments
616 Six Flags Drive, Arlington
Interoperability Subcommittee - 2nd Floor Committee Room
Technology and Planning Subcommittee - 4th Floor Board Room
General Session – 2nd Floor Board Room

Website. This information may be found at www.nctcog.org/hs/radio/index.html

Respectfully submitted,

Fred Keithley

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J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

AGENDA

MAY 6, 2003

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS'
EXECUTIVE BOARD ROOM

1:00 P.M.

WELCOME

INFORMATIONAL ITEMS

SUB-COMMITTEE REPORTS

-INTEROPERABILITY

 -PLANNING AND TECHNOLOGY

 -IMPLEMENTATION

REQUEST FOR PROPOSAL: DESIGN OF INTEROPERABILITY NETWORK

PROGRESS REPORT: STATE PLAN DEVELOPMENT: ROBERT PLETCHER, TEXAS
INTERAGENCY WORK GROUP

BRIEF ANNOUNCEMENT: DALLAS AREA RAPID TRANSIT

ACTION ITEM

FUNDING FOR DATABASE TRAINING

OTHER BUSINESS

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

SUMMARY

REGION 40 700 MHz PLANNING COMMITTEE ITEMS
FROM MEETING OF MAY 6, 2003
NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
ARLINGTON, TEXAS

MORNING SESSION: Sub-committees Meet

The Sub-committees met at 10:00 a.m. to discuss future activities. A brief review of what transpired follows:

Interoperability Sub-committee: The Interop Sub-committee was convened by Sub-committee Chairman Gerard Eads and expressed the need to appoint a “working group” of 5-7 persons who would be responsible for drafting the section on Interoperability. Appointments to the Group would be made by the Interoperability Chairman and announced well before the next Region 40 meeting.

It was noted that several different “solutions” to inter-agency/personnel communications are now on the market and that one role of the Interop Committee will be to examine and recommend to Region 40 the best solution for this region. A solution may be one of immediate or short term until a more comprehensive and longer- range solution is developed. All members recognized the need for substantial funding support to implement the long- range solution, especially if it is built around 700 MHz.

Robert Pletcher, Chairman of the Texas Interagency Radio Work Group, (IRWG), reviewed the State agencies’ initiative to achieve interoperability through the use of existing VHF frequencies. He explained that most of the state agencies, including the Department of Public Safety, use VHF, as do many local public safety agencies throughout Texas. IRWG sees this initiative as an immediate solution to interoperability, until a better one is determined. The Committee pointed out, however, that the VHF solution does not solve the problem of many agencies that use other frequencies on 800 and 450 MHz bands.

Mr. Keithley asked Mr. Pletcher about timelines, direction, and coordination as the state develops its part of the state plan. Mr. Pletcher remarked that the state would follow much of what the regions in Texas were doing and that Region 40 would be welcome at the IRWG table anytime the state committee met. It was agreed that a representative from Region 40’s Interop Sub-committee would be there.

It was noted by Fred Keithley that an agreement to develop a RFP for systems design has been assigned and the specifications for the RFP should be ready to review by the first of June. The RFP will request from consultants the design of an intermediate interoperability system and specifications that will support network development in the future.

There being no further business, the Interop Sub-committee adjourned at 12:30 p.m.

Planning and Technology Sub-committee (PTS): The PTS convened by Sub-committee Chairman Peter Ungar, reviewed their charge to assure that FCC guidelines for the development of the Region 40 plan are followed and inclusive of all requirements.

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Mr. Ungar handed out the first draft of the plan recognizing that components, such as Interoperability still needed to be included. The Sub-committee reviewed his work and made suggestions, as needed. The Sub-committee will return at a future date with more substantive remarks.

There being no further business, the Sub-committee adjourned at 11:30 a.m.

Implementation (Outreach) Sub-committee: Captain Pam Palmisano, Chairperson of the Implementation Sub-committee convened the meeting to discuss databases and the methods used to get the word out to as many Region 40 jurisdictions as possible. Hard copy, e-mail and fax have been used to communicate with possible planning participants since the planning began. The Sub-committee has always been conscientious about outreach and continues to look for ways to be as inclusive as possible.

After discussing their outreach activities and seeing no further business, the Sub-committee adjourned at 11:30 a.m.

AFTERNOON SESSION: Full Region 40 Meeting (1:00 p.m.)

Chairman Dan Scrivner opened the meeting by welcoming more than 50 attendees. Chairman Scrivner asked for each of the Sub-committees to report the business they conducted during the morning sessions of sub-committee meetings.

Sub-committee Reports

Interoperability: (Please see comments noted in the Morning Session.)

Planning and Technology: (Please see comments noted in Morning Sessions.)

Implementation, (Outreach): (Please see comments noted in Morning Session.)

Request for Proposal: Design of Interoperability Network

Persons attending were informed that a small contract was assigned to develop an RFP for the design of an interoperability system. The RFP should be ready by the first of July 03. The RFP will include specifications for the implementation of equipment and network modifications, if any. The design will be a blueprint for the development of an operational interoperability communications system if sufficient resources become available.

Progress Report: State Plan Development

Robert Pletcher, Chairman of the Texas Interagency Radio Work Group (IRWG), reported that state agencies were going to operate under the VHF band for interoperability because most of them already have that capability. Also, Mr. Pletcher noted that some Federal and local public safety agencies continue to operate over the VHF channel, as well. The IRWG sees this solution as an immediate solution, but not necessarily a permanent one to interoperable communications.

Mr. Pletcher encouraged Region 40 to be represented at each IRWG meeting to stay informed of state initiatives and future developments regarding interoperability. (Also, see comments above in Morning Session).

Brief Announcement: Dallas Area Rapid Transit (DART)

A representative from DART suggested that NEXTEL rebanding should be of concern to local agencies because of potential interference issues. (DART notes are on file should anyone wish to see them).

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Funding for Database Training

Chairman Scrivner explained that before 700 MHz frequencies could be distributed, someone should be trained on the database. It was noted that Ken Yoder, State Frequency Coordinator, would assume this position but would need training in Colorado. A motion to help pay for Mr. Yoder's expenses was made by Joe Blair and seconded by Gerard Eads; the motion passed without questions.

Other Business

Chairman Scrivner suggested that the next two meetings be held at locations other than the Council of Governments.

There being no further business, Region 40 adjourned at 2:30 p.m.

Respectfully submitted,

Fred Keithley, Region 40 Coordinator

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AGENDA

Meeting of Region 40
700 MHz Regional Planning
July 17, 2003

1. Approval of the Draft Regional Plan
2. Report on Selection of Consultant to Develop a System for Interoperability
3. Report on Efforts of Federal Agencies to Implement an Interoperability System
4. Progress Report on SEIC
5. Discussion of 4.9 GHz Allocation for Public Safety
6. Other Business
7. Schedule for Subsequent Region 40 Meetings
8. Adjourn

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SUMMARY

REGION 40 BUSINESS

JULY 17, 2003

DFW PUBLIC SAFETY BUILDING

2:00 P.M.

REGION 40 met at the DFW Public Safety building July 17 at 2:00 p.m. Tommy Sheehan, Director of Public Safety welcomed those in attendance.

The following items reflect Committee consideration of the agenda, as written.

Plan Approval. The first order of business was to request approval of the draft 700 MHz Plan for the Region 40 area. Dan Scrivner, Chairman of Region 40, provided a brief overview of the Plan, stating that its purpose is to be used as a way to manage the distribution of 700 MHz frequencies once they are released for public safety. Several were raised:

On interoperability, "What does the plan include?" Chairman Scrivner answered that Project 25 standards will be included in all radios, and all radios will have interoperability capability.

Will the interoperability be conventional or digital? Mr. Scrivner answered that both will be included.

Who can apply for the frequencies? The frequencies are for public safety.

Sean Hughes asked if NCTCOG could be given several interop channels to which local agencies could apply. This would assure that inter-regional communications would take place, if needed. It would be the responsibility for public safety agencies to seek their licenses from COG. COG would manage the plan. Mr. Scrivner answered that there is nothing in the Plan that would preclude that arrangement.

Mr. Scrivner pointed out that the State will write the plan based on much that is in the regional plans. The state will license the frequencies.

A question was raised about funding. Gerard Eads answered that the Plan addresses the management of 700 MHz licensing throughout Region 40 and does not address funding or operational matters.

There being no further questions, Chairman Scrivner called the question. Pat Worsham, Department of Transportation, moved to accept the plan as drafted. Pam Palmisano, Captain, Collin County Sheriff's Department, seconded the motion. The motion passed unanimously. The draft plan will be refined before it is forwarded to the FCC for approval.

Chairman Scrivner then took a few moments to thank the members of Region 40 for their work and review of the Plan, as well as a few members in particular: Pam Palmisano, Gerard Eads, Peter Ungar, and Fred Keithley.

Interoperable Communications Consultant. Chairman Scrivner informed the Committee that NCTCOG has commissioned RCC Consultants Inc to develop recommendations leading to immediate, intermediate, and long-range solutions to effective interoperable communications. RCC will meet with as many public safety agencies as possible during its development of the recommendations.

Federal Agency Assistance. Chairman Scrivner also informed the Committee of a meeting on June 30 during Department of Justice representatives met with many public safety personnel at NCTCOG to determine interoperable communications needs. The intent of the meeting was to determine whether the region was prepared to implement interop solutions immediately. DOJ made the offer to fund and implement whatever solution was feasible for the region, and do so now. Public safety representatives

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needed more time to review the matter. DOJ said that it would return later in the year once local representatives had developed consensus.

SEIC Informational Item. Robert Pletcher, Chairman of the Texas Interagency Radio Work Group, complimented Region 40 for achieving a milestone, approval of the 700 MHz Plan. Mr. Pletcher informed the Committee that Capitol Area Planning Council received funds to pilot an interop project using emerging technology.

He mentioned also, that DPS would be responsible for managing 700 MHz interop channels. He stated that the TEIC Board will be composed of state agency representatives and the Chairs of the regional communications bodies, like Region 40.

4.9 GHz. Chairman Scrivner indicated that local public safety agencies could license for their jurisdictional area. Also, he said that the regions need to develop plans on the use of the channels, even though jurisdictions do not have to have a license. Chairman Scrivner asked for a volunteer to chair the 4.9 GHz planning committee. No volunteers were immediately identified.

Other Business: Project 25 was discussed briefly by Chairman Scrivner. He indicated that HB 1, says that grant funds should be spent first on Project 25 equipment. He asked if the region should adhere to this standard or evaluate its use on a case-by-case basis, since the terminology is permissive. Chief Varner, Carrollton Fire Department, stated that P25 is not compatible with Smart Zone, their system and that it is not flexible to use across the board. It was agreed that Region 40 would monitor the situation.

Fred Keithley thanked Chairman Scrivner for his leadership in developing the 700 MHz Plan, as well as the Committee members who provided much assistance towards its completion.

There being no further business, the Committee adjourned.

Respectfully submitted,

Fred Keithley,
Director of Community Services, NCTCOG
Region 40 Coordinator

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J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

AGENDA

REGION 40 COMMITTEE MEETING
TUESDAY DECEMBER 2, 2003
COLLIN COUNTY SHERIFF'S OFFICE
2:00 P.M.

WELCOME

APPROVE MEETING SUMMARY FROM JULY 17, 2003

PRESENT FINAL 700 MHz PLAN

CONVENE 4.9 GHZ COMMITTEE AND APPOINT CHAIR

PRESENT ABBREVIATED INTEROPERABLE COMMUNICATIONS PLAN
(FULL PLAN WILL BE PRESENTED DECEMBER 9, 1:30, NCTCOG OFFICES)

DETERMINE LOCATION AND DATE OF NEXT MEETING

OTHER BUSINESS

ADJOURN

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

SUMMARY OF REGION 40 MEETING

DECEMBER 2, 2003

COLLIN COUNTY SHERIFF'S FACILITY

Region 40 Chairman Dan Scrivner, welcomed the attending members of Region 40 and called the meeting to order at 2:00 p.m., December 2, 2003. Mr. Scrivner then asked for a motion to accept the Summary (minutes) of the July 17, 2003 meeting. Gerard Eads, City of Arlington, motioned to accept the Summary. Pam Palmisano, Collin County Sheriff's Department, seconded the motion which passed unanimously.

Presentation of Final 700 MHz Plan.

Chairman Scrivner announced that, with the exception of some minor additional material, the Plan has been completed. He mentioned that one major item still remaining is to seek approval from the surrounding regions; Regions 04, 18, 34, 49, 50, 51, and 52. He pointed out that several of the regions had not started the planning process and that Region 40 would request a waiver from the FCC to activate the Plan without approval from Regions 4, 34, 51, and 52.

He thanked the Chairs of the subcommittees; Pam Palmisano, Implementation/Outreach; Gerard Eads, Interoperable Communications; and Peter Ungar, Technology and Planning, and their subcommittee members who worked on the various sections of the Plan. He then thanked Fred Keithley for his work in coordinating the plan development process and bringing the Plan's sections together into one cohesive document. Mr. Scrivner asked if there were questions or comments on the Plan. Hearing none, he addressed the next agenda item.

Convene the 4.9 GHz Committee and Appoint a Chairman

Chairman Scrivner introduced the next item and pointed out that Region 40 should develop a plan on the use of 4.9 GHz spectrum. He appointed Ron Goldsmith, City of Plano, to Chair this effort and ask others to assist. Mr. Scrivner indicated that the State will license these channels. He was asked when the plan will be due and replied that the rules are found in the rule-making documents of the FCC.

Abbreviated Presentation of Interoperable Communications Plan

Chairman Scrivner indicated that the North Central Texas Council of Governments had commissioned RCC Consultants to assess the interoperable communications needs of the 16-county NCTCOG region and develop recommendations which would assist local public safety agencies in achieving interoperability. He mentioned that the Report is nearly complete and that many good systems have been identified to help remedy interoperable communications weaknesses. He announced that the Report would be presented December 9 at 1:30, NCTCOG offices, Arlington, Texas. The consultant will respond to questions from public safety officials and other interested persons attending the meeting.

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Determine Location of Next Meeting

Chairman Scrivner indicated that it was his intent to hold Region 40 meetings at locations throughout the Region 40 area and that the next meeting may be held in an East Texas area to be announced. The meeting will be held in sometime in the first quarter of 2004.

Other Business

Mr. Scrivner asked if there were other business that members of Region 40 wished to discuss. Hearing of none, the meeting was adjourned at 2:45 p.m.

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

SHARING AGREEMENT TEMPLATE

(Agency letterhead of Licensee)

TO: (recipient person and title)
(Recipient agency)

FROM: (authorizing person and title)
(Authorizing agency)

DATE: (mm/dd/yyyy)

SUBJECT: Sharing Agreement

_____(grantor) authorizes _____(grantee) to operate _____
(quantity) mobile (vehicular or hand-held) radios. Such operation shall be per the following parameters.

Call Sign	Frequency	Max. Power	Channel Description
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(Use additional attachments as necessary for more frequencies/channels)

This written agreement applies to operations in cooperation and coordination with activities of the licensee per Region 40 CC Rules 47 CFR Parts 2.102(c), 2.103 and 90.421 and Part 7.12 of the NTIA Manual. Furthermore, grantor reserves the right to effectively eliminate the possibility of unauthorized operation, which ultimately could result in terminating this written agreement.

Region 40 700 MHz Plan / Central and North East Texas

J. Daniel Scrivner, PE, Chair / Voice: 214-670-7995 / Email: j.scrivner@dallascityhall.com

APPENDIX L

WAIVER OF CONSENT FROM UNRESPONSIVE ADJACENT REGION

Region 40 requests a waiver of Rule Section 90.527(a)(5) which requires that written consent be obtained from all adjacent 700 MHz Regional Planning Committees. Region 40 is adjacent to 7 Regions. The Regions to which Region 40 is adjacent, and the status of that Region's 700 MHz RPC is shown in the following table:

Region #	RPC Status	Consent Obtained
Region 04, Arkansas	Formed	Yes
Region 18, Louisiana	Formed	Yes
Region 34, Oklahoma	Formed	No
Region 49, Central Texas	Formed	Yes
Region 50, West Texas	Formed	Yes
Region 51, East Texas (Houston)	Formed	Yes
Region 52, Texas Panhandle	Formed	Yes

Region 40 has made every reasonable effort and used every possible method to contact and obtain the consent of all adjacent Regions. Region 40 has received consent from all adjacent 700 MHz RPCs except for Region 34.

Region 40 has provided a hard copy of its Regional Plan to the Chairperson of Region 34 but despite all efforts has yet to receive any response. Region 40, over 21 months, has contacted, Stephen Williamson, Chair, Kevin Shoemaker, Vice-Chair and Gene Thaxton, previous Chair, of Region 34 via USPS mail, electronic mail and telephone on numerous occasions.

In developing its Plan, Region 40 has followed the recommendations of the National Coordination Committee's (NCC) Implementation Subcommittee and set aside spectrum at the Regional border with Oklahoma based on population. That portion of Region 40 that is directly adjacent to Region 34 is extremely rural. Region 40 believes that the set-aside 700 MHz frequencies will be more than sufficient for Region 34's use when that Region seeks to allocate the 700 MHz band.

Region 40 has obtained signed Inter-Regional Dispute Resolution Agreements from the following adjacent Regions:

Region 04, Arkansas
Region 18, Louisiana
Region 49, Central Texas
Region 50, West Texas
Region 51, East Texas
(Houston)
Region 52, Texas Panhandle

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Because Region 34 is non-responsive, Region 40 is unable to obtain a signed Inter-Regional Dispute Agreement at this time. Region 40 has provided the Chair of Region 34 with a copy of the Inter-Regional Dispute Resolution Agreement in place with the 6 other Regions to which Region 40 is adjacent. Region 40 anticipates entering into the same or similar agreement with Region 34.

By following the planning procedures described above, Region 40 believes that Region 34 will have sufficient spectrum to meet its needs when it elects to commence 700 MHz Regional Planning.

For these reasons, Region 40 asks that the FCC waive the requirements of 90.527(a)(5) (signed consent and a signed Inter-Regional Dispute Resolution Agreement) as it relates to Region 34.

Respectfully submitted.

J. Daniel Scrivner, PE
Chair, Region 40
j.scrivner@dallascityhall.com
(214) 670-7995
3131 Dawson St.
Dallas, TX 75226