



# PUBLIC NOTICE

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## **PUBLIC SAFETY 700 MHz BAND—STATE LICENSE OPTION TO APPLY RUNS THROUGH DECEMBER 31, 2001<sup>1</sup>**

By this Public Notice, the Wireless Telecommunications Bureau (WTB) alerts each state and jurisdiction listed below of its option to apply for a 700 MHz band State License for public safety services:

- Each of the fifty United States
- District of Columbia
- U.S. Virgin Islands
- Commonwealth of Puerto Rico
- Commonwealth of the Northern Mariana Islands
- American Samoa and Guam

### **PUBLIC SAFETY 700 MHz BAND – STATE LICENSE**

Twenty-four megahertz of radio spectrum is allocated for public safety services at 764-776 MHz and 794-806 MHz (“Public Safety 700 MHz band”). The FCC has designated 2.4 megahertz of the Public Safety 700 MHz band as State channels. This designation is a total of 192 channel pairs (at 6.25 kHz bandwidth operation) or 96 channel pairs (at 12.5 kHz bandwidth) located in the narrowband segments of the Public Safety 700 MHz band.

### **FILE APPLICATION FOR STATE LICENSE BY DECEMBER 31, 2001**

Each state has the option to apply for a statewide, geographic area license (“State License”) for all of the State channels. States can also apply for less than all of the State channels; whatever part of this 2.4 megahertz that a state has not applied for by December 31, 2001, will revert to General Use. **Attachment A** to this public notice is a “Fact Sheet” with additional information about the State License.

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<sup>1</sup> In January 2001, the FCC decided that each state has the option to administer the 2.6 megahertz of Public Safety 700 MHz band spectrum designated for interoperability. The deadline for notifying the FCC of this decision is also December 31, 2001. *See* Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *Fourth Report and Order and Fifth Notice of Proposed Rule Making*, FCC 01-10 (rel. January 17, 2001); available online at <http://www.fcc.gov/wtb/publicsafety/2001docs.html>.

The elected chief executive, *e.g.*, the Governor, of each state (or his or her designee) is the person authorized to apply for the State License using FCC Form 601. **Attachment B** to this public notice contains additional information about how to apply for a State License.

If you have any questions or comments concerning the information contained in this public notice, you may contact Joy Alford, Public Safety and Private Wireless Division, Policy and Rules Branch, at (202) 418-0680 or by e-mail: [publicsafety@fcc.gov](mailto:publicsafety@fcc.gov).

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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## FACT SHEET

### PUBLIC SAFETY 700 MHz BAND – STATE LICENSE

**State License – 2.4 megahertz of spectrum** The Public Safety 700 MHz band allocation offers a unique opportunity to facilitate the development of wide-area multi-agency trunked public safety radio systems.<sup>2</sup> In this connection, the FCC designated 2.4 megahertz of the Public Safety 700 MHz band as State channels for which each state<sup>3</sup> has the option to receive a single, geographic area license. This designation is a total of 192 channel pairs (at 6.25 kHz bandwidth operation) or 96 channel pairs (at 12.5 kHz bandwidth) located in the narrowband segments of the Public Safety 700 MHz band. Under this “State License” approach, it is anticipated that states will be able to apply their unique expertise and knowledge to best use the radio spectrum to meet the public safety needs of their citizens.

**State License is a geographic area license** Generally, radio spectrum used for private internal services, including public safety, is licensed on a frequency-by-frequency, site-by-site basis—a process designed to license dispatch radio systems used in local areas.<sup>4</sup> The FCC has recognized that this licensing process is very cumbersome for radio systems comprised of several hundred sites; site-based licensing also deprives licensees that need to cover a wide geographic area of flexibility to move transmitter sites throughout a defined service area without obtaining prior FCC approval.<sup>5</sup> For these types of systems, licensing based on pre-defined service areas poses significant advantages, over site-based licensing.

In this case, the geopolitical boundaries of each state form an appropriate and convenient geographical licensing area for public safety radio spectrum. Specifically, the State License offers these advantages:

- Greater operational flexibility;
- Inherent ability to simplify radio system expansion; and
- Easing of administrative burdens.<sup>6</sup>

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<sup>2</sup> See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *Third Memorandum Opinion and Order and Third Report and Order (Third MO&O and Third R&O)*, 15 FCC Rcd 19844, 19864 ¶ 48 (2000); available online at <http://www.fcc.gov/wtb/publicsafety/2000docs.html>.

<sup>3</sup> “State” is defined as any of the 50 United States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, the U.S. Virgin Islands, American Samoa, and Guam. 47 C.F.R. § 90.7.

<sup>4</sup> See *Third MO&O and Third R&O*, 15 FCC Rcd at 19867-68 ¶ 55.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

As with other geographically licensed services, no further FCC authorization is required under a State License to construct and operate transmitters within the state, except for proposed operations or sites that raise environmental or international coordination issues.<sup>7</sup>

## GENERAL OPERATING AND TECHNICAL REQUIREMENTS

Section 337 of the Communications Act<sup>8</sup> and the FCC's Rules, including Parts 1 and 90,<sup>9</sup> govern the licensing and use of this band. Several provisions are highlighted below:

- The Public Safety 700 MHz band is allocated for services—the sole or principal purpose of which is to protect the safety of life, health, or property—that are not made commercially available to the public by the provider.
- When planning sites or facilities, State Licensees must ensure compliance with Subpart R of Part 90 (Regulations Governing the Licensing and Use of Frequencies in the 764-776 and 794-806 MHz Bands)<sup>10</sup> including:
  - Section 90.533 (Transmitting sites near the U.S./Canada or U.S./Mexico border)
  - Section 90.545 (TV/DTV interference protection criteria)
- State Licensees may operate facilities in interstate boundary areas so long as the field strength of station transmissions is limited to 40 dBu/m at the licensee's geographic border. Adjoining states may agree to alternate field strengths at their common border.<sup>11</sup>
- When planning sites or facilities, State Licensees must ensure compliance with 47 C.F.R. § 1.924 (Quiet Zones).

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<sup>7</sup> Whether licensed geographically or on a site-specific basis, major applications require prior FCC approval. *See* 47 C.F.R. §§ 1.929, 1.947. Major applications include applications for: initial authorization; any substantial change in ownership or control, including requests for partitioning and disaggregation; license renewal; a facility that would have a significant environmental effect as defined by 47 C.F.R. §§ 1.1301-1.1319; and applications requiring frequency coordination pursuant to the FCC's Rules or international treaty or agreement. *See* 47 C.F.R. § 1.929. Channel assignment and/or usage are subject to the applicable provisions and requirements of treaties and other international agreements. 47 C.F.R. § 1.923(g).

<sup>8</sup> 47 U.S.C. § 337.

<sup>9</sup> 47 C.F.R. Parts 1, 90.

<sup>10</sup> 47 C.F.R. §§ 90.521-90.553.

<sup>11</sup> *See Third MO&O and Third R&O*, 15 FCC Rcd at 19873 ¶¶ 67 & n. 207 citing 47 C.F.R. § 73.699, Fig. 10.

- Owners of certain antenna structures must notify the Federal Aviation Administration, and register with the FCC as required by Part 17 of the FCC's Rules.
  - Federal Aviation Administration notification (FAA Form 7460-1) and approval (FAA final determination of "no hazard") requirements govern certain antenna structures.
  - FCC registration (FCC Form 854) is required before any construction or alteration of an antenna structure which requires notification to the FAA. For more information, see our web site at <http://www.fcc.gov/wtb/antenna>, call the FCC's Consumer Center at 1-888-CALLFCC (225-5322), or e-mail questions to [FCCDMD@fcc.gov](mailto:FCCDMD@fcc.gov).
- State Licensees may operate facilities in interstate boundary areas so long as the field strength of station transmissions is limited to 40 dBu/m at the licensee's geographic border. Adjoining states may agree to alternate field strengths at their common border.
- State Licensees may share the use of their radio systems with any entity that would be eligible for licensing in the Public Safety 700 MHz band (*see* 47 C.F.R. § 90.523) and Federal government entities. *See* 47 C.F.R. § 90.179(g).

**INTERIM SUPPLEMENT TO FCC FORM 601 - INSTRUCTIONS  
FOR  
APPLICATIONS FOR A STATE LICENSE UNDER FCC RULES, § 90.529**

The Universal Licensing System (ULS) is the interactive licensing database developed by the Wireless Telecommunications Bureau (WTB) to consolidate and to replace eleven existing licensing systems used to process applications and grant licenses in wireless services. ULS provides numerous benefits, including fast and easy electronic filing, improved data accuracy through automated checking of applications, and enhanced electronic access to licensing information. FCC Form 601 (and Instructions) is essentially the hardcopy version of ULS for manually-filed applications.

The WTB converted existing Land Mobile Public Safety Radio Services to the ULS on October 24, 2000, and revised FCC Form 601 and Instructions as of the conversion date. The FCC Rules for the State License became effective after this conversion so ULS is not yet programmed to process electronically filed applications for State Licenses. We anticipate that ULS will be capable of processing electronically filed applications for State Licenses in mid-2001. In the interim, States should manually file applications for State Licenses following the steps below.

**STEP 1: FCC FORM 601 AND INSTRUCTIONS**

- FCC Forms are available via the Internet at <http://www.fcc.gov/formpage.html>. Copies of these forms also can be obtained by calling the FCC's Forms Distribution Center at 1-800-418-3676 (outside the Washington, D.C., area) or 202-418-3676 (inside the Washington, D.C., area).
- **Please note that the current version of FCC Form 601 and Instructions (November 2000) does not include items or instructions specifically for applications for a State License.**
  - Several items and/or instructions for items are inapplicable or incomplete for applications for a State License. Accordingly, applicants for a State License are advised to use the interim, supplemental instructions below.

**STEP 2: FOLLOW FCC FORM 601-INSTRUCTIONS—EXCEPT FOR THE ITEMS BELOW:**

<b>Item 1:</b> The radio service code is “SL”	<b>Items 14-15:</b> Leave blank
<b>Item 1a:</b> Leave blank	<b>Items 16-24:</b> Applicant’s elected chief executive or his/her designee. (Person to whom FCC should send correspondence during the license term.)
<b>Item 2:</b> NE-New (for initial license)	<b>Items 25-34:</b> If there is a question about the application, the FCC will communicate with applicant’s contact representative.
<b>Item 3a:</b> N/A (Not applicable)	<b>Item 35:</b> “P”
<b>Item 3b:</b> No	<b>Item 36:</b> “M”
<b>Items 4-6:</b> Leave blank	<b>Item 40:</b> All applicants must answer this item.
<b>Item 7:</b> No	<b>Items 41-44:</b> Leave blank
<b>Items 8-11:</b> All applicants must answer these items.	<b>Items 45-48:</b> All applicants must answer these items.
<b>Item 12:</b> Leave blank	<b>Item 49:</b> Leave blank
<b>Item 13:</b> The applicant is the state, district, or territory.	<b>Items 50-51:</b> These items must be completed.

**STEP 3: COMPLETE FCC FORM 601, SCHEDULE B**

- Schedule B of FCC Form 601 is used for geographically licensed services. Most of Schedule B is inapplicable to State License applications. Thus, State License applicants need only complete Items 1 through 3 of Schedule B as indicated below. All other items should be left blank.

**FCC Form 601, Schedule B**

<b>Item 1</b> (“Market Designator”):	Applicant’s two-letter abbreviation (Appendix II of FCC Form 601–Instructions is a list of abbreviations for States, Jurisdictions, and Areas)
<b>Item 2</b> (“Market Name”):	Name of the state, district or territory
<b>Item 3</b> (“Channel Block.”):	“All State channels” –or– List the channel blocks or specific channels if applying for less than all State Channels

**STEP 4: FILE THE APPLICATION**

Send manually filed applications for a State License under 47 C.F.R. § 90.529 to:

Federal Communications Commission  
1270 Fairfield Road  
Gettysburg, PA 17325-7245