



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT 800 MHZ BAND RECONFIGURATION WILL COMMENCE AUGUST 1, 2006, IN THE NPSPAC REGIONS ASSIGNED TO WAVE 2 FOR NPSPAC CHANNELS

WT Docket No. 02-55

In July 2004, the Federal Communications Commission (Commission) adopted a *Report and Order* in this docket which, *inter alia*, reconfigured the 800 MHz band to eliminate interference to public safety and other land mobile communication systems operating in the band.¹ As specified in the *Report and Order*, the band reconfiguration process is being overseen by a Transition Administrator (TA)² which has provided the Commission with a plan detailing when band reconfiguration will commence in each of the fifty-five 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) regions.³ On March 11, 2005, the Bureau approved the TA's basic 800 MHz band reconfiguration schedule, *i.e.*, the grouping of the NPSPAC regions into four waves (Waves 1-4) and starting the reconfiguration process in each wave on the dates recommended by the TA.⁴

As part of the 800 MHz band reconfiguration process, the Commission stated that it would issue a Public Notice thirty days before reconfiguration is scheduled to start in each NPSPAC region.⁵ Each such Public Notice specifies a three-month voluntary negotiation period during which time identified licensees in the regions being reconfigured are encouraged to reach agreement with Nextel on the details of relocating.⁶ The voluntary negotiation period is followed by a three-month mandatory negotiation period,

¹ See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004) (*Report and Order*). See also *Supplemental Order and Order on Reconsideration*, WT Docket No. 02-55, 19 FCC Rcd 25120 (2004) (*Supplemental Order*). See also, *Memorandum Opinion and Order*, WT Docket No. 02-55, 20 FCC Rcd 16015 (2005).

² Additional information on the TA can be found on its web page – www.800ta.org.

³ The TA's band reconfiguration schedule may be viewed at www.800ta.org.

⁴ See Wireless Telecommunications Bureau Approves the Basic Reconfiguration Schedule Put Forth in the Transition Administrator's 800 MHz Regional Prioritization Plan, *Public Notice*, DA 05-619, released March 11, 2005 (*TA Plan PN*). The schedule for Wave 2 NPSPAC channels was later revised. See Wireless Telecommunications Bureau Announces Revision of the Start Date for Negotiations Between Sprint Nextel and NPSPAC Licensees Assigned to Waves 2 and 3 of the 800 MHz Band Reconfiguration, *Public Notice*, DA 06-767, released March 31, 2006.

⁵ See 47 C.F.R. § 90.677(b) and *Report and Order*, 19 FCC Rcd 15076 ¶ 201. See also *TA Plan PN* at 2.

⁶ See 47 C.F.R. § 90.677(b).

if necessary.⁷ The Commission delegated authority to issue these Public Notices to the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau (WTB).⁸

By this *Public Notice*, we announce that the 800 MHz band reconfiguration process for NPSPAC channels will start August 1, 2006, in the NPSPAC regions assigned to Wave 2.⁹ A list of NPSPAC regions assigned to Wave 2 is attached to this *Public Notice*.¹⁰ The three-month period during which NPSPAC 800 MHz licensees have the option of negotiating on a voluntary basis will end October 31, 2006. The three-month mandatory negotiation period will end January 31, 2007.

In the *Report and Order*, the Commission stated that it would freeze the filing of certain 800 MHz applications for the regions being reconfigured when it issued a Public Notice announcing the date when negotiation of relocation agreements must be concluded.¹¹ The Commission explained that this freeze is necessary in order to maintain a stable spectral landscape during the reconfiguration process in each region.¹² We announce by this *Public Notice* that, effective immediately, we are freezing the filing of 800 MHz applications for NPSPAC channels in Wave 2. The freeze applies to stations located in all of the NPSPAC regions assigned to Wave 2 and to stations within seventy miles of the borders of the Wave 2 regions.¹³ This freeze is effective on the release date of this *Public Notice* and will last until thirty working days¹⁴ after the date for completion of mandatory negotiations as specified above, *i.e.*, until March 15, 2007. The freeze does not apply to modification applications filed to implement 800 MHz band reconfiguration, applications involving administrative updates, assignments/transfers or renewal-only applications.¹⁵

We reiterate that, to facilitate the 800 MHz reconfiguration process, the Commission has established the following new radio service codes for licenses that list 800 MHz band frequencies governed by Part 90 of the Commission's Rules:

Site specific licenses:

- Public safety (conventional) – GE
- Public safety (trunked) – YE

⁷ See 47 C.F.R. § 90.677(c).

⁸ See *Report and Order*, 19 FCC Rcd 15076 ¶ 201.

⁹ For the purposes of this *Public Notice*, NPSPAC channels are those channels in the 821-824/866-869 MHz band.

¹⁰ See also *TA Plan PN Appendix* for NPSPAC regions in Wave 2.

¹¹ See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

¹² See *id.* See also *Supplemental Order*, 19 FCC Rcd 25158-59 ¶ 87. The Bureau has provided additional information regarding the processing of 800 MHz applications during reconfiguration and indicated that there will be two separate application filing freezes for each region, one filing freeze for non-NPSPAC licensees and a separate freeze for NPSPAC licensees. See *Wireless Telecommunications Bureau Outlines Application Freeze Process for Implementation of 800 MHz Band Reconfiguration, Public Notice*, 20 FCC Rcd 8905 (WTB 2005) (*800 MHz Freeze PN*).

¹³ Applicants may request an exception to the freeze pursuant to the waiver provisions in Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925. Parties filing such a request should carefully review the rule's criteria for a waiver and must provide complete support, including but not limited to documentation demonstrating that they meet each prong of the waiver standard. See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

¹⁴ The computation of working days in this specific case does not include weekends or federal holidays.

¹⁵ See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

- Business/Industrial/Land Transportation (conventional) – GJ
- Business/Industrial/Land Transportation (trunked) – YJ
- SMR (conventional) – GM and GL (The GL code is used only for applications listing both 800 MHz and 900 MHz frequencies)
- SMR (trunked) – YM and YL (The YL code is used only for applications listing both 800 MHz and 900 MHz frequencies)

Geographic area licenses:

- SMR, market area – YH and CY (The CY code is used only for applications listing both 800 MHz and 1.9 GHz frequencies)

The Commission's Universal Licensing System (ULS) will automatically update modification applications filed to implement 800 MHz band reconfiguration to show the appropriate new radio service code (*i.e.*, applicants should file using their current radio service codes). Once the radio service code has been changed on the license by the Commission, licensees filing subsequent applications concerning that license must use the new radio service code.

The Reconfiguration Plan filed by the TA is available on the Commission's 800 MHz band reconfiguration web page at <http://www.800MHz.gov>. Questions concerning the plan, and other Transition Administrator matters, including whether your 800 MHz system must be relocated, should be directed to Brett Haan, BearingPoint, 1676 International Drive, McLean, VA 22102, Brett.Haan@800ta.org. For additional information on 800 MHz band reconfiguration issues, generally, please contact Roberto Mussenden, Esq., Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via e-mail to Roberto.Mussenden@fcc.gov.

Action by the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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APPENDIX

NPSPAC Regions Assigned to Wave 2

NPSPAC Region	Description of Region ¹
4	Arkansas
12	Idaho
15	Iowa
16	Kansas
17	Kentucky
22	Minnesota
24	Missouri
25	Montana
26	Nebraska
32	North Dakota
34	Oklahoma
38	South Dakota
39	Tennessee
40	Texas (Central & Northeast)
44	West Virginia
46	Wyoming
49	Texas (Central - Austin area)
51	Texas (East – Houston area)
52	Texas (Panhandle, High Plains & Northwest – Lubbock area)

¹ Regions that are only a portion of a state or states are defined by counties. A list of the counties in each of these regions can be accessed at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.

Note: Per the TA's request, the Louisiana NPSPAC region (#18) was moved from Wave 2 to Wave 3. *See Wave 2 PN*. The TA also moved the Puerto Rico (#47) and US Virgin Islands (#48) regions from Wave 2 to Wave 3.