



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU CLARIFIES THE RIGHTS OF 800 MHZ PUBLIC SAFETY LICENSEES ELECTING TO REMAIN IN THE 800 MHZ EXPANSION BAND

WT Docket No. 02-55

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) clarifies the rights of public safety entities holding authorizations in the 800 MHz Expansion Band and who have elected to remain on their current channel(s).

In the *800 MHz Report and Order*, the Commission designated the 815-816/860-861 MHz segment of the 800 MHz band as the Expansion Band and stated that it intended this segment to be used by interference-resistant non-cellular systems that would not be adversely affected by ESMR and other cellular-architecture systems operating on frequencies above 816/861 MHz.¹ Entities holding public safety authorizations in the Expansion Band were given the option of remaining on their current Expansion Band channels or relocating to less interference-prone channels below the Expansion Band at Sprint Nextel's expense.² To accommodate public safety licensees exercising their option to relocate, the Commission reclassified twelve SMR channels located below the Expansion Band as public safety channels. The Commission also reclassified the twelve public safety channels in the Expansion Band as SMR channels, but allowed public safety licensees to remain on those channels notwithstanding their reclassification.³ Some public safety entities have exercised that option.

Certain public safety entities that have elected to remain in the Expansion Band have expressed concern about their ability to modify their facilities, *e.g.* to expand coverage contours or add channels, given that the former public safety channels in the Expansion Band have been reclassified as SMR channels. Some have filed requests for waiver seeking intercategory sharing or other relief that would allow them to implement their proposed modifications. To address these concerns, we clarify that:

- Public safety entities that have elected to maintain their authorizations on a channel or channels in the Expansion Band may apply for modification of those authorizations on those channel(s) including expansion of coverage contours, without the need to request a rule waiver.

¹ See *Improving Public Safety Communications in the 800 MHz Band*, WT Docket 02-55, *Report and Order*, *Fifth Report and Order*, *Fourth Memorandum Opinion and Order*, and *Order*, 19 FCC Rcd 14969, 15053 ¶¶ 154-155 (2004).

² *Id.*

³ *Id.*

- The Commission will also consider requests from public safety applicants wishing to add Expansion Band channels to their current Expansion Band facilities if the application is accompanied by a request for intercategory sharing⁴ or other relief that would permit use of channels designated for other services.
- Requests for expansion of contours or addition of channels in the Expansion Band must comply with the applicable rules governing minimum spacing between co-channel stations.⁵

For additional information on 800 MHz band reconfiguration issues, generally, please contact Roberto Mussenden, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or via e-mail at Roberto.Mussenden@fcc.gov.

Action by the Associate Chief, Public Safety and Homeland Security Bureau.

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⁴ In general, intercategory sharing requests require a demonstration that no other suitable public safety channels are available to the applicant. *See* 47 C.F.R. § 90.617(d).

⁵ *See* 47 CFR § 90.621(b).