



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU EXTENDS NEGOTIATION PERIOD BETWEEN SPRINT NEXTEL AND BORDER AREA NON-NPSPAC LICENSEES IN WAVE 4, STAGE 1 OF 800 MHZ BAND RECONFIGURATION

WT Docket No. 02-55

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) extends the mandatory negotiation period for border-area non-NPSPAC (Stage 1) licensees in Wave 4 of the 800 MHz Transition Administrator's (TA) band reconfiguration schedule from July 1, 2007 to September 30, 2007, and postpones the beginning of the mediation period for such licensees until October 1, 2007.¹ As we have noted in prior public notices, rebanding of border area licensees in this wave is affected by ongoing international discussions on US-Canada and US-Mexico border issues.² Extending the negotiation period for these licensees will alleviate administrative burdens on licensees, avoid unnecessary rebanding expenditures, and provide additional time for resolution of border issues and issuance of frequency designations by the TA.

During the extended negotiation period, Wave 4, Stage 1 border area licensees are not required to engage in planning or negotiation prior to the receipt of frequency designations from the TA, though they may engage in such activities to the extent that they are not frequency-dependent and would not result in unnecessary duplication of costs. If licensees choose to engage in such planning and negotiation activities, Sprint shall pay licensees' reasonable costs in accordance with the requirements of the Commission's orders in this proceeding.

This extension extends the filing freeze on new applications in Wave 4, Stage 1 border areas until thirty working days after the new September 30, 2007 date for completion of negotiations, *i.e.*, until November 14, 2007.³ However, the freeze does not apply to modification applications that do not change an 800 MHz frequency or expand an 800 MHz station's existing coverage area (*e.g.*, administrative updates), assignments/transfers, or renewal-only applications. In addition, Wave 4, Stage 1 border area licensees may expand their facilities or add channels during the freeze, based on an appropriate showing of public interest need, using the Special Temporary Authorization (STA) procedures described in the

¹ The TA's band reconfiguration schedule may be viewed at www.800ta.org.

² PSHSB previously extended the negotiation period for this wave from January 2, 2007 to April 2, 2007 and from April 2, 2007 to July 1, 2007. See Public Safety and Homeland Security Bureau Announces Extension of Negotiation Period Between Sprint Nextel and Border Area Non-NPSPAC Licensees in Wave 4, Stage 1 of the 800 MHz Band Reconfiguration, *Public Notice*, 21 FCC Rcd 14990 (PSHSB 2006) and Public Safety and Homeland Security Bureau Extends Negotiation Period Between Sprint Nextel and Border Area Non-NPSPAC Licensees in Wave 4, Stage 1 of the 800 MHz Band Reconfiguration, *Public Notice*, 22 FCC Rcd 6543 (PSHSB 2007).

³ See Wireless Telecommunications Bureau Outlines Application Freeze Process for Implementation of 800 MHz Band Reconfiguration, *Public Notice*, 20 FCC Rcd 8905 (WTB 2005).

Bureau's December 26, 2006 *STA Guidance PN*.⁴ Facilities that are authorized under the STA procedures will be subject to rebanding, and Sprint Nextel will pay the cost of relocating such facilities to their new channel assignments.⁵

The extension of negotiations and the application freeze does not apply to Wave 4, Stage 1 licensees outside the border areas. Such licensees remain subject to the previously announced negotiation and mediation schedule for this wave. This extension also does not affect other interim benchmarks or the Commission's 36-month deadline for completion of rebanding.

Questions concerning the plan and other Transition Administrator matters 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, 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 See Public Safety And Homeland Security Bureau Provides Guidance For Public Safety Licensees With Regard To License Application And Special Temporary Authorization Procedures And Payment Of Frequency Relocation Costs For Public Safety Facilities Added During 800 MHz Band Reconfiguration, *Public Notice*, 21 FCC Rcd 14658 (PSHSB 2006).

⁵ *Id.* at 3.