



# PUBLIC NOTICE

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES EXTENSION OF NEGOTIATION PERIOD BETWEEN SPRINT NEXTEL AND BORDER AREA NPSPAC LICENSEES IN WAVE 4, STAGE 2 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<sup>1</sup> NPSPAC (Stage 2) licensees in Wave 4 of the 800 MHz Transition Administrator's (TA) band reconfiguration schedule<sup>2</sup> by 90 days from July 31, 2007 to October 29, 2007, and postpones the beginning of the mediation period for such licensees from August 1, 2007 until October 30, 2007.

The voluntary negotiation period for Stage 2 licensees in Wave 4 began on February 1, 2007 and the mandatory negotiation period began on May 1, 2007.<sup>3</sup> The mandatory negotiation period is currently scheduled to end on July 31, 2007, at which point licensees that have not negotiated a Frequency Relocation Agreement (FRA) with Sprint Nextel (Sprint) are scheduled to be referred to TA-sponsored mediation. However, as we have noted in prior public notices, rebanding of border area licensees in Wave 4 is affected by ongoing international discussions on US-Canada and US-Mexico border issues.<sup>4</sup> 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.<sup>5</sup>

During the extended negotiation period, Wave 4, Stage 2 border area licensees are not required to engage in planning or negotiation prior to the receipt of frequency designations from the TA. However, we encourage licensees to engage in such activities to the extent that they are not frequency-dependent

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<sup>1</sup> Border areas in the 800 MHz band are areas within 140 km (87 miles) of the US-Canada border or within 110 km (68.4 miles) of the US/Mexico border. See *Improving Public Safety Communications in the 800 MHz Band, Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969, 15063 ¶ 176 (2004).

<sup>2</sup> The TA's band reconfiguration schedule may be viewed at [www.800ta.org](http://www.800ta.org).

<sup>3</sup> Public Safety and Homeland Security Bureau Announces that 800 MHz Band Reconfiguration Will Commence February 1, 2007 in the NPSPAC Regions Assigned to Wave 4 for NPSPAC Channels, *Public Notice*, 21 FCC Rcd 15046 (PSHSB 2006).

<sup>4</sup> PSHSB has similarly extended the negotiation period for Wave 4, Stage 1 (Channel 1-120) licensees in border areas. See *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 11658 (PSHSB 2007).

<sup>5</sup> *Id.* at 11659.

and would not result in unnecessary duplication of costs. For example, licensees may conduct system inventories and develop plans for replacement and retuning of equipment. If licensees choose to engage in such activities, Sprint shall pay licensees' reasonable costs in accordance with the requirements of the Commission's orders in this proceeding.<sup>6</sup>

Our extension of the negotiation period correspondingly extends the filing freeze on new applications in Wave 4, Stage 2 border areas.<sup>7</sup> Accordingly, the freeze will remain in effect in border areas until thirty working days after the new October 30, 2007 date for completion of negotiations, *i.e.*, until December 14, 2007. 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 2 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 Bureau's December 26, 2006 *STA Guidance PN*.<sup>8</sup> Facilities that are authorized under the STA procedures will be subject to rebanding, and Sprint will pay the cost of relocating such facilities to their new channel assignments.<sup>9</sup>

This extension does not apply to Wave 4, Stage 2 licensees outside the border areas that have received rebanding frequency designations from the TA. 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](mailto:Brett.Haan@800ta.org). For additional information on 800 MHz band reconfiguration issues, generally, please contact Roberto Mussenden, Esq., Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or via e-mail to [Roberto.Mussenden@fcc.gov](mailto:Roberto.Mussenden@fcc.gov).

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

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<sup>6</sup> We clarify that this requires Sprint to pay all costs incurred by licensees in reasonable anticipation of rebanding. There is a remote possibility that the Commission's final rebanding plan for the border areas could result in some border licensees not needing to reband. However, given the likelihood that most if not all licensees will reband, allowing all licensees to proceed with rebanding planning prior to this contingency being resolved is likely to speed the transition, and therefore is a reasonable cost under the Commission's *Rebanding Cost Clarification Order*. See *Improving Public Safety Communications in the 800 MHz Band, Memorandum Opinion and Order*, 22 FCC Rcd 9818, 9820-21 (2007) (rebanding may proceed more efficiently "if rebanding tasks are initiated early in the process and carried on in stages throughout the process, even though this may be more costly than performing all of the rebanding work at once at a later date").

<sup>7</sup> See *Wireless Telecommunications Bureau Outlines Application Freeze Process for Implementation of 800 MHz Band Reconfiguration, Public Notice*, 20 FCC Rcd 8905 (WTB 2005).

<sup>8</sup> 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).

<sup>9</sup> *Id.* at 14660.