



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 NPSPAC (Stage 2) licensees in Wave 4 of the 800 MHz Transition Administrator's (TA) band reconfiguration schedule from October 29, 2007 to January 31, 2008, and postpones the beginning of the mediation period for such licensees from October 30, 2007 until February 1, 2008.¹ 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.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 2 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.³

This extension also extends the filing freeze on new applications in Wave 4, Stage 2 border areas until thirty working days after the January 31, 2008 date for completion of negotiations, *i.e.*, until March 17, 2008.⁴ 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 2 border area licensees

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

² PSHSB has previously extended the negotiation period for border area licensees in this wave through October 29, 2007. See Public Safety and Homeland Security Bureau Extends Negotiation Period Between Sprint Nextel and Border Area NPSPAC Licensees in Wave 4, Stage 2 of the 800 MHz Band Reconfiguration, *Public Notice*, 22 FCC Rcd 13886 (PSHSB 2007).

³ See FCC Announces Supplemental Procedures and Provides Guidance for Completion of 800 MHz Rebanding, *Public Notice*, 22 FCC Rcd 17227 (2007).

⁴ See Wireless Telecommunications Bureau Outlines Application Freeze Process for Implementation of 800 MHz Band Reconfiguration, *Public Notice*, 20 FCC Rcd 8905 (WTB 2005).

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*.⁵ 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.⁶

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 TA 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, contact the Policy Division, PSHSB, at PSHSB800@fcc.gov.

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

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⁵ 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).

⁶ *Id.* at 14660.