



# PUBLIC NOTICE

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## **PUBLIC SAFETY AND HOMELAND SECURITY BUREAU EXTENDS 800 MHZ REBANDING NEGOTIATION PERIODS FOR WAVE 4 BORDER AREA NPSPAC AND NON-NPSPAC LICENSEES**

**WT Docket No. 02-55**

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) extends the mandatory negotiation periods for border area NPSPAC (Stage 2) and non-NPSPAC (Stage 1) licensees in Wave 4 to April 1, 2008, and postpones the beginning of the mediation period for such licensees until April 2, 2008.<sup>1</sup> 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>2</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>3</sup>

During the extended negotiation period, Wave 4 border area licensees are not required to engage in planning or negotiation prior to the receipt of frequency designations from the TA, though we encourage them to 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 Nextel (Sprint) shall pay licensees' reasonable costs in accordance with the requirements of the Commission's orders in this proceeding.<sup>4</sup>

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<sup>1</sup> For details regarding rebanding waves and negotiation periods, see the 800 MHz Transition Administrator's band reconfiguration schedule at [www.800ta.org](http://www.800ta.org).

<sup>2</sup> We have previously extended the negotiation periods for NPSPAC and non-NPSPAC border area licensees by separate public notices. We most recently extended the non-NPSPAC negotiation period to January 2, 2008, and the NPSPAC negotiation period to January 31, 2008. 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 17348 (PSHSB 2007); 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 18946 (PSHSB 2007). In this *Public Notice*, we jointly extend the negotiation periods for both NPSPAC and non-NPSPAC border area licensees.

<sup>3</sup> In November 2007, the Bureau issued a Notice of Proposed Rulemaking proposing a rebanding plan for the Canadian border region. Improving Public Safety Communications in the 800 MHz Band, *Further Notice of Proposed Rulemaking*, 22 FCC Rcd 19266 (PSHSB 2007). Negotiations with Mexico regarding 800 MHz border issues remain ongoing.

<sup>4</sup> See FCC Announces Supplemental Procedures and Provides Guidance for Completion of 800 MHz Rebanding, *Public Notice*, 22 FCC Rcd 17227, 17232 (2007).

This extension extends the filing freeze on new applications in Wave 4 border areas until thirty working days after the May 1, 2008 date for completion of negotiations, *i.e.*, until June 13, 2008.<sup>5</sup> 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 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 2006 *STA Guidance PN*.<sup>6</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>7</sup>

The extension of negotiations and the application freeze does not apply to Wave 4 licensees outside the border areas. Such licensees remain subject to the previously announced negotiation and mediation schedules for this wave.

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

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<sup>5</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>6</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>7</sup> *Id.* at 14661.