

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Improving Public Safety Communications in the 800 MHz Band)	WT Docket No. 02-55
)	
Requests for Waiver of June 26, 2008 Rebanding Deadline)	

ORDER

Adopted: July 14, 2008

Released: July 14, 2008

By the Associate Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. On June 17, 2008, we released a series of orders addressing approximately 500 requests by public safety licensees for waiver of the June 26, 2008 deadline to complete 800 MHz rebanding.¹ In this order, we act on certain additional requests for waiver that were filed after June 17 or were otherwise not addressed in the prior orders. Consistent with our June 17 orders, we grant these waivers to the extent discussed below.

II. BACKGROUND

2. In our June 17 orders, we granted waivers to public safety licensees seeking extensions to complete rebanding on or before July 1, 2009, and granted partial relief to licensees requesting more lengthy extensions.² In addition, we granted interim relief to licensees requesting more time to submit proposed timetables because they are still in planning or negotiations. We directed these licensees to submit supplemental waiver requests with proposed timetables on or before July 18, 2008.³ Since we

¹ Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Order*, DA 08-1427 (PSHSB rel. June 17, 2008) (*Wave 1 Interim Waiver Order*); DA 08-1428 (PSHSB rel. June 17, 2008) (*Wave 1 Waiver Order*); DA 08-1429 (PSHSB rel. June 17, 2008) (*Wave 2 Interim Waiver Order*); DA 08-1430 (PSHSB rel. June 17, 2008) (*Wave 2 Waiver Order*); DA 08-1431 (PSHSB rel. June 17, 2008) (*Wave 3 Interim Waiver Order*); *Order*, DA 08-1432 (PSHSB rel. June 17, 2008) (*Wave 3 Waiver Order*); *Order*, DA 08-1433 (PSHSB rel. June 17, 2008) (*Wave 4 Interim Waiver Order*); *Order*, DA 08-1434 (PSHSB rel. June 17, 2008) (*Wave 4 Waiver Order*).

² See *Wave 1 Waiver Order* at ¶¶ 4-12; *Wave 2 Waiver Order* at ¶¶ 4-13; *Wave 3 Waiver Order* at ¶¶ 4-9; *Wave 4 Waiver Order* at ¶¶ 4-9.

³ See *Wave 1 Interim Waiver Order* at ¶¶ 5-8; *Wave 2 Interim Waiver Order* at ¶¶ 5-9; *Wave 3 Interim Waiver Order* at ¶¶ 5-8; *Wave 4 Interim Waiver Order* at ¶¶ 5-9. We clarify that licensees that received interim waivers should use the Transition Administrator's "standard" waiver form, not the interim waiver form, when they submit their supplemental waiver requests, even if they do not yet have a completed Frequency Reconfiguration Agreement (FRA). See, e.g., *Wave 1 Interim Waiver Order* at ¶ 5 n.9. The standard form seeks the estimated implementation milestones that we directed licensees to provide. In that connection, licensees without FRAs should provide their best estimate of their proposed implementation schedule. Upon completing the FRA, such licensees may amend their waiver requests to reflect revisions to proposed milestone dates that have been negotiated in the FRA. See *id.* at ¶ 8 n.16.

released the June 17 orders, some additional licensees have filed waiver requests. We also correct certain ministerial errors and address some waiver requests that were previously filed but were not addressed in our prior orders.

III. DISCUSSION

3. Consistent with our June 17 orders, we grant the waiver requests of licensees that propose to complete their rebanding prior to July 1, 2009 and have requested waiver dates accordingly.⁴ With regard to licensees that have submitted interim waiver requests,⁵ we grant interim relief to each of these licensees, conditioned on the licensee submitting a supplemental waiver request by no later than July 25, 2008 that includes a proposed rebanding timetable.⁶ As discussed in the June 17 interim waiver orders, each timetable should include proposed milestone dates for completion of subscriber equipment deployment, system cutover, and post-cutover system modifications.⁷ The timetable should also include the amount of additional time that the licensee estimates is reasonably required to complete planning and negotiate its FRA. Upon filing of a timely supplemental waiver request that meets these criteria, the interim relief granted by this order will extend until the Bureau acts on the request.

4. McHenry County, Illinois (Region 13) has requested a waiver until December 2009, primarily because of its need to reband its system simultaneously with the State of Illinois' STARCOM21 system.⁸ In the *Wave 1 Order*, we granted the State of Illinois a waiver until May 8, 2009 to complete rebanding of the STARCOM21 system.⁹ We therefore grant McHenry County an equivalent extension until May 8, 2009.

5. Consolidated Edison of New York, Inc. (Region 8) (Con Ed) has requested a waiver to allow development and testing of "band maps" that will be programmed into Con Ed's mobile and portable units to enable efficient use of the system's post-rebanding channels.¹⁰ This work is to be performed by Sprint Nextel, which provides management and maintenance for the system under contract to Con Ed.¹¹ Con Ed requests a waiver until December 31, 2008 or 6 months after completion of band map testing, whichever is later.¹² We grant a waiver until December 31, 2008, at which time Con Ed may seek additional time if necessary based upon a sufficient showing of its progress to date.

⁴ See Appendix A.

⁵ In the *Wave 4 Interim Order*, we granted Santa Fe, New Mexico (Region 29) until July 17, 2008 to submit a final timetable for completing rebanding. See *Wave 4 Interim Order* at Appendix A. However, we did not address a separate waiver request filed by Santa Fe that proposed to complete rebanding by July 18, 2008. Petition of Santa Fe, New Mexico, filed April 15, 2008. We grant Santa Fe a waiver until July 18, 2008, but if Santa Fe is unable to complete rebanding by that date, it should submit a supplemental request and proposed timetable on July 17 as previously required.

⁶ See Appendix B. Two licensees – Dakota County, Minnesota (Region 22), and Denton County, Texas (Region 40) -- have requested interim waiver dates that are now past, but have not subsequently filed a proposed timetable or any other supplemental filings. In addition, Apopka, Florida (Region 9) requested an interim waiver date of July 15, 2008, the day after the release of this order. We require those licensees to file supplemental waiver requests with proposed rebanding timetables within 15 days of the release of this order.

⁷ See, e.g., *Wave 1 Interim Waiver Order* at ¶ 5; see also note 3, *supra*.

⁸ See Petition of McHenry County, Illinois, filed June 16, 2008.

⁹ *Wave 1 Waiver Order* at Appendix A.

¹⁰ See Request for Partial Waiver, Consolidated Edison of New York, Inc., filed June 25, 2008, at 1-2.

¹¹ *Id.* at 3.

¹² *Id.* at 5.

6. Some licensees have requested waivers but have not specified an extension date or proposed milestone dates for completion of interim rebanding steps.¹³ We hold these waiver requests in abeyance and direct these licensees to supplement their requests within 30 days of the release of this order by submitting proposed extension dates, including milestone dates for subscriber unit deployment, system cutover, and post-cutover modifications. Upon receipt of the supplemental information, we will act on these waiver requests.

7. We also take this opportunity to correct certain ministerial errors in the June 17 orders. In those orders, we identified certain licensees by incorrect call signs, which we correct in Appendix C. We also inadvertently addressed waiver requests by Glenville, New York and Cumberland County, Pennsylvania in both the *Wave 1 Waiver Order* and the *Wave 4 Waiver Order*. We clarify that the *Wave 4 Waiver Order* applies to these licensees, both of which are grouped in Wave 4.

IV. ORDERING CLAUSE

8. Accordingly, pursuant to the authority of Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392; Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.925 of the Commission's rules, 47 C.F.R. § 1.925, IT IS ORDERED that the requests for waiver of the June 26, 2008 deadline submitted by the licensees listed in Appendix A and Appendix B of this order are GRANTED to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

David L. Furth
Associate Bureau Chief
Public Safety and Homeland Security Bureau

¹³ These licensees are: Hanover County, Virginia; Michael C. Trahos, Virginia (Region 42); Liberty Communications, Inc., Florida (Region 9); Michael Lees, South Dakota (Region 38); and Western Communications, Inc., South Dakota (Region 38).

APPENDIX A
Standard Waivers

Region 1 (Alabama)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Center Point Fire District, AL	1627	WPSK431	June 26, 2008	June 26, 2009	June 26, 2009
Huntsville, AL ¹⁴	1587	WHPI451	May 22, 2008	July 1, 2009	July 1, 2009
Opelika, AL	1565	WPHR813	May 15, 2008	September 1, 2008	September 1, 2008
Talladega County, AL	1614	WQCL804	June 26, 2008	September 26, 2008	September 26, 2008

Region 6 (Northern California)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
San Jose, CA	1609	WPMD615	June 11, 2008	October 31, 2008	October 31, 2008

Region 7 (Colorado)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Aurora, CO	1612	WPGT605	June 23, 2008	July 26, 2008	July 26, 2008

Region 8 (Metro New York)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
East Hampton, NY	1604	WPKG788	June 17, 2008	October 3, 2008	October 3, 2008
Industrial Communication PA	1137	WNVW597	March 17, 2008	January 31, 2009	January 31, 2009
Consolidated	1616	KB1083	June 25, 2008	December 31,	December 31,

¹⁴ In the *Wave 3 Waiver Order*, we granted Huntsville, Alabama a waiver until June 26, 2009. The actual waiver date requested by Huntsville was July 1, 2009, which we hereby grant.

Edison of New York, Inc.				2008, or 6 months after testing	2008
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Region 9 (Florida)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Liberty Communication Inc., FL	1104	KNIQ708	March 17, 2008	Unspecified	Held in abeyance – Provide milestone dates within 30 days of this Order
Miami Beach, FL	1642	WNFW911	June 25, 2008	June 26, 2009	June 26, 2009
Miramar, FL (Stage 1)	1477	WNAF764	April 15, 2008	September 30, 2008	September 30, 2008

Region 10 (Georgia)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Atlanta Public Schools, GA	1632	WPLW591	June 26, 2008	March 2009	March 1, 2009
Forest Park, GA	1586	WQCK323	May 22, 2008	September 28, 2008	September 28, 2008

Region 15 (Iowa)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
University of Northern Iowa, IA	1559	WPMB883	May 9, 2008	August 29, 2008	August 29, 2008
Waterloo, IA	1560	WPJS208	May 9, 2008	August 29, 2008	August 29, 2008

Region 16 (Kansas)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Wabaunsee County, KS ¹⁵	1239	WPVY317	March 17, 2008	December 31, 2008	December 31, 2008

Region 18 (Louisiana)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Beauregard Parish Sheriff's Office, LA	1623	WPZS800	June 26, 2008	December 31, 2008	December 31, 2008
Bossier, LA	1625	WNBU589	June 26, 2008	January 7, 2009	January 7, 2009
Bossier Parish, LA	1626	WPGU283	June 26, 2008	November 25, 2008	November 25, 2008

Region 20 (District of Columbia, Maryland and Northern Virginia)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Somerset County, MD	1566	WPWR884	May 15, 2008	April 30, 2009	April 30, 2009

Region 22 (Minnesota)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Ramsey County, MN	1615	WQBT680	June 25, 2008	July 31, 2008	July 31, 2008

Region 23 (Mississippi)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Hancock, MS ¹⁶	1336	WQGN490	June 18, 2008	January 25, 2009	January 25, 2009

¹⁵ In the *Wave 2 Waiver Order*, we granted Wabaunsee County, Kansas, a waiver until December 1, 2008. The actual waiver date requested by Wabaunsee County was December 31, 2008, which we hereby grant.

¹⁶ In the *Wave 3 Waiver Order*, we granted Hancock's request for an extension until July 25, 2008. On June 19, 2008, Hancock filed a second request seeking a new waiver date of January 25, 2009 to allow additional time for

(continued...)

Hinds County, MS	1606	WPUC336	June 18, 2008	December 31, 2008	December 31, 2008
Madison, MS	1622	WNQL558	June 26, 2008	December 1, 2008	December 1, 2008
Ridgeland, MS	1621	WQCB555	June 26, 2008	September 30, 2008	September 30, 2008

Region 22 (Minnesota)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Joplin, MO	1613	WPCJ396	June 23, 2008	December 31, 2008	December 31, 2008

Region 28 (Eastern Pennsylvania/New Jersey/Delaware)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Cumberland County, NJ	1631	WQDY322	June 19, 2008	October 6, 2008	October 6, 2008

Region 38 (South Dakota)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Michael A. Lees, SD	1460	WNWN345	April 15, 2008	Unspecified	Held in abeyance – Provide milestone dates within 30 days of this Order
Western Communications, SD	1398	WPSA457	April 15, 2008	Unspecified	Held in abeyance – Provide milestone dates within 30 days of this Order

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release of one of its assigned channels by Jefferson Parish, Louisiana. Second Request for Waiver, Hancock, Mississippi, filed June 18, 2008, at 1-2. We grant this request.

Region 39 (Tennessee)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Sullivan County, TN	1605	WPPH365	June 17, 2008	March 31, 2009	March 31, 2009

Region 40 (Dallas/Central & Northeast TX)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Rockwall, TX	1588	WQGI401	May 27, 2008	April 1, 2009	April 1, 2009

Region 42 (Virginia)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Hanover, VA	1592	WPEX846	June 3, 2008	Unspecified	Held in abeyance – Provide milestone dates within 30 days of this Order
Michael C. Trahos, VA	1620	WNYK450	June 25, 2008	Unspecified	Held in abeyance – Provide milestone dates within 30 days of this Order
Petersburg, VA	1094	WQGW850	March 15, 2008	August 15, 2008	August 15, 2008
Spotsylvania County, VA	1106	WPHD339	March 17, 2008	December 31, 2008	December 31, 2008

Region 49 (Austin/Central TX)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Fayette County, TX	1625	WQID535	June 26, 2008	February 24, 2009	February 24, 2009
Hays County, TX	1617	WQGA634	June 24, 2008	January 26, 2009	January 26, 2009

Region 51 (Houston/East TX)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
University of Texas Medical Branch Police Department, TX	1619	WPRS259	June 23, 2008	September 7, 2008	September 7, 2008

Region 53 (Southern Texas)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Bexar Metropolitan Water District, TX	1630	WPNU889	June 23, 2008	December 31, 2008	December 31, 2008
William A. Morgan, TX	1157	WPBV510	March 17, 2008	September 30, 2008	September 30, 2008

Region 54 (Chicago/Southern Lake Michigan)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Extension Date Requested	Extension Date Granted
Hammond East Chicago Interlocal, IL	1607	WPEA356	June 18, 2008	September 15, 2008	September 15, 2008
McHenry County, IL	1618	WQGZ352	June 16, 2008	December 2009	July 1, 2009
Waukesha County, WI ¹⁷	1537	WNNH558	April 28, 2008	March 19, 2009	March 19, 2009

¹⁷ In the *Wave 1 Waiver Order*, we inadvertently listed March 19, 2008 as the extension date granted to Waukesha County, Wisconsin. The correct waiver date is March 19, 2009.

APPENDIX B
Interim Waivers

Region 9 (Florida)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Interim Extension Date Requested	Interim Extension Date Granted
Apopka, FL	1462	WNPE229	April 15, 2008	July 15, 2008	15 days from release of this Order
Boca Raton, FL	1401	WNAJ768	April 15, 2008	July 31, 2008	July 25, 2008

Region 18 (Louisiana)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Interim Extension Date Requested	Interim Extension Date Granted
Calcasieu Parish Communications District, LA ¹⁸	1367	WPIW973	April 14, 2008	July 31, 2008	July 25, 2008

Region 22 (Minnesota)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Interim Extension Date Requested	Interim Extension Date Granted
Dakota County, MN	1363	WQGY389	April 11, 2008	April 15, 2008	15 days from release of this Order

Region 40 (Central & Northeast TX)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Interim Extension Date Requested	Interim Extension Date Granted
Denton County, TX	1335	WNJJ690	April 9, 2008	May 13, 2008	15 days from release of this Order

¹⁸ In the *Wave 3 Interim Waiver Order*, we inadvertently dismissed as moot the interim waiver request filed by the Calcasieu Parish Communications District, Louisiana (CPCD). By this order, we reinstate CPCD's request and grant interim relief as indicated above.

Region 62 (Marianas Islands)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Interim Extension Date Requested	Interim Extension Date Granted
L.P. Ganacias Enterprises And RadioCom Saipan, MP, Marianas Islands	1429	WNRS593	April 15, 2008	July 31, 2008	July 25, 2008

Region 63 (Guam)

Licensee	TA Waiver Reference Number	Call Sign/Lead Call Sign	Date Waiver Request Filed	Interim Extension Date Requested	Interim Extension Date Granted
Choice Phone, LLC, Guam	1509	WPRQ765	April 15, 2008	August 15, 2008	July 25, 2008

APPENDIX C
Corrected Call Signs

Licensee	TA Waiver Reference Number	Call Sign/ Lead Call Sign	Public Safety Region
University of California – Santa Cruz	1005	WPBH650	6
Eagle County, CO	1218	WPJL925	7
City of Denver and County of Denver, CO	1219	KNNR200	7
New Jersey Transit	1147	WNSM959	8
Old Bridge Township, NJ	1311	WNVR831	8
Essex, NJ	1595	WNQS440	8
Allen County and Fort Wayne, IN	1510	WNLX275	14
Jefferson Parish, LA	1438	KNHH513	18
Terrebone Parish Sheriff's Office, LA	1558	WPQE500	18
Massachusetts Bay Transportation Authority	1123	WPMI460	19
Howard County, MD	1150	WPQX923	20
City of Hobbs and Lea County, NM	1397	WPKI557	29
Metro Nashville Airport Authority, TN	1528	WQGM732	39