



# PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES  
APPLICATION AND LICENSING PROCEDURES FOR CHANNELS  
RELINQUISHED BY SPRINT NEXTEL CORPORATION  
IN THE 809-809.5/854-854.5 MHZ BAND**

**WT Docket No. 02-55**

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) announces that beginning on January 28, 2009, it will begin accepting applications for licensing of available channels in the 809-809.5/854-854.5 MHz portion of the 800 MHz band (Channels 231-250) that have been relinquished by Sprint Nextel Corporation (Sprint) in non-border National Public Safety Planning Advisory Committee (NPSPAC) regions. Specific information regarding available channels, application filing procedures, and frequency coordination requirements is set forth below.

## **Background**

In July 2004, the Federal Communications Commission ordered the reconfiguration of the 800 MHz band to eliminate interference to public safety and other land mobile communication systems operating in the band.<sup>1</sup> As part of this plan, the Commission provided that spectrum vacated by Sprint in the Interleaved Band (809-815/854-860 MHz) would be made available for licensing exclusively to public safety and critical infrastructure industry (CII) entities.<sup>2</sup> Specifically, the Commission ordered that upon initiation of licensing, eligibility for the vacated channels will be limited to public safety entities for the first three years and to public safety and CII entities for the following two years. After five years, any remaining vacated channels will revert to their original frequency pools and be available for licensing to any eligible applicant.<sup>3</sup>

## **Information Regarding Available Channels**

To facilitate licensing of available channels, Sprint has cancelled or modified a majority of its outstanding site-based and Economic Area (EA)-based licenses that include available channels in the 809-809.5/854-854.5 MHz band (Channels 231-250) in non-border regions. A list of the regions in which channels are available is included in Table 1 attached to this Public Notice.<sup>4</sup> To identify specific channels that are available for licensing, interested parties should consult the Vacated Channel Search Engine (VCSE) established by PSHSB and the Wireless Telecommunications Bureau (WTB), which is accessible

<sup>1</sup> See Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004) (*800 MHz Report and Order*).

<sup>2</sup> *Id.* at 15052 ¶ 152.

<sup>3</sup> *Id.* See 47 C.F.R. §§ 90.615, 617(g).

<sup>4</sup> In those instances where a NPSPAC region includes both border and non-border portions, Table 1 identifies by county the portions of the NPSPAC region in which 809-809.5/854-854.5 MHz channels will be unavailable because these counties are impacted by the border region band plans.

at <http://wireless2.fcc.gov/UlsApp/UlsSearch/searchLicense.jsp>.<sup>5</sup> The VCSE contains detailed geographic and frequency data regarding these vacated channels. The vacated channel public access file, which can be downloaded by users with data-processing capability (e.g., frequency coordinators), may be accessed at <http://wireless.fcc.gov/uls/index.htm?job=transaction&page=weekly>. For channels available for licensing pursuant to this Public Notice, the VCSE will specify January 28, 2009 as the availability date in the “Channel Availability” field. Please note that we will continue to update the VCSE on a regular basis with additional information regarding available channels as Sprint and other licensees relocating to the ESMR and Guard Band portions of the band cancel or modify their licenses.

### **Application Procedures**

Beginning on January 28, 2009, qualified frequency coordinators may file applications on behalf of eligible applicants (see “Exclusive Eligibility Periods” below) in the Universal Licensing System (ULS) for vacated channels specified in this Public Notice. Any application filed for these channels before the initial filing date will be dismissed.

To be accepted for filing, applications must be coordinated by a qualified frequency coordinator (see “Frequency Coordination” below) that follows pre-coordination procedures to eliminate conflicts between applications prior to their being filed with the Commission (see “Pre-Coordination Procedures” below). Applications must meet the frequency limitations specified in Sections 90.623 and 90.627 of the Commission’s rules.<sup>6</sup> Due to the limited availability of channels during the period of exclusive eligibility, applicants will not be permitted to apply for more than five channels per fixed location. Furthermore, requests for extended implementation pursuant to Section 90.629<sup>7</sup> will be subject to a high level of scrutiny and will not be routinely granted.

### **Frequency Coordination**

Applications for vacated channels specified in this Public Notice must include a certification of frequency coordination by an eligible frequency coordinator pursuant to Section 90.175 of the Commission’s rules.<sup>8</sup> The certification must state that the coordinator has searched the VCSE and the Commission’s licensing database and has verified that the frequencies and locations being applied for are available for licensing under the rules and procedures detailed in this Public Notice. The certification should include the applicant’s name, a list of locations/frequencies that were subject to the search, and the date the search was conducted.

When coordinating applications for vacated site-based channels, the frequency coordinator should confirm that the 22 dB $\mu$  V/m F(50,10) contour of the proposed facilities does not extend beyond the 22 dB $\mu$  V/m F(50,10) contour of the originally licensed station.<sup>9</sup> The originally licensed contour should be

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<sup>5</sup> See Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Establish New 800 MHz Vacated Channel Search Engine for Identifying Vacated Channels in the 800 MHz Interleaved Band That Will Be Available for Licensing to Public Safety and Critical Infrastructure Industry Entities, *Public Notice*, DA 08-2464 (rel. November 6, 2008).

<sup>6</sup> 47 C.F.R. §§ 90.623, 90.627.

<sup>7</sup> 47 C.F.R. §90.629

<sup>8</sup> 47 C.F.R. § 90.175. Because the vacated channels specified in this Public Notice are from the General Category portion of the 800 MHz band, all frequency coordinators eligible to coordinate channels in the 800 MHz band may coordinate applications for these channels, provided they comply with the pre-coordination procedures set forth in this Public Notice.

<sup>9</sup> 47 C.F.R. § 90.693(b).

calculated using the maximum Effective Radiated Power and the actual antenna height above average terrain (HAAT).<sup>10</sup>

When coordinating applications for vacated EA-based channels, the frequency coordinator should confirm that the 40 dB $\mu$  V/m F(50,50) contour of the proposed facilities does not extend into an adjacent region where the channel is unavailable for licensing.<sup>11</sup>

Frequency coordinators are not required to submit the contour analysis described above with the application, but should retain records of their studies and VCSE/database searches for six months after the application is granted.

### **Pre-Coordination Procedures**

Pursuant to this Public Notice, frequency coordinators may accept applications for vacated channels specified in this Public Notice that are submitted to them for coordination.<sup>12</sup> In order to avoid the possibility of the Commission receiving mutually exclusive applications, each frequency coordinator must provide notification of each application submitted to it for coordination to all other participating coordinators prior to filing the application with the Commission. The purpose of this notification process is to enable frequency coordinators to address and resolve conflicting applications prior to filing with the Commission.

The notification process will commence on January 14, 2009, at 8 AM Eastern Time. At that time, but no earlier, each frequency coordinator may submit electronic notification to the other participating coordinators of applications that it has prepared for coordination. The exact date and time of each notification will be time-stamped in a shared database using an automated process agreed to by all participating coordinators. Applications that are submitted for notification must include the following exhibits:

- A showing that the appropriate contour of the proposed facility is within the contour or region previously licensed to Sprint as described above;
- A statement verifying channel availability;
- A study detailing the directional height of the antenna above average terrain (DHAAT) for any proposed facility employing the short-spacing separation table in our rules.<sup>13</sup>

All participating frequency coordinators will check each notified application for mutual exclusivity with other notified applications. If conflicts are found, the application with the earliest notification date and time stamp will take precedence. Later-notified applications must have their mutually exclusive channels deleted but may maintain their priority for channels that have no conflicts. Frequency coordinators may also apply engineering solutions to resolve potentially mutually exclusive situations.

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<sup>10</sup> The maximum ERP varies with the antenna height above average terrain (HAAT). For instance, a maximum ERP of 1000 watts is permitted for all HAAT values below 305 meters. *See* 47 C.F.R. § 90.635(b).

<sup>11</sup> 47 C.F.R. §90.689(b).

<sup>12</sup> Coordinators may also accept applications submitted to them for coordination prior to the date of this Public Notice, provided that they comply with the pre-coordination notification procedures set forth in this Public Notice with respect to such applications.

<sup>13</sup> 47 C.F.R. § 90.621(b)(4)

**Exclusive Eligibility Periods**

From January 28, 2009 to January 27, 2012, vacated channels identified by this Public Notice will be available exclusively for licensing to public safety eligible entities. From January 28, 2012 to January 27, 2014, vacated channels identified by this Public Notice will be available exclusively for licensing to public safety eligible entities and critical infrastructure industry eligible entities.

**Continued Operation By Sprint Subject to 60 Days Notice**

Sprint may continue existing operations on channels covered by this Public Notice after new licenses are granted until it receives notice that a new licensee intends to activate the channel(s) for testing or commencement of operations. Upon receipt of such notice, Sprint must cease operation on the channel(s) specified in the notice within 60 days to the extent necessary to comply with the co-channel spacing requirements of § 90.621(b). New licenses granted pursuant to this Public Notice will be conditioned on providing such notice to Sprint.

**Additional Information**

For further information, contact Tracy Simmons, Policy Division, Public Safety and Homeland Security Bureau, at (717) 338-2657 or Tracy.Simmons@fcc.gov, or Brian Marengo, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or Brian.Marengo@fcc.gov.

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

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**Table 1 – Non-border Regions Where Sprint is Vacating Channels in the Channel 231-250 Range**

<u>Region 1</u> : Alabama	<u>Region 2</u> : Alaska
<u>Region 3</u> : Arizona  Counties not included:  Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Pima, Pinal, Santa Cruz, Yavapai, Yuma	<u>Region 4</u> : Arkansas
<u>Region 6</u> : Northern California  Counties not included:  Fresno, Inyo, Kings, Monterey, San Benito and Tulare	<u>Region 7</u> : Colorado
<u>Region 8</u> : Metropolitan, NYC Area (NY, NJ &CT)	<u>Region 9</u> : Florida
<u>Region 10</u> : Georgia	<u>Region 11</u> : Hawaii
<u>Region 12</u> : Idaho  Counties not included:  Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone	<u>Region 13</u> : Illinois (except Southern Lake Michigan counties)
<u>Region 14</u> : Indiana (except Southern Lake Michigan counties)  Counties not included:  Adams, Allen, Blackford, De Kalb, Fulton, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Steuben, Wabash, Wells, Whitley	<u>Region 15</u> : Iowa
<u>Region 16</u> : Kansas	<u>Region 17</u> : Kentucky

<p><u>Region 18</u>: Louisiana</p>	<p><u>Region 19</u>: New England</p> <p>States not included:</p> <p>Maine New Hampshire Vermont</p>
<p><u>Region 20</u>: District of Columbia, Maryland, and Northern VA</p>	<p><u>Region 22</u>: Minnesota</p> <p>Counties not included:</p> <p>Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Mahnommen, Marshall, Mille Lacs, Norman, Otter Tail, Pennington, Pine, Polk, Red Lake, Roseau, St. Louis, Wadena</p>
<p><u>Region 23</u>: Mississippi</p>	<p><u>Region 24</u>: Missouri</p>
<p><u>Region 25</u>: Montana</p> <p>Counties not included:</p> <p>Blaine, Cascade, Chouteau, Custer, Daniels, Dawson, Fergus, Flathead, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Meagher, Mineral, Missoula, Musselshell, Petroleum, Phillips, Pondera, Powell, Prairie, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Teton, Toole, Valley, Wheatland, Wibaux</p>	<p><u>Region 26</u>: Nebraska</p>
<p><u>Region 27</u>: Nevada</p> <p>Counties not included:</p> <p>Clark</p>	<p><u>Region 28</u>: Eastern Pennsylvania (east of Harrisburg, southern NJ &amp; DE)</p> <p>Counties not included:</p> <p>Bradford, Lackawanna, Lycoming, Sullivan, Susquehanna, Tioga, Wayne, Wyoming</p>

<p><u>Region 29:</u> New Mexico</p> <p>Counties not included:</p> <p>Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Sierra</p>	<p><u>Region 31:</u> North Carolina</p>
<p><u>Region 32:</u> North Dakota</p> <p>Counties not included:</p> <p>Barnes, Benson, Billings, Bottineau, Burke, Burleigh, Cass, Cavalier, Divide, Dunn, Eddy, Foster, Golden Valley, Grand Forks, Griggs, Kidder, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, Williams</p>	<p><u>Region 33:</u> Ohio</p> <p>Counties not included:</p> <p>Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Carroll, Champaign, Clark, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Lake, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Vinton, Wayne, Williams, Wood, Wyandot</p>
<p><u>Region 34:</u> Oklahoma</p>	<p><u>Region 35:</u> Oregon</p> <p>Counties not included:</p> <p>Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Yamhill</p>
<p><u>Region 36:</u> Western Pennsylvania</p> <p>Counties not included:</p> <p>Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland</p>	<p><u>Region 37:</u> South Carolina</p>

<u>Region 38</u> : South Dakota	<u>Region 39</u> : Tennessee
<u>Region 40</u> : Texas (Central & Northeast)	<u>Region 41</u> : Utah
<u>Region 42</u> : Virginia	<u>Region 44</u> : West Virginia  Counties not included:  Brooke, Hancock, Marshall, Ohio
<u>Region 45</u> : Wisconsin (except Southern Lake Michigan counties)  Counties not included:  Ashland, Bayfield, Brown, Burnett, Clark, Door, Douglas, Florence, Forest, Iron, Kewaunee, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Portage, Price, Sawyer, Shawano, Taylor, Vilas, Washburn, Wood	<u>Region 46</u> : Wyoming
<u>Region 49</u> : Texas - Central (Austin Area)	<u>Region 50</u> : Texas – West and Central (Midland Area)  Counties not included:  Andrews, Borden, Brewster, Coke, Concho, Crane, Crockett, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Howard, Hudspeth, Irion, Jeff Davis, Kimble, Loving, Martin, Mason, McCulloch, Menard, Midland, Pecos, Presidio, Reagan, Reeves, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, Ward, Winkler
<u>Region 51</u> : Texas - East (Houston Area)	<u>Region 52</u> : Texas - Panhandle, High Plains & Northwest (Lubbock Area)  Counties not included:  Yoakum



<p><u>Region 53</u>: Texas – Southern (San Antonio Area)</p> <p>Counties not included:</p> <p>Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Comal, Dimmit, Duval, Edwards, Frio, Gillespie, Gonzales, Guadalupe, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Val Verde, Webb, Willacy, Wilson, Zapata, Zavala</p>	<p><u>Region 54</u>: Chicago-Metropolitan</p> <p>Counties not included:</p> <p>Elkhart, Marshall, Pulaski, St. Joseph, Starke, IN</p> <p>Allegan, Barry, Berrien, Cass, Kalamazoo, Kent, Muskegon, Ottawa, St. Joseph, Van Buren, MI</p>
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**Figure 1 – Map of Regions Being Withheld Due to Impact to Border Area Band Plans**

