



PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PROVIDES
GUIDANCE FOR LICENSING OF 800 MHz FACILITIES ON POST-
REBANDING CHANNELS THAT PREVIOUSLY OPERATED ON PRE-
REBANDING CHANNELS PURSUANT TO SPECIAL TEMPORARY
AUTHORITY**

WT Docket No. 02-55

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) provides guidance to licensees on procedures for permanent licensing of 800 MHz facilities on post-rebanding channels that were previously authorized on pre-rebanding channels by Special Temporary Authorization (STA) during the 800 MHz rebanding transition.

Background

In the *800 MHz Report and Order*, the Commission limited the ability of 800 MHz incumbents to add new facilities on pre-rebanding channels during the rebanding transition period. To preserve the spectrum landscape, the Commission froze 800 MHz applications during the negotiation period for each of the four rebanding waves.¹ The Commission also provided for tolling of certain construction requirements so that licensees that had not yet constructed facilities on their pre-rebanding frequencies could defer construction until their post-rebanding frequency assignments became available.² However, the Commission also recognized that situations might arise in which incumbents would need to add or expand essential facilities on pre-rebanding channels before the conclusion of rebanding, and noted the availability of STAs as well as the waiver process to handle such situations.³

In December 2006, the Bureau issued a Public Notice providing more specific guidance to 800 MHz incumbents requiring authorization of new or modified facilities on pre-rebanding channels before the conclusion of the transition period.⁴ The Bureau clarified that as a general matter, all permanent licensing on pre-rebanding frequencies would cease once the rebanding negotiation period in a region began, but that the Bureau would accept requests for STAs on pre-rebanding frequencies pursuant to Section 1.931 of the Commission's rules.⁵ The Bureau further stated that incumbents receiving STAs

¹ See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969, 15078 ¶ 204 (*800 MHz Report and Order*).

² *Id.* at 15079 ¶ 205.

³ *Id.* at 15078 ¶ 204.

⁴ 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*, WT Docket No. 02-55, 21 FCC Rcd 14658 (PSHSB 2006) (*STA Guidance PN*).

⁵ *Id.* at 14660.

would be required to file permanent applications to operate the STA facilities on post-rebanding frequencies when the frequencies become available for licensing.⁶

Permanent Licensing Procedures

We now provide guidance on permanent licensing procedures to be used by 800 MHz incumbent licensees after they reband facilities authorized by STA on pre-rebanding frequencies.

- The incumbent licensee may file an application for permanent licensing of a rebanded STA facility at any time consistent with the licensee's rebanding schedule. We recommend that the licensee file the application after it has completed reconfiguring its infrastructure and has deleted pre-rebanding frequencies from its permanent licenses.
- The licensee may either apply to modify an existing license or apply for a new license covering the STA facility.
- Applications for non-NPSPAC frequencies must be coordinated by a certified coordinator for the applicable channel.
- The licensee must provide an attachment to the application that references the applicable STA and indicates that the license application is solely for the purpose of converting the STA facilities to permanently licensed facilities on the applicable post-rebanding channel(s).

STA Facilities on NPSPAC Channels. Applications for permanent licensing of rebanded STA facilities on channels in the new NPSPAC band require a showing of concurrence by the applicable Regional Planning Committee (RPC).

- If the licensee previously obtained RPC concurrence for the STA,⁷ and there is no change to the STA facilities other than converting from the pre-rebanding to post-rebanding channel(s), the licensee may resubmit the prior concurrence rather than obtaining a new concurrence from the RPC. The licensee must also send a copy of the application to the RPC.⁸
- If the licensee did not previously obtain RPC concurrence for the STA, or if the RPC required it to seek a separate concurrence for a permanent license, the licensee must obtain RPC concurrence for the permanent license application.

Contact Information

For further information, contact: Roberto Mussenden, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or Roberto.Mussenden@fcc.gov; John Evanoff, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0848 or John.Evanoff@fcc.gov; or Tracy Simmons, Policy Division, Public Safety and Homeland Security Bureau, (717) 338-2657 or Tracy.Simmons@fcc.gov.

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

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⁶ *Id.*

⁷ In the *STA Guidance PN*, we recommended that licensees obtain RPC concurrence at the STA stage. *STA Guidance PN*, 21 FCC Rcd at 14659-60.

⁸ If an RPC objects to the prior concurrence being used as the basis for grant of a permanent license, it must notify the Bureau of its objection by a letter filed in the docket.