



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 09-2645

Released: December 31, 2009

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU EXTENDS
800 MHZ REBANDING NEGOTIATION PERIOD FOR
WAVE 4 BORDER AREA NPSPAC AND NON-NPSPAC LICENSEES ALONG THE U.S.-
MEXICO BORDER**

WT Docket No. 02-55

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) extends the negotiation period for Wave 4 NPSPAC (Stage 2) and non-NPSPAC (Stage 1) licensees in the U.S.-Mexico border region until April 1, 2010, and postpones the beginning of the mediation period for such licensees until April 2, 2010.¹ As we have noted in prior public notices, rebanding of Wave 4 licensees in the U.S.-Mexico border region is affected by ongoing international discussions with Mexico.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 800 MHz Transition Administrator.

During the extended negotiation period, Wave 4 licensees in the U.S.-Mexico border region are not required to engage in planning or negotiation prior to the receipt of frequency designations from the TA, although 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 Corporation (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 the U.S.-Mexico border region until thirty working days after the April 1, 2010 date for completion of negotiations, *i.e.*, until May 13, 2010.⁴ 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),

¹ For details regarding rebanding waves and negotiation periods, see the 800 MHz Transition Administrator's band reconfiguration schedule at www.800ta.org.

² See Public Safety And Homeland Security Bureau Extends 800 MHz Rebanding Negotiation Periods For Wave 4 Border Area NPSPAC and Non-NPSPAC Licensees Along The U.S.-Mexico Border, *Public Notice*, 24 FCC Rcd 12177 (PSHSB 2009). This Public Notice does not apply to 800 MHz licensees in the U.S.-Canada border region, who are subject to the negotiation and mediation periods established in the Bureau's order establishing a band plan and rebanding timetable for the U.S.-Canada border region. See Improving Public Safety Communications in the 800 MHz Band, *Second Report and Order*, 23 FCC Rcd 7605 (PSHSB 2008).

³ See FCC Announces Supplemental Procedures and Provides Guidance for Completion of 800 MHz Rebanding, *Public Notice*, 22 FCC Rcd 17227, 17232 (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).

assignments/transfers, or renewal-only applications. In addition, Wave 4 licensees in the U.S.- Mexico border region may expand their facilities or add channels during the freeze, but only pursuant to Special Temporary Authorization (STA). Requests for an STA must be accompanied by a demonstration that, without the new or expanded facilities, there would be a specific, material and serious adverse effect on the safety of life or property,. See the Special Temporary Authorization (STA) procedures described in the Bureau's December, 2006 *STA Guidance PN*.⁵

The extension of negotiations and the application freeze does not apply to Wave 4 licensees along the U.S.-Mexico border that have received replacement channels from the Transition Administrator. Such licensees remain subject to the previously announced negotiation and mediation schedules for this wave.

For further information, contact: Roberto Mussenden, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or Roberto.Mussenden@fcc.gov; Brian Marengo, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or Brian.Marengo@fcc.gov.

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

– FCC –

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).