



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 11-316

Released: February 18, 2011

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES THAT THE 12-MONTH TRANSITION PERIOD FOR 800 MHz BAND RECONFIGURATION IN THE UNITED STATES VIRGIN ISLANDS (REGION 48) WILL COMMENCE ON MARCH 21, 2011

Bureau Establishes Implementation Plan and Application Freeze Dates

WT Docket No. 02-55

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) announces that the 12-month transition period for reconfiguration of 800 MHz licensees in the U.S. Virgin Islands (USVI) will begin on March 21, 2011. As specified in the *800 MHz Fourth Report and Order*, which established the 800 MHz band reconfiguration plan for the USVI,¹ affected 800 MHz licensees must complete band reconfiguration within a 12-month transition period, which will end on March 20, 2012.²

Implementation Plan and Affected Licensees

In a companion order released today, the Bureau adopted a final band plan and implementation schedule for the USVI that is consistent with the Puerto Rico band plan.³ The implementation schedule applies to all 800 MHz licensees in the USVI that have not yet completed reconfiguration negotiations with Sprint pending adoption of the USVI band plan.

Planning and Negotiation Timelines

USVI licensees must comply with the timelines specified below for procurement of planning funding, planning, development of cost estimates, and negotiation of Frequency Reconfiguration Agreements (FRAs) with Sprint Nextel Corporation (Sprint).

- The 90 day mandatory negotiation period for the licensees that must be retuned from the 816.5-821/861.5-866 MHz portion of the band begins on March 21, 2011 and ends on June 20, 2011.⁴
- Licensees in the modified Guard Band (816.5-817/861.5-862 MHz) may elect to relocate to the Interleaved or Expansion Bands by March 21, 2011.
- Licensees should prepare and submit a complete cost estimate – an estimate of all costs associated with the reconfiguration of their radio systems – to Sprint Nextel as soon as possible in the 90-day mandatory negotiation period, but no later than June 20, 2011.⁵

¹ See Improving Public Safety Communications in the 800 MHz Band/New 800 MHz Band Plan for the U.S. Virgin Islands, WT Docket No. 02-55, *Fourth Report and Order*, DA 11-315 (PSHSB Feb. 18, 2011) (*Fourth R&O*).

² *Id.*

³ *Id.*

⁴ Because the 90th day falls on a Sunday, we extend the negotiation period until Monday, June 20, 2011.

- If the parties have not negotiated an FRA and submitted it to the TA by June 20, 2011, they must participate in mediation during a mediation period beginning on June 21, 2011, and ending on July 19, 2011.⁶
- High-site licensees clearing the ESMR Band shall complete reconfiguration by September 20, 2011.
- All licensees shall complete reconfiguration by March 20, 2012.

Application Freeze

In order to maintain a stable spectrum landscape in the USVI, we establish an application freeze on new applications.⁷ The application freeze is effective upon the release date of this *Public Notice* and the application freeze shall end August 2, 2011, which is 30 working days after the date for completion of mandatory negotiations.

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, licensees in the USVI region may expand their facilities or add channels during the freeze, but only pursuant to Special Temporary Authorization (STA).⁸ 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.

Further Information

For further information, contact: John Evanoff, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0848 or john.evanoff@fcc.gov.

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

– FCC –

⁵ Licensees may email their cost estimates to Sprint at 800mhz@sprint.com.

⁶ If the parties do not reach agreement, the TA Mediator will instruct the parties to file Proposed Resolution Memoranda on disputed issues and will prepare and submit a Recommended Resolution, along with the Mediation Record, to the FCC for *de novo* review. Additional information about mediation can be found in the TA's Alternative Dispute Resolution Plan. http://www.800ta.org/content/resources/ADR_Plan.pdf.

⁷ See *Fourth R&O*, DA 11-315 at n.26. Applicants may request an exception to the freeze pursuant to the waiver criteria in Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925. Parties filing such a request should carefully review the rule's criteria for a waiver and must provide complete support, including but not limited to documentation demonstrating that they meet the waiver standard.

⁸ 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).