

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

In the Matter of )  
 )  
City of El Paso, Texas ) WT Docket No. 02-55  
 )  
Request for Extension of Time )

ORDER

Adopted: June 5, 2014

Released: June 5, 2014

By the Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. Under consideration is the Request for Further Schedule Extension to Complete Rebanding Planning (Request) filed by the City of El Paso, Texas (El Paso), on June 3, 2014, seeking an extension of time, until November 8, 2014, to submit to Sprint Corp. (Sprint) and the 800 MHz Transition Administrator (TA)<sup>1</sup> a cost estimate for reconfiguration of El Paso’s 800 MHz communications system. For the reasons set out below, we deny the Request.

II. BACKGROUND

2. Pursuant to the Mexican Border Area Reconfiguration Timeline issued by the TA and approved by the Commission,<sup>2</sup> El Paso was required to complete planning and submit a cost estimate for reconfiguration of its 800 MHz system by November 20, 2013. El Paso executed a Planning Funding Agreement (PFA) with Sprint on October 29, 2013.<sup>3</sup> The El Paso planning vendor, Federal Engineering, was given a notice to proceed on November 13, 2013.<sup>4</sup> Despite previous extensions of time granted to El Paso, it still has not completed planning and the submission of a cost estimate by May 31, 2014, the terminal date of the most recent extension.<sup>5</sup>

III. DISCUSSION

3. Rather than reconfigure its existing 800 MHz analog system, El Paso elected a system upgrade to digital technology. It reports that 98% of the digital system is constructed but has not yet been

<sup>1</sup> See email from Edward Ozogar to PSHSB800, June 3, 2014 (Request).

<sup>2</sup> Public Safety and Homeland Security Bureau Announces that the 30-Month Transition Period for 800 MHz Band Reconfiguration in Regions Along the U.S.-Mexico Border Will Commence on August 23, 2013; Bureau Approves U.S. –Mexico Border Reconfiguration Timetable Submitted by the 800 MHz Transition Administrator and Establishes Application Freeze Dates, WT Docket No. 02-55, *Public Notice*, 28 FCC Rcd 12990 (PSHSB 2013). Improving Public Safety Communications in the 800 MHz Band, New 800 MHz Band Plan for U.S. – Mexico Sharing Zone, WT Docket 02-55, *Fifth Report and Order*, 28 FCC Rcd 4085 (PSHSB 2013).

<sup>3</sup> See Request.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Order*, 29 FCC Rcd 2163, Appendix A (PSHSB 2014).

accepted by El Paso.<sup>6</sup> El Paso represents that it has received a “system vendor SOW [Statement of Work] and proposed planning agreement” from its vendor, Motorola Solutions, Inc. (Motorola) and that “the City and its engineering consultant are diligently working with [Motorola] to finalize and expedite the agreement so a final and complete reconfiguration cost estimate can be submitted . . . .”<sup>7</sup> El Paso expects to finalize Motorola’s SOW and agreement and obtain approval of City officials by July 8, 2014.<sup>8</sup>

4. El Paso claims, however, that Motorola has informed the City “that it could take up to four additional months for them [Motorola] to complete the work necessary for the City and the City’s engineering consultant to develop a final cost estimate.”<sup>9</sup> El Paso has not included a statement from Motorola to that effect, much less a justification from Motorola why, with a SOW already on hand, Motorola, the Country’s largest supplier of land mobile radios and related services, cannot devote sufficient resources to its customer to complete the required work in fewer than four additional months.

#### IV. DECISION

5. Section 1.46(a) of the Commission’s rules states that “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”<sup>10</sup> The Bureau has emphasized that the “import of that rule is especially relevant to 800 MHz rebanding where delay in rebanding by one licensee can cause a ‘domino effect’ delay in the rebanding efforts of other licensees that have met the Commission’s 800 MHz band reconfiguration deadlines with a consequent delay of the overall program. We therefore afford a high degree of scrutiny to the reasons licensees advance for extensions of time.”<sup>11</sup>

6. Applying that scrutiny here, we are denying El Paso’s request for an extension of time until November 8, 2014 to submit a cost estimate to Sprint and the TA. We expect El Paso to file its cost estimate by July 31, 2014. If, by that date, El Paso has not submitted a cost estimate, it shall file another request for extension of time, detailing therein, with specificity, the work that has been conducted to date, the remaining required work, the individuals involved, and the efforts that El Paso has made to accelerate Motorola’s completion of its responsibilities. Thereafter, and until El Paso submits its cost estimate, El Paso, each week, shall submit to the TA Mediator, a detailed summary of the work completed to date and a firm schedule for completion of the remaining work.

#### V. ORDERING CLAUSE

7. Accordingly IT IS ORDERED that the Request for Further Schedule Extension to Complete Rebanding Planning filed June 3, 2014 by the City of El Paso, Texas, IS DENIED.

8. IT IS FURTHER ORDERED that the City of El Paso, Texas, shall submit a cost estimate for reconfiguration of its 800 MHz communications system by July 31, 2014.

9. IT IS FURTHER ORDERED that, if the City of El Paso, Texas, does not submit a cost estimate for reconfiguration of its 800 MHz communications system by July 31, 2014, it shall file a

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<sup>6</sup> Request.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> 47 C.F.R. § 1.46(a).

<sup>11</sup> Regents of the University of California, *Order*, 28 FCC Rcd 15920, 15921 (PSHSB 2013).

further request for extension of time in which it details, with specificity, the work conducted to date, the remaining required work, the individuals involved, and the efforts that El Paso has made to accelerate the completion of Motorola's work. Thereafter, and until a cost estimate is submitted, the City of El Paso shall report weekly to the 800 MHz Transition Administrator Mediator on the status of preparation of the cost estimate and a firm schedule for its completion.

10. This action is taken under delegated authority pursuant to Sections 0.191(a) and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191(a), 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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