

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

In the Matter of )  
 )  
City of Harlingen, Texas ) WT Docket No. 02-55  
 )  
Licensee of Public Safety Station Call Sign )  
WPNT604 )

ORDER

Adopted: June 9, 2014

Released: June 9, 2014

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

I. INTRODUCTION AND BACKGROUND

1. Under consideration is the Request for Permission to Amend or Re-submit Cost Estimate for Frequency Reconfiguration (Request) filed June 6, 2014 by the City of Harlingen, Texas (Harlingen). Harlingen submitted a cost estimate for reconfiguration of its 800 MHz public safety communications system on May 2, 2014 but now seeks to amend or re-submit the cost estimate because the initial estimate was incomplete to the extent that it did not include “possible City plans for a partial upgrade.”<sup>1</sup>

II. DISCUSSION

2. Recognizing that “upgrade plans be laid out comprehensively at the time of the Cost Estimate Submission,”<sup>2</sup> Harlingen seeks to either amend or re-submit its cost estimate to reflect an upgrade, the nature of which it does not describe in its Request. It asserts that Nextel Operations, Inc. (Sprint)<sup>3</sup> has requested that, if Harlingen does not intend to reconfigure its system in the manner set out in the May 2, 2104 cost estimate, Harlingen should withdraw that estimate and submit a replacement.<sup>4</sup> The 800 MHz Transition Administrator Mediator (TA Mediator) advised Harlingen that Commission permission was required to withdraw and resubmit its cost estimate because, to do so, represented an untimely upgrade request.<sup>5</sup> Harlingen represents that it “was not in the position to describe such [upgrade] plans at the time” it submitted its initial cost estimate.

3. We agree with Sprint and the TA Mediator that Commission approval is required if a licensee submits a cost estimate and later proposes an upgrade to its system. The asserted reason Harlingen did not submit a timely cost estimate incorporating an upgrade proposal is that Harlingen’s “fire administration had undergone a personnel change and it became important to reconstruct upgrade

<sup>1</sup> Request at 1.

<sup>2</sup> *Id.* at 2.

<sup>3</sup> For purposes of uniformity in 800 MHz rebanding decisions, we refer to wholly-owned Sprint subsidiaries such as Nextel Operations, Inc., by the name of the parent, Sprint Corp. (Sprint).

<sup>4</sup> Request at 1.

<sup>5</sup> *Id.* at 1-2.

discussions within the prior administration.”<sup>6</sup> Harlingen, therefore, proposes to submit a revised cost estimate, incorporating the upgrade information, by June 20, 2014, over a month after the May 2, 2104 cost estimate was presented to Sprint.<sup>7</sup> Harlingen has not explained why over a month is required to “reconstruct discussions” with the prior fire administration and submit a revised cost estimate, and we are not persuaded that, with diligence, Harlingen could not have done so earlier.

### III. DECISION

4. When, as here, a licensee submits a cost proposal and later attempts to introduce an upgrade, it unnecessarily burdens the resources of Sprint, the TA and the Commission and, more importantly, potentially delays conclusion of rebanding. We would, therefore, be amply justified in denying Harlingen’s Request. Considering, however, that Sprint is willing to accept a modified cost estimate, and because the upgrade proposal might possibly accelerate the rebanding of Harlingen’s system, we are granting the Request, but in so doing place other licensees on notice that they face an exceptionally heavy burden in advancing untimely upgrade requests. A rationale as thin as Harlingen has presented here, will not succeed.

### IV. ORDERING CLAUSES

5. Accordingly IT IS ORDERED that the Request for Permission to Amend or Re-submit Cost Estimate for Frequency Reconfiguration, submitted June 6, 2014 by the City of Harlingen, Texas, IS GRANTED.

6. IT IS FURTHER ORDERED that the City of Harlingen, Texas, SHALL FILE an amended cost estimate with Sprint Corp. and the 800 MHz Transition Administrator, on or before June 20, 2014.

7. 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

Michael J. Wilhelm  
Deputy Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau

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<sup>6</sup> *Id.* at 1, n.1.

<sup>7</sup> *Id.* at 2.