

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

In the Matter of
ANN ARBOR TRANSPORTATION
AUTHORITY
Request For Waiver of the April 14, 2011
Deadline for Completion of 800 MHz Rebanding
in the U.S.-Canada Border Area
WT Docket No. 02-55

ORDER

Adopted: October 2, 2014

Released: October 2, 2014

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

I. INTRODUCTION

1. On September 26, 2014, the Ann Arbor Transportation Authority (AATA), Ann Arbor, Michigan, filed a Request for Waiver of the April 14, 2011 Deadline for Completion of 800 MHz Rebanding in the U.S.-Canada Border Regions (Waiver Request). AATA requests until December 31, 2014 to complete rebanding. For the reasons set out below, the Waiver Request is denied.

II. BACKGROUND

2. AATA reports that it "successfully reconfigured during the weekend of September 20, 2013 and has vacated its pre-rebanding frequencies to Sprint." It represents it is "in the process of completing various clean up tasks related to the reconfiguration." AATA does not explain the nature of the "clean up tasks" or justify why they should take until December 31, 2014 to complete. However, AATA goes on to say:

Since the reconfiguration, AATA has experienced interference (affecting the 862 band). The local office of the FCC has investigated and is aware of this issue. After conducting an internal investigation to preclude the possibility that the interference was emanating from its own system reconfiguration, it was determined that the cause of the interference emanated from a Verizon Wireless cellular tower across from Licensee's headquarters at the Ypsilanti Transmit Center. Licensee notified the CTIA website of the interference in mid-January, 2014. To date, this issue has not been resolved. As a result of the failure to resolve this issue, on August 21, 2014, Licensee filed a Change Notice under its FRA for a full and complete replacement system, which Change Notice remains outstanding. Licensee requests a further extension until December 31,

1 Waiver Request, Waiver Request Information Form at item 5A.

2014 to resolve this issue.²

III. DISCUSSION

3. The requested extension appears to relate more to disposition of AATA's Change Notice than to the unspecified "clean up tasks" associated with reconfiguration of its 800 MHz communications system. In AATA's view, the interference it is encountering dictates that Sprint provide AATA with a "full and complete replacement system."³ AATA is mistaken. The Commission's rules provide that, when unacceptable interference is encountered by a non-ESMR 800 MHz licensee, the responsibility for remedying that interference rests with the carrier causing it. Thus, Section 22.972(c) of the Commission's rules⁴ provides, in pertinent part:

(c) Mitigation steps.

(1) All Cellular Radiotelephone and part 90 of this chapter--800 MHz cellular system licensees who are responsible for causing unacceptable interference shall take all affirmative measures to resolve such interference. Cellular Radiotelephone licensees found to contribute to unacceptable interference, as defined in [§ 22.970](#), shall resolve such interference in the shortest time practicable. Cellular Radiotelephone licensees and part 90 of this chapter--800 MHz cellular system licensees must provide all necessary test apparatus and technical personnel skilled in the operation of such equipment as may be necessary to determine the most appropriate means of timely eliminating the interference. However, the means whereby interference is abated or the cell parameters that may need to be adjusted is left to the discretion of the Cellular Radiotelephone and/or part 90 of this chapter--800 MHz cellular system licensees, whose affirmative measures may include, but not be limited to, the following techniques:

- (i) Increasing the desired power of the public safety/CII signal;
- (ii) Decreasing the power of the part 90 ESMR and/or Cellular Radiotelephone system signal;
- (iii) Modifying the part 90 ESMR and/or Cellular Radiotelephone system antenna height;
- (iv) Modifying the part 90 ESMR and/or Cellular Radiotelephone system antenna characteristics;
- (v) Incorporating filters into part 90 ESMR and/or Cellular Radiotelephone transmission equipment;
- (vi) Permanently changing part 90 ESMR and/or Cellular Radiotelephone frequencies; and
- (vii) Supplying interference-resistant receivers to the affected public safety/CII licensee(s). If this technique is used, in all circumstances, Cellular Radiotelephone and/or part 90 of this chapter ESMR licensees shall be responsible for all costs thereof.

² *Id.*

³ *Id.*

⁴ 47 C.F.R. §22.972(c). There are corollary provisions in 47 C.F.R. § 90.674(c).

Because mitigating unacceptable interference is the absolute responsibility of the interfering carrier, and not Sprint (except in the case in which Sprint is the interfering carrier) AATA's encountering interference from Verizon is not a rebanding matter. It may be, as AATA alleges, that Verizon has been unresponsive to AATA's interference complaints. If so, AATA's remedy is to further pursue the matter with Verizon and, if unsuccessful, to report the interference to the Commission's Enforcement Bureau.

IV. DECISION

4. Having determined that AATA's encountering interference from Verizon is not a rebanding matter, and having demonstrated that the Commission's rules provide a remedy for the interference that AATA has encountered, we find no justification for AATA's request to extend completion of its rebanding until December 31, 2014 so that it may pursue a Change Notice to replace its system. If AATA requires a brief extension of time to deal with its "various clean up tasks" it may file a further request for waiver of the April 14, 2011 Deadline for Completion of 800 MHz Rebanding in the U.S.-Canada Border Regions in which it specifies the nature of the "clean up tasks" and sets out a reasonable time for their completion.

V. ORDERING CLAUSE

5. Accordingly, IT IS ORDERED that the April 14, 2011 Request for Waiver of the April 14, 2011 Deadline for Completion of 800 MHz Rebanding in the U.S.-Canada Border Regions, filed September 26, 2014 by the Ann Arbor Transportation Authority IS DENIED.

6. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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