



## **Change Notice Process**

A Change Notice serves to notify Sprint and the TA of changes to the scope, cost, or schedule of your planning or reconfiguration implementation activities subsequent to the execution of your TA-approved Planning Funding Agreement (PFA) or Frequency Reconfiguration Agreement (FRA). The terms of your PFA or FRA require that you submit a Change Notice when a change to the work contemplated by your PFA or FRA is needed. As a general matter, a Change Notice is appropriate only when you are faced with unanticipated changes in cost, scope, or schedule that occur during implementation or in the case of an emergency.

In its September 12, 2007 Public Notice, the Federal Communications Commission (FCC) provided guidance about and established timeframes for the Change Notice process. The FCC indicated that “the negotiation and approval of Change Notice requests should take into account the overall goals of this proceeding, not just the issue of minimum cost.” The Change Notice process should not be used to recover costs that were either (1) reasonably foreseeable during PFA or FRA contract negotiations but were not raised in negotiations, or (2) considered and rejected. If you incurred additional unforeseen costs during planning as a result of the FCC’s expedited timeframes for completing your planning activities, as those appear in the FCC’s September 12, 2007 Public Notice, you may seek to recover such costs through a Change Notice. Whether a change is unanticipated or reasonably foreseeable will be assessed based on the individual circumstances surrounding each Change Notice submission.

### **Overview**

As your planning and reconfiguration implementation activities proceed in accordance with the work described in your PFA or FRA, there may be a need for changes to the scope of such work and the related costs. These changes may occur at any point during the planning and reconfiguration implementation process between the time that you executed your TA-approved PFA or FRA with Sprint and the time that you reconcile your costs with Sprint prior to the contract closing.

This fact sheet summarizes the procedures applicable whenever a change to your PFA or FRA scope of work is required. This process generally involves submitting a Change Notice in accordance with the applicable terms of your PFA or FRA, negotiating with Sprint, and submitting an amendment to your PFA or FRA for TA review and approval. You will be at risk for costs incurred in excess of those authorized in your PFA or FRA, including costs incurred by your vendors, until a Change Notice is submitted and approved. Failure to follow the Change Notice procedures may put at risk your ability to recover the additional costs from Sprint.

### **Change Notice Submission & Review Process**

1. When a change to the scope of work in a TA-approved PFA or FRA is necessary, you should promptly submit a written Change Notice in accordance with the applicable “Changes” provision of your PFA or FRA.
2. Your Change Notice should (i) describe the scope of the change to the work contemplated by the TA-approved PFA or FRA, (ii) explain the need for the change, and (iii) estimate any increase or decrease in the Cost Estimate and in the time required to complete your planning or reconfiguration implementation.

*NOTE Regarding Increases/Decreases in Cost Estimate:*

- a. If you have a **decrease** in a single cost estimate line item, you **do not** need to file a Change Notice.
  - b. If you have an **increase** in one or more cost estimate line items, you **must** file a Change Notice.
  - c. If you have an **increase** in one or more cost estimate line items **AND a decrease** in one or more cost estimate line items, you **must** file a Change Notice.
3. Although neither your PFA nor FRA mandates the form in which your Change Notice should be submitted, the TA strongly recommends the use of the TA's Change Notice Form available at [http://www.800ta.org/content/resources/Change\\_Notice\\_Form.doc](http://www.800ta.org/content/resources/Change_Notice_Form.doc). If you choose not to use the TA's form, ensure your submitted Change Notice includes the following information:
- a. Incumbent Licensee Name and Submitter contact information
  - b. Whether the Change Notice relates to equipment, legal fees, project management costs, schedule, frequencies, or other issues
  - c. The description of the change to the work contemplated by the PFA or FRA
  - d. Explanation of the need for the change
  - e. Anticipated impact on schedule for start and/or completion of subscriber retune and/or infrastructure retune activities
  - f. Estimated total cost of your Change Notice (dollar amount)
4. To ensure your Change Notice is submitted concurrently to Sprint and the TA, and to facilitate its processing, fax your Change Notice to **866-221-6990 or 703-935-5377**. Alternatively, you may email your Change Notice to the TA at [changenotice@800TA.org](mailto:changenotice@800TA.org) and to your Sprint Project Manager. The TA will monitor the progress of the Change Notice.
5. Sprint will respond to your Change Notice within **10 working days** of receipt.
6. You and Sprint may negotiate the Change Notice for **20 working days** following the submittal of the Change Notice (this time period includes the 10 working days for Sprint to respond). Either party may request mediation during this 20 working day period by filing a "Request for Mediation Form," which is available on the TA's website at <http://www.800TA.org/content/resources/forms.asp>.
7. To facilitate your negotiations with Sprint, please be prepared to provide documentation and other reasonable support for the scope of and need for the change and your estimate of the impact of the change on your TA-approved Cost Estimate and on the time required to complete your planning or reconfiguration implementation.
8. If your Change Notice is not resolved within **20 working days** of submission, it will be referred to the TA's Chief Mediator. Your negotiations will be monitored by the TA for progress and possible referral to the FCC's Public Safety and Homeland Security Bureau if needed.
9. If you and Sprint agree to an amendment to your PFA or FRA, the TA will review the amendment within 10 working days from the date it is submitted for TA review. For TA-approved amendments that relate to costs, payment will occur in accordance with the payment terms in your PFA or FRA. NOTE: If you submit more than one Change Notice or Amendment for additional cost reimbursement, you will face, with each subsequent request, increasingly high burdens for demonstrating that additional costs are reasonable.

***Withdrawal of a Change Notice***

If you want to withdraw your Change Notice, you may send a fax to **866-221-6990 or 703-935-5377**, or an email to the TA at [changenotice@800TA.org](mailto:changenotice@800TA.org) and to your Sprint Project Manager, indicating that you are withdrawing the Change Notice and noting the date it was originally submitted.

If, at a later date, you resubmit the withdrawn Change Notice with additional information or submit a revised version of it, please indicate on the Change Notice Form that your submission is a revised Change Notice and note the date of the original submission.

### ***Guidance for Change Notices Resulting from Project Delays***

The TA recognizes that certain events and delays cannot be anticipated during negotiations. However, all parties must recognize the difference between project delays and periods of minimal activity that were foreseeable to the licensee during the negotiations of their agreements. It is not uncommon for large and complicated projects to require “quiet” periods during which necessary governmental approvals or vendor agreements, among other examples, are being obtained. Licensees and project management vendors have an obligation to mitigate the impact of project delays. As a general matter, at this stage of the reconfiguration program, these periods should be accounted for in licensees’ PFAs and FRAs.

Change Notices requesting additional funds for project management because of project delays that were not anticipated must clearly describe:

1. The nature of the delay and why it was unforeseeable.
2. How any additional costs were or will be mitigated. For example, during slower periods of activity, meetings and reporting can be reduced, simplified or eliminated.

### ***Transactional Costs***

All transactional costs, including legal fees, associated with an Amendment or Change Notice are considered foreseeable and should be included in the same Amendment or Change Notice.

### ***Advance Notice of Changes***

If you believe that a change in your rebanding project costs or scope is required (including changes by your vendors), you should promptly notify Sprint in writing. Requesting additional cost recovery after the costs have been incurred denies Sprint the opportunity to address and possibly avoid the circumstances contributing to these cost increases. Furthermore, until the additional costs are reviewed and approved by the TA, the licensee bears the risk that the additional costs will not be reimbursed by Sprint. Although there are some limited circumstances where a licensee may need to make urgent changes in its rebanding activities prior to notifying Sprint of the proposed change, project management activities generally do not fall within this category.

### ***Licensee Responsibility***

As a licensee, you bear the ultimate responsibility for managing and overseeing your reconfiguration activities, to ensure that costs incurred are reasonable and the minimum necessary to ensure comparable facilities. The cost estimates included with PFAs and FRAs specifically include a licensee certification that the funds requested are the minimum necessary to provide the licensee with reconfigured facilities comparable to those presently in use in a manner that is reasonable, prudent and timely. This licensee certification is applicable to all Change Notices and other amendments to the agreement.

For additional information, visit the TA’s website at <http://www.800TA.org>.

#### **About the 800 MHz Transition Administrator**

800 MHz Transition Administrator, LLC (“TA LLC”) is the Transition Administrator (“TA”) for the reconfiguration of the 800 MHz band mandated by the Federal Communications Commission (“FCC”). TA LLC has contracted with Deloitte Consulting LLP, Squire Patton Boggs (US) LLP, and Baseline Wireless Services, LLC to perform the duties of the TA. Among its duties, the TA establishes reconfiguration guidelines, specifies replacement channels, reviews reconfiguration cost estimates, monitors payment of reconfiguration costs, manages the relocation schedule, facilitates issue resolution and administers the alternative dispute resolution process. TA LLC uses information it receives solely for the purposes of administering the 800 MHz reconfiguration process and may disclose such information to the FCC or other authorized parties pursuant to the requirements of the 800 MHz Order or other applicable laws.