

Mediation File No. TAM-_____

WAIVER OF PRIVILEGE AND CONFIDENTIALITY

Name of Licensee: _____

License Call Sign(s): _____

The Licensee named above, by its duly authorized officer or other representative, hereby waives any privilege from or other objection to disclosure of mediation communications by 800 MHz Transition Administrator, LLC (“TA”) to the Federal Communications Commission (“FCC”). This waiver includes all statutory and common law privileges or rights to confidentiality, including but not limited to Sections 4 through 6 (governing privilege) and Section 8 (governing confidentiality) of the “Uniform Mediation Act” as adopted by any state.

The Licensee agrees not to call any TA Mediator as a witness, or to subpoena any records of a TA Mediator, in any litigation or other adversarial proceeding of any nature, including administrative proceedings before the FCC, with respect to any mediation conducted by a TA Mediator or any information obtained by a TA Mediator in connection with such mediation.

Signature

Printed name of individual signing waiver

Title of individual signing waiver

Date

Contact Information:

Address: _____

Telephone: _____

Fax: _____

Email: _____

The TA reminds licensees that representations made to the TA are held to the same requirement of truth and candor as representations made to the FCC.

**INSTRUCTIONS FOR COMPLETING
WAIVER OF PRIVILEGE AND CONFIDENTIALITY FORM**

The Federal Communications Commission ("FCC") has authorized 800 MHz Transition Administrator, LLC ("TA") to assist 800 MHz stakeholders in resolving disputes involving the negotiation and implementation of Frequency Reconfiguration Agreements. The TA is also authorized to mediate other disputes involving the 800 MHz reconfiguration process, including disputes involving interference to public safety licensees. In addition, the TA may mediate disputes involving the clearing of the 1.9 GHz band. If the parties are unable to resolve a dispute which the TA has mediated, the TA is required to submit the record of the dispute, together with a recommended resolution, to the FCC for *de novo* review.

A number of states have adopted the Uniform Mediation Act ("Act") which, *inter alia*, prohibits the disclosure of mediation communications to a third party. "Mediation communications" include oral and written statements made, and other information disclosed, during the course of mediation proceedings. The Act's privilege and confidentiality provisions are subject to waiver pursuant to Sections 3(c) and 5(a), respectively. Mediation communications may also be protected by other statutory and common law privileges. This waiver form expressly waives all such rights and privileges in order to permit the TA to comply with its obligation to submit a complete record and recommended resolution of unresolved disputes to the FCC for its review.

This waiver form does **not** apply to disclosures by the TA or TA Mediators to any person other than the parties to the mediation and the FCC, nor does it apply to any communications or other information not disclosed to the TA or a TA Mediator, e.g., confidential communications with your attorney.

By executing this form, you also agree not to call any TA Mediator as a witness or to subpoena any records of a TA Mediator in any litigation, including administrative proceedings before the FCC. This provision is intended to protect the confidentiality of TA mediations and to promote open and candid communications with TA Mediators.

You are encouraged to obtain the advice of counsel before executing this form.

1. Name of Licensee – Please provide the name of your organization as it appears on the FCC License(s) for which you request TA mediation.
2. Licensee Call Sign(s) – Please list all of the 800 MHz or 1.9 GHz call signs for which you request TA mediation. Attach a separate sheet if necessary.
3. Contact information – Please provide complete contact information for the individual who signed this waiver.
4. Submit a completed copy of the Waiver of Privilege and Confidentiality Form in one of the following ways:

Via email (PDF):

TAMediation@ssd.com

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website www.800TA.org | **e-mail** comments@800TA.org | **phone** 888.800.8220 | **fax** 888.701.4380



Transition
Administrator

The Official Reconfiguration Manager

**FCC 800 MHz Band Reconfiguration
ADR Waiver of Privilege and Confidentiality Form
Form #: TA – 7.1
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Via U.S. mail:

TA Mediation
c/o Squire, Sanders & Dempsey L.L.P.
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044-0407

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