

SUMMARY

As directed by the Federal Communications Commission's Public Safety and Homeland Security Bureau ("PSHSB"), the 800 MHz Transition Administrator, LLC ("TA") submits its reconfiguration timetable for the reconfiguration of the 800 MHz band in the "Sharing Zone" (*i.e.*, within 110 kilometers (68.35 miles) of the U.S.-Mexico border) and in the portions of the NPSPAC regions bordering Mexico that are outside the Sharing Zone ("Reconfiguration Timetable").

In developing the Reconfiguration Timetable, and given experience with the reconfiguration of the 800 MHz band in prior waves and the program data and lessons learned, the TA considered the following primary factors:

1. Completion of reconfiguration in the 30-month period set forth in the *Fifth Report and Order*,
2. Minimizing disruption for licensees by limiting the number of reconfiguring licensees and the number of licensees that are dependent on other licensees to clear their replacement frequencies,
3. Spectrum availability, and
4. The availability of licensee and vendor resources.

The TA also took into consideration the close coordination with licensees in Mexico and among U.S. licensees the transition to the post-reconfiguration band plan in the Sharing Zone will require.

The Reconfiguration Timetable incorporates the guidance, band plans, timeframes, and sequencing the PSHSB set forth in the *Fifth Report and Order*. The Reconfiguration Timetable also takes into account the variations in the band plans inside and outside the Sharing Zone and the types of affected licensees (*e.g.*, public safety or non-public safety) as it seeks to maximize efficiency, cost effectiveness, and speed of the reconfiguration in the Sharing Zone and affected

NPSPAC regions along the U.S.-Mexico border. The TA factored in the different timeframes, based on past experience, for non-public safety licensees and public safety licensees to complete reconfiguration.

As required by the PSHSB, the Reconfiguration Timetable describes milestones for completion of each phase of the reconfiguration process. In developing the Reconfiguration Timetable, the TA took into account the specific steps required in each NPSPAC region for the relocation of non-NPSPAC and NPSPAC licensees.

Based on the TA's analysis, the Reconfiguration Timetable provides that reconfiguration of U.S.-Mexico border licensees will proceed in a single stage for purposes of starting planning, submitting a cost estimate to Sprint Corporation ("Sprint"), and negotiating a Frequency Reconfiguration Agreement ("FRA"). All licensees will begin the planning and negotiation phase on August 23, 2013. Licensees that seek planning funding will negotiate a Planning Funding Agreement ("PFA") or a PFA Amendment with Sprint, conduct planning activities, prepare and submit a cost estimate, and negotiate an FRA. For licensees without a PFA, the TA is designating August 23, 2013 as the start date upon which to base the calculation of the planning period and the deadline for submitting a cost estimate to Sprint. Licensees without a PFA will begin planning activities on August 23, 2013, prepare and submit a cost estimate, and negotiate an FRA. From past experience, it has become apparent that public safety and non-public safety licensees move through the reconfiguration process in different ways and on different timeframes. Each has unique characteristics during the negotiation and implementation phases of reconfiguration. Having all U.S.-Mexico border licensees proceed on a parallel path will reduce the number of required agreements, facilitate synchronized planning, and reduce the total amount of time required for FRA negotiations.

Because some licensees must wait for their replacement frequencies to be cleared by other reconfiguring licensees, the reconfiguration sequence will have multiple steps. The TA anticipates that certain NPSPAC regions will complete reconfiguration before other more complex regions. Clearing of licensees in Mexico will also impact the schedule and coordination of licensee implementation in the Sharing Zone.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Improving Public Safety Communications in the) WT Docket No. 02-55
800 MHz Band)
)
New 800 MHz Band Plan for U.S.-Mexico)
Sharing Zone)

To: Chief, Public Safety and Homeland Security Bureau

**RECONFIGURATION TIMETABLE FOR
THE RECONFIGURATION OF THE 800 MHz BAND
IN THE SHARING ZONE AND AFFECTED NPSPAC REGIONS
ALONG THE U.S.-MEXICO BORDER**

Pursuant to the direction of the Federal Communications Commission’s (“FCC’s”) Public Safety and Homeland Security Bureau (“PSHSB”) in the *Fifth Report and Order* in the above-captioned proceeding, the 800 MHz Transition Administrator, LLC (“TA”) hereby submits its reconfiguration timetable for the reconfiguration of the 800 MHz band in the “Sharing Zone” (*i.e.*, within 110 kilometers (68.35 miles) of the U.S.-Mexico border)¹ and in the portions of the NPSPAC regions bordering Mexico that are outside the Sharing Zone (“Reconfiguration Timetable”).² The Reconfiguration Timetable applies to licensees in the Sharing Zone and also applies to those licensees outside the Sharing Zone that have not yet commenced reconfiguration due to dependencies on reconfiguration of licensees in the Sharing Zone (collectively, “U.S.-Mexico border licensees”).

¹ See 47 C.F.R. § 90.619(a).

² See Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Fifth Report and Order*, 28 FCC Rcd 4085, 4102 ¶ 55 (2013) (“*Fifth Report and Order*”).

I. INTRODUCTION

In the *Fifth Report and Order*, the PSHSB established a 30-month transition period for reconfiguration in the Sharing Zone and affected NPSPAC regions along the U.S.-Mexico border.³ The transition period will begin August 23, 2013, 60 days after the June 24, 2013 effective date of the order.⁴ The PSHSB directed the TA to develop and submit, within 60 days of the effective date of the *Fifth Report and Order*, “a detailed reconfiguration timetable with milestones for completion of each stage of the reconfiguration process.”⁵ The PSHSB noted that the Reconfiguration Timetable “should take into account variations in licensee characteristics, band plans, and other relevant factors.”⁶ The PSHSB further directed that the Reconfiguration Timetable set out the specific steps required in each NPSPAC region for the relocation of non-NPSPAC and NPSPAC licensees.⁷ The TA has developed a Reconfiguration Timetable that incorporates the guidance, band plans, timeframes, and reconfiguration sequencing that the PSHSB set forth in the *Fifth Report and Order*.

II. RECONFIGURATION TIMETABLE

The TA developed the following timetable for reconfiguration in the Sharing Zone and affected NPSPAC regions along the U.S.-Mexico border. Some of the dates are based upon the *Fifth Report and Order* and other dates were determined by the TA.

³ See *id.* at 4085 ¶ 1.

⁴ See *id.* at 4102 ¶ 53.

⁵ *Id.* at 4102 ¶ 55.

⁶ *Id.*

⁷ See *id.*

Table 1: Key Dates

Milestone	Date
Commencement of 30-month transition period for reconfiguration	August 23, 2013
Requests for Planning Funding due	August 23, 2013
Change Notices due for licensees that already have a Planning Funding Agreement (“PFA”) and need to amend it to complete planning	August 23, 2013
Start of planning period for licensees without a PFA	August 23, 2013*
Expansion Band Elections due	November 20, 2013*
Guard Band Elections due	November 20, 2013*
Cost Estimates due for licensees without a PFA	
Licensees with 5,000 subscriber units or less	November 20, 2013
Licensees with 5,001 to 10,000 subscriber units	December 2, 2013
Licensees with more than 10,000 subscriber units	December 10, 2013
Cost Estimates due for licensees with a PFA or PFA Amendment	90 to 110 days from TA approval of PFA or PFA Amendment
Licensees with 5,000 subscriber units or less	90 days
Licensees with 5,001 to 10,000 subscriber units	100 days
Licensees with more than 10,000 subscriber units	110 days
Completion of implementation by licensees	February 23, 2016
End of 30-month transition period	February 23, 2016

* Date established by the TA

III. OVERVIEW OF THE RECONFIGURATION TIMETABLE

A. Agreement with Mexico

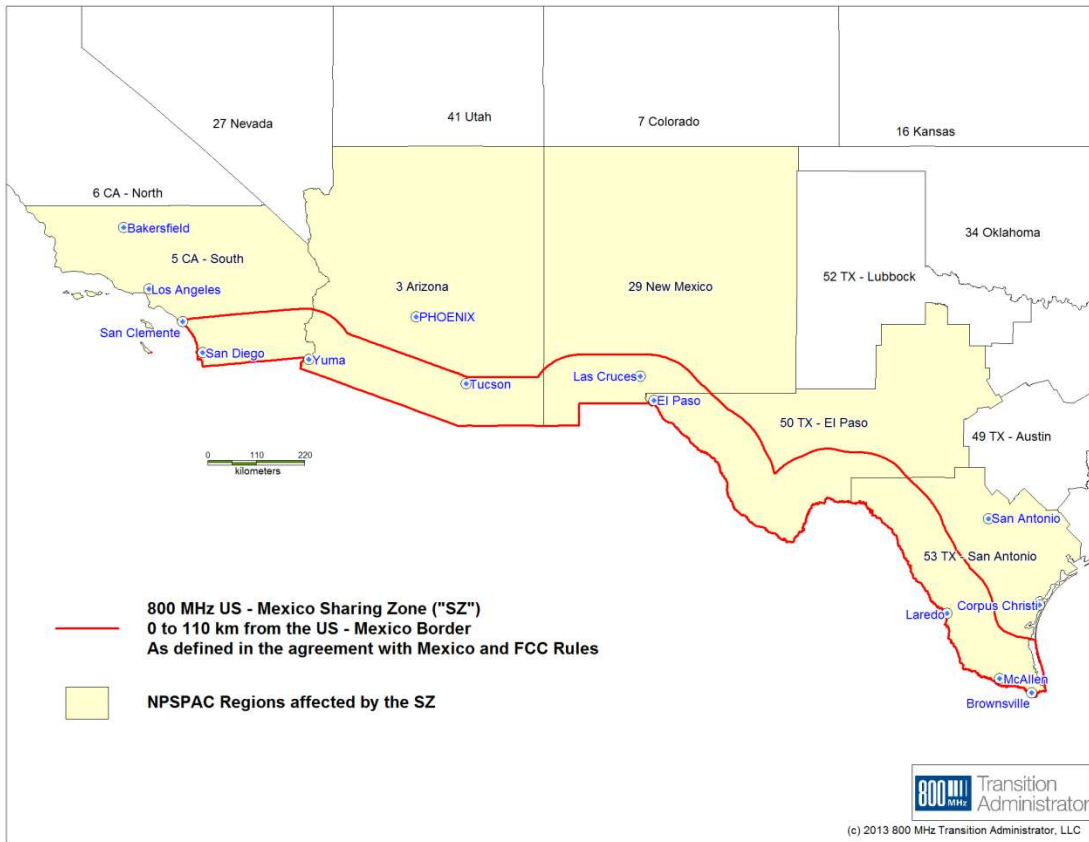
The United States and Mexico operate along their common border in the 800 MHz band pursuant to a bilateral protocol that assigns access to spectrum between the two countries in a “Sharing Zone,” which consists of the region extending 110 kilometers from the border into both countries. On June 8, 2012, the United States and Mexico signed an agreement modifying the international allocation of 800 MHz spectrum in the U.S.-Mexico border region (“Amended Protocol”), which enables the United States to proceed with 800 MHz band reconfiguration along the border.⁸

⁸ See Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment, Assignment and Use of the 806-824/851-869 MHz and 896-901/935-940 MHz Bands for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border (June 8, 2012) (“Amended Protocol”).

B. NPSPAC Regions

There are five NPSPAC regions bordering Mexico that will be reconfigured pursuant to the *Fifth Report and Order*. The affected regions, as illustrated in the map below, are NPSPAC Region 3: Arizona, NPSPAC Region 5: Southern California, NPSPAC Region 29: New Mexico, NPSPAC Region 50: Texas – El Paso, and NPSPAC Region 53: Texas – San Antonio.

Map of NPSPAC Regions Along U.S.-Mexico Border



C. Band Plans

The PSHSB established distinct post-reconfiguration band plans for (1) licensees operating within the Sharing Zone, (2) licensees operating outside of the Sharing Zone in NPSPAC Region 5: Southern California, and (3) licensees operating outside of the Sharing Zone in the remaining NPSPAC regions bordering Mexico.

D. Elements of Reconfiguration

1. Sharing Zone

In the *Fifth Report and Order*, the PSHSB established a band plan for licensees operating within the Sharing Zone in all of the NPSPAC regions bordering Mexico. The band plan eliminates the use of offset channels in the Sharing Zone and adopts the post-rebanding channel plan for the Sharing Zone using standard channel centers. The PSHSB also eliminated the use of offset channels outside the Sharing Zone in the five NPSPAC regions bordering Mexico. Consequently, the TA will designate post-rebanding replacement channels with standard channel centers for all licensees in the Sharing Zone and outside the Sharing Zone in the five NPSPAC regions bordering Mexico.

The band plan for the Sharing Zone provides for the following licensees to be relocated:

- Non-public safety licensees (*e.g.*, Business, Industrial, and Land Transportation (“B/ILT”) licensees and non-cellular Specialized Mobile Radio (“SMR”) licensees) and public safety licensees in the 811-821/856-866 MHz portion of the band will relocate to replacement channels in 809-812.25/854-857.25 MHz. NPSPAC licensees currently in the old NPSPAC band at 821-824/866-869 MHz will generally relocate 15 MHz lower in frequency to the new NPSPAC band at 806-809/851-854 MHz including those licensed on Mexican primary NPSPAC channels.⁹
- Licensees operating high-density cellular systems, such as Sprint Corporation (“Sprint”),¹⁰ and licensees that have elected to relocate to the Enhanced Specialized Mobile Radio (“ESMR”) Band will relocate to the ESMR Band at 817-824/862-869 MHz.¹¹

⁹ Some repacking of NPSPAC licensees may be needed, including relocating certain licensees from pool channels, if necessary, or to Mexican primary channels if the licensee is currently operating on Mexican primary NPSPAC channels.

¹⁰ References to Sprint include Sprint Corporation and its subsidiaries, such as Nextel Communications, Inc. The FCC’s approval of SoftBank Corp.’s (“SoftBank’s”) acquisition of Sprint Nextel Corporation was conditioned on both the post-transaction Sprint and SoftBank “assuming all obligations of Sprint with respect to the reconfiguration of the 800 MHz band.” Applications of SoftBank Corp., Starburst II, Inc., Sprint Nextel Corporation, and Clearwire Corporation for Consent to Transfer of Control of Licenses and Authorizations, *Memorandum Opinion and Order, Declaratory Ruling, and Order on Reconsideration*, IB Docket No. 12-343, 28 FCC Rcd 9642, 9668 ¶ 64 (2013).

¹¹ Sprint’s licenses will be amended to include the former NPSPAC band at 821-824/866-869 MHz, which will be designated for ESMR operations.

- Licensees currently operating on Mexican primary channels in the 806-811/851-856 MHz and 816-821/861-866 MHz ranges will retune to the first 190 channels in the Mexican primary segment of the band at 812.25-818.5/857.25-863.5 MHz if there are no U.S. primary channels available to accommodate them.

Transition to the post-reconfiguration band plan in the Sharing Zone will require close coordination with licensees in Mexico and among U.S. licensees.

2. NPSPAC Region 5 (Outside the Sharing Zone)

The post-reconfiguration band plan for licensees outside the Sharing Zone in NPSPAC Region 5 is identical to the post-reconfiguration channel plan used in most other non-border areas, except that there is no Expansion Band or Guard Band in the 815-817/860-862 MHz segment of the band. The band plan provides for the following licensees to be relocated:

- Licensees currently operating in the 806-809/851-854 MHz portion of the band will relocate to spectrum above 809/854 MHz, including the 815-817/860-862 MHz band segment.¹²
- Licensees currently operating in the 809-812.25/854-857.25 MHz portion of the band may be reconfigured to 812.25-817/857.25-862.0 MHz to free up replacement frequencies for Sharing Zone licensees.
- NPSPAC licensees currently operating in the old NPSPAC band at 821-824/866-869 MHz will generally relocate 15 MHz lower in frequency to the new NPSPAC band at 806-809/851-854 MHz.
- Sprint will relocate to the ESMR Band at 817-824/862-869 MHz.

Unlike non-border regions where public safety licensees relocated out of the Expansion Band unless they elected to remain there, public safety licensees in NPSPAC Region 5 currently operating in the 815-816/860-861 MHz band segment will remain on these channels and will not be reconfigured.

¹² The 130 channels immediately above the new NPSPAC band (809-812.25/854.0-857.25 MHz) will likely be unavailable in the portion of Region 5 adjacent to the Sharing Zone due to co-channel spacing requirements necessary to accommodate intensive use by licensees inside the Sharing Zone.

3. NPSPAC Regions 3, 29, 50, and 53 (Outside the Sharing Zone)

The post-reconfiguration band plan for licensees outside the Sharing Zone in NPSPAC Regions 3, 29, 50, and 53 is identical to the post-reconfiguration channel plan used in most other non-border areas and includes an Expansion Band and a Guard Band. The band plan provides for the following licensees to be relocated:

- Licensees currently in the 806-809/851-854 MHz portion of the band will relocate to spectrum above 809/854 MHz.¹³
- Licensees currently operating in the 809-812.25/854-857.25 MHz portion of the band may be reconfigured to 812.25-817/857.25-862.0 MHz to free up replacement frequencies for Sharing Zone licensees.
- Public safety licensees in the Expansion Band at 815-816/860-861 MHz will relocate out of the Expansion Band unless they affirmatively choose to remain by filing an Expansion Band Election.
- NPSPAC licensees currently in the old NPSPAC band at 821-824/866-869 MHz will generally relocate 15 MHz lower in frequency to the new NPSPAC band at 806-809/851-854 MHz.
- Licensees operating high-density cellular systems, such as Sprint, and licensees that have elected to relocate to the ESMR Band will relocate to the ESMR Band at 817-824/862-869 MHz.

Licensees currently operating in the Interleaved Band at 809-815/854-860 MHz will generally remain on these channels and will not be reconfigured.

E. Considerations in Developing the Reconfiguration Timetable

1. General Considerations

In developing the Reconfiguration Timetable, the TA considered many factors. The TA analyzed available information obtained from FCC licensing data. The TA took into

¹³ The 130 channels immediately above the new NPSPAC band (809-812.25/854.0-857.25 MHz) may be unavailable in areas adjacent to the Sharing Zone due to co-channel spacing requirements necessary to accommodate intensive use by licensees inside the Sharing Zone.

consideration its experience with the reconfiguration of the 800 MHz band in prior waves and stages, factoring in the empirical information it had obtained and lessons learned.

The TA set as its primary goal the completion of reconfiguration in the Sharing Zone and affected NPSPAC regions along the U.S.-Mexico border in the 30-month transition period established by the PSHSB in the *Fifth Report and Order*. That period begins on August 23, 2013 and ends on February 23, 2016.

Spectrum availability was also a significant concern in the TA's frequency planning. The TA sought to ensure minimal disruption for licensees by seeking to minimize the total number of reconfiguring licensees and to reduce, to the extent feasible, the clearing of frequencies by one licensee in advance of their use as replacement frequencies by another licensee. The structure of the band plan will nonetheless require a number of replacement frequencies to be cleared by incumbent licensees before use by other licensees. The transition to the post-reconfiguration band plan in the Sharing Zone will require close coordination with licensees in Mexico and among U.S. licensees. Some Sharing Zone licensees will need to wait for one or more U.S. and/or Mexican licensees to vacate channels before they are able to retune to their replacement channels.

The TA considered the number of licensees and the resources that all stakeholders must devote to the reconfiguration process. There are approximately 195 U.S.-Mexico border licensees that are subject to reconfiguration, with slightly fewer public safety licensees than non-public safety licensees. The TA has been mindful of the schedule and duration of planning and negotiations established by the PSHSB and the licensees' need to start the necessary planning as soon as possible. The TA also considered the number of licensees and the resources that licensees, Sprint, the TA, and licensees' vendors may need to devote to the negotiations and to

any necessary mediation of Planning Funding Agreements and Frequency Reconfiguration Agreements (“FRAs”) as well as to reconfiguration implementation activities.

The Reconfiguration Timetable also takes into account the variations in the band plans inside and outside the Sharing Zone and the types of affected licensees (*e.g.*, public safety or non-public safety) as it seeks to maximize efficiency, cost effectiveness, and speed of the reconfiguration in the Sharing Zone and affected NPSPAC regions along the U.S.-Mexico border. The TA factored in the different timeframes, based on past experience, for non-public safety licensees and public safety licensees to complete reconfiguration. Information regarding interdependencies between public safety licensees and the interoperability of their systems informed the TA’s analysis.

Unforeseen events, such as weather, natural disasters, or delays in clearing blocking licensees on either side of the U.S.-Mexico border, may impact the Reconfiguration Timetable. The TA will assess the Reconfiguration Timetable throughout the reconfiguration process to account for such developments and, if necessary, recommend to the PSHSB that the timetable be adjusted accordingly.

2. Stakeholder Outreach Efforts

The TA has engaged in, and continues to engage in, outreach activities with U.S.-Mexico border licensees to educate and inform them about the reconfiguration process. To this end, the TA has held, and will continue to hold, meetings, teleconferences, and other communications with 800 MHz stakeholders to collect information that will assist in developing frequency plans and refining the timetable for reconfiguration. The TA held outreach meetings with public safety licensees in NPSPAC Region 3: Arizona, NPSPAC Region 5: Southern California, and NPSPAC Region 53: Texas – San Antonio in May and June 2013. During these meetings, the TA presented information about the phases and activities in the reconfiguration process, the new

band plans, preparing for reconfiguration, conducting planning activities, and the sequence of reconfiguring different licensee groups. In addition, the TA conducted webinars (online seminars) for public safety and non-public safety licensees in June 2013 during which it presented similar information to that presented at the outreach meetings. The TA's presentations from the outreach meetings and recordings of the webinars are posted on the TA's website at <http://www.800TA.org/content/ipswebinars>.

The TA also conducted a mailing campaign to inform licensees about the release of the *Fifth Report and Order*, provide information about the reconfiguration process, and encourage licensees to begin preparing and planning for reconfiguration. The TA has sought, and will seek, input from the Regional Planning Committees, as needed, on the NPSPAC portions of the draft frequency plans in affected regions to address any region-specific frequency allocation issues. Finally, the TA has posted information for U.S.-Mexico border licensees regarding reconfiguration on its website at <http://www.800TA.org/content/resources/mexicoborder.asp>.

IV. STEPS IN IMPLEMENTATION OF NEW BAND PLAN AND TIMETABLE

A. Filing Freeze

The PSHSB has imposed a filing freeze on new 800 MHz applications along the U.S.-Mexico border. The NPSPAC regions subject to the application freeze are NPSPAC Region 3: Arizona, NPSPAC Region 5: Southern California, NPSPAC Region 29: New Mexico, NPSPAC Region 50: Texas – El Paso, and NPSPAC Region 53: Texas – San Antonio. The application freeze applies to these NPSPAC regions as well as locations within 70 miles of the border of these regions. Pursuant to the *Fifth Report and Order*, the application freeze will remain in

effect until the PSHSB announces a date by which it will again begin accepting new applications.¹⁴

B. Staging of Reconfiguration

With hundreds of 800 MHz licensees from prior waves having concluded PFA and FRA negotiations and proceeding with reconfiguration implementation or having concluded the process, it has become apparent that public safety and non-public safety licensees move through the reconfiguration process in different ways and on different timeframes. There are approximately 195 U.S.-Mexico border licensees that need to reconfigure. In many cases, there is a mixture of non-public safety and public safety licensees being relocated from one part of the 800 MHz band to another, and many are dependent on other licensees, both public safety and non-public safety, clearing replacement frequencies for them. The clearing requirements materially affect how the sequence of moves must be orchestrated. The staging and sequences described below reflect these considerations.

1. Single Stage

The TA determined that reconfiguration of U.S.-Mexico border licensees will proceed in a single stage for purposes of commencement of planning, submission of cost estimates to Sprint, and negotiations of an FRA. All licensees will begin the planning and negotiation phase on August 23, 2013.

Based on past experience and given the characteristics of the band plans, the TA believes that public safety licensees that hold both NPSPAC and non-NPSPAC licenses will benefit from conducting their planning and the reconfiguration of those frequencies as a single coordinated project. Public safety licensees tend to require longer periods of time for planning, negotiation

¹⁴ *Fifth Report and Order*, 28 FCC Rcd at 4102 n.134.

of an FRA, and implementation, due primarily to network complexity and interdependencies with other public safety licensees.¹⁵ Historically, the majority of Requests for Planning Funding (“RFPFs”) submitted in prior waves were by public safety licensees, primarily those with medium to large sized systems.

The TA’s frequency planning will leverage the historical tendency of non-public safety licensees to complete planning, FRA negotiations, and implementation more quickly than public safety licensees. In general, non-public safety licensees will be provided replacement frequencies that do not require a U.S. public safety licensee to clear before they can implement their reconfiguration. Some non-public safety licensees will require another non-public safety blocking licensee to clear first. Although all licensees will commence the planning and negotiation phase at the same time, the TA believes, based on program experience, that non-public safety licensees will clear more quickly and therefore make available the necessary replacement frequencies for public safety reconfigurations.

Frequency planning for public safety licensees in the Sharing Zone and affected NPSPAC regions along the U.S.-Mexico border is more complex than in non-border areas because of the limited amount of spectrum on which licensees must be accommodated and the potential reconfiguration of non-NPSPAC licensees onto NPSPAC frequencies. Some limited “repacking” of NPSPAC licensees in the Sharing Zone may be needed, including relocating certain licensees from pool channels, if necessary, or to Mexican primary channels if the licensee is currently operating on Mexican primary NPSPAC channels.¹⁶

¹⁵ See 800 MHz Transition Administrator, LLC, “Quarterly Progress Report for the Quarter Ended March 31, 2013,” WT Docket No. 02-55, at 9 (filed June 19, 2013).

¹⁶ See *Fifth Report and Order*, 28 FCC Rcd at 4095 n.76; see also *id.* at 4109 ¶ 72.

The Reconfiguration Timetable anticipates that public safety licensees will negotiate one FRA to cover both NPSPAC and non-NPSPAC frequencies. Licensees with both NPSPAC and non-NPSPAC frequencies need not wait for an Implementation Planning Session in their region to reconfigure their non-NPSPAC frequencies if there are no interoperability concerns and their replacement frequencies are available.¹⁷ It is important for licensees to promptly reconfigure their non-NPSPAC frequencies if those frequencies are needed as replacement frequencies for other licensees. This is true for public safety licensees subject to the standard U.S. band plan that have channels in Channels 1-120 (806-809/851-854 MHz).¹⁸ It also applies to public safety licensees in Region 3 in the Expansion Band (815-816/860-861).¹⁹ To the extent that public safety licensees can reconfigure their channels independently from other public safety licensees, they should negotiate their implementation schedule with Sprint and include it in the FRA.

Certain licensees currently operating outside the Sharing Zone in the 809-812.25/854-857.25 MHz portion of the band, which would otherwise not need to reconfigure under the standard non-border band plan, will be required to reconfigure to 812.25-817/857.25-862.0 MHz in order to clear replacement frequencies for licensees in the Sharing Zone.²⁰ Affected licensees will receive proposed replacement frequencies from the TA.

¹⁷ At an Implementation Planning Session, the TA brings together relevant licensees, their equipment vendors, technical consultants, and Sprint to develop a consolidated implementation schedule for the region. The PSHSB requires licensees that have not completed reconfiguration to participate in an IPS in their region, if offered. *See Fifth Report and Order*, 28 FCC Rcd at 4107 ¶ 71.

¹⁸ This is particularly the case for public safety licensees with Channels 1-120 and 809-812.25/854-857.25 frequencies as well as NPSPAC frequencies in NPSPAC Region 5.

¹⁹ Similar to the Expansion Band licensees in the rest of the United States, reconfiguring Expansion Band licensees in these areas may also be able to move forward on an independent basis without an Implementation Planning Session.

²⁰ *See Fifth Report and Order*, 28 FCC Rcd at 4099 n.110; *see also id.* at 4101 n.129. The TA reserves the right to designate, after August 23, 2013, additional licensees outside the Sharing Zone in the 809-812.25/854-857.25 MHz portion of the band that will be required to reconfigure. In that event, the TA would establish a schedule for planning and negotiations for those licensees at that time.

As detailed in Section IV.D below, each NPSPAC region has a unique population of licensees, and while all licensees will commence the planning and negotiation phase on the same schedule, implementation will have more varied timing. Under the Reconfiguration Timetable, it is anticipated that licensees, especially those outside the Sharing Zone, will commence reconfiguration implementation during the first half of 2014 and the reconfiguration of the entire 800 MHz band in the Sharing Zone and affected NPSPAC regions along the U.S.-Mexico border, to the extent possible, will be completed by February 23, 2016 – 30 months after reconfiguration starts.

2. Underlying Assumptions Supporting the TA's Reconfiguration Timetable

The Reconfiguration Timetable is based on the following assumptions:

1. The majority of non-public safety licensees will not be filing RFPFs that would require the negotiation of a PFA prior to the negotiation of an FRA. Any funds necessary for their planning activities most likely will be included in their cost estimate for their FRA.
2. Non-public safety licensees will enter into FRAs early in the 30-month transition period and will reconfigure promptly after they enter into FRAs, thereby clearing frequencies for licensees both in the Sharing Zone and the NPSPAC band.²¹
3. Many public safety licensees, regardless of whether they are NPSPAC, non-NPSPAC, or a combination of the two, will be submitting RFPFs seeking funding for their planning activities and entering into PFAs, or have additional planning to complete under existing PFAs when they receive their replacement frequencies.
4. Licensees will be able to complete their planning activities within the timeframes set forth in the *Fifth Report and Order*.²²
5. Any necessary clearing of licensees in Mexico will be done in a timely manner pursuant to the process described in the Amended Protocol.²³

²¹ As noted, a number of licensees in the Sharing Zone will be moving onto channels that may need to be cleared of other incumbent licensees that are reconfiguring systems to provide replacement frequencies. NPSPAC licensees in Regions 5 and 3 will also require replacement frequencies to be cleared by other licensees. Licensees will be provided information on the need for prior clearing, and the TA will work with all parties on scheduling and coordination for implementation in these cases.

²² See *Fifth Report and Order*, 28 FCC Rcd at 4104 ¶ 61.

²³ See Amended Protocol at Article V.

In addition, the TA generally has assumed that stakeholders will have labor and material resources available in sufficient quantities when needed for planning, negotiations, and implementation of the reconfiguration. Furthermore, the TA assumed that equipment manufacturers will have and be able to deliver necessary resources, including software, firmware, equipment, and technical support/service, to conduct the reconfiguration as scheduled. Finally, the TA will make use of the experience and tools developed in prior waves to coordinate and schedule implementation for licensees to ensure frequencies are cleared in a timely fashion and in the proper sequence.

C. Planning, Negotiation, and Mediation Phase

Pursuant to the *Fifth Report and Order* and the TA's Alternative Dispute Resolution ("ADR") Plan, licensees should complete planning and negotiations in the timeframes described below.²⁴ The timelines vary for those licensees that submit RFPFs and negotiate PFAs and those licensees without PFAs.

1. Submitting RFPFs and Negotiating PFAs

The PSHSB indicated that licensees that intend to negotiate a PFA must submit their RFPFs within 60 days of the June 24, 2013 effective date of the *Fifth Report and Order*, i.e., on or before August 23, 2013. An RFPF describes the tasks that a licensee expects to undertake to plan for the reconfiguration of its 800 MHz radio system and serves as the basis for requesting funding from Sprint for those planning activities. Licensees that intend to negotiate a PFA must prepare and submit an RFPF, regardless of whether they have received their proposed replacement frequencies. Preparing and submitting an RFPF is not a frequency-dependent task,

²⁴ See generally, *Fifth Report and Order*, 28 FCC Rcd at 4103-4104 ¶¶ 59-62; "Alternative Dispute Resolution Plan for 800 MHz Transition Administrator, LLC" (Version 1.9), at Section 8.H, *attached to* Letter from Joseph P. Markoski, Squire Sanders (US) LLP, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 02-55 (filed July 11, 2013) ("*ADR Plan*").

and licensees may not wait to receive their replacement frequencies before they submit RFPFs. Licensees seeking funding for planning must submit an RFPF to the TA on or before August 23, 2013 and negotiate a PFA with Sprint.

Some licensees have already entered into a PFA with Sprint and may need to amend it to complete the planning process. Licensees that previously entered into a PFA and need to amend it must submit a Change Notice within 60 days of the effective date of the *Fifth Report and Order*, *i.e.*, on or before August 23, 2013.

A licensee and Sprint will have 30 days from submittal of the RFPF or Change Notice to negotiate a PFA or PFA Amendment. The negotiations will be monitored by a TA Mediator.²⁵ If a PFA or PFA Amendment has not been submitted to the TA by the end of the 30-day period, the licensee and Sprint will participate in mediation for a period of 20 working days. If the parties do not reach agreement, the TA Mediator may direct the parties to file Proposed Resolution Memoranda setting out the disputed issues and the support for their positions. The TA Mediator will prepare a Recommended Resolution of the issues in dispute, which will be forwarded along with the record of the mediation to the PSHSB for *de novo* review.

2. Planning and Preparing Cost Estimates

During the planning process, a licensee and its vendors plan for the reconfiguration of the licensee's radio system. Planning activities include, but are not limited to, conducting an

²⁵ The TA will assign a TA Mediator to RFPFs or PFA Change Notices submitted after August 9, 2013, and to those that have not resulted in a PFA or PFA Amendment by August 23, 2013. If a licensee submits an RFPF after August 9, 2013, Sprint will evaluate the RFPF to determine whether it is sufficiently complete to commence good faith negotiations for a PFA and will notify the TA Mediator within four working days. If Sprint finds the RFPF to be sufficiently complete, or if Sprint fails to make a determination by the fourth day, the TA Mediator will issue a Notice of Commencement of Negotiations marking the initiation of the time periods established by the PSHSB for the negotiation and, if necessary, mediation of a PFA. If, on the other hand, Sprint determines that the RFPF is incomplete, the TA Mediator, in consultation with the Chief Mediator, will evaluate whether Sprint's determination is reasonable. If the TA Mediator concurs with Sprint's determination, the TA Mediator will issue an Order to Submit a Revised RFPF informing the parties of the TA Mediator's determination, the reasons for the determination and the necessary information that the licensee must submit. *See ADR Plan*, at 26-27.

inventory of the subscriber equipment, conducting an inventory of the infrastructure, defining the interoperability environment, evaluating the proposed replacement frequencies, and developing an implementation plan for the licensee's reconfiguration. A licensee must prepare a cost estimate – an estimate of the discrete costs associated with the reconfiguration of its radio system.²⁶

The TA anticipates providing Frequency Proposal Reports (“FPRs”), which list the licensee's current frequencies designated for reconfiguration and provide proposed replacement frequencies, to most licensees by August 23, 2013.²⁷ The TA is working to provide licensees with FPRs prior to the commencement of planning activities; however, this may not be possible for all licensees. The TA encourages licensees that have not received FPRs to proceed with planning activities to the extent that they are not frequency-dependent and would not result in unnecessary duplication of costs.²⁸

a. Licensees with a Planning Funding Agreement

The planning period for licensees with a PFA begins when the TA approves the PFA, provided that the licensee has received its proposed replacement frequencies. If a licensee has not received its FPRs when the TA approves its PFA, the planning period will commence upon receipt of its FPRs.

²⁶ Information about preparing a cost estimate is available on the TA's website at <http://www.800TA.org/content/resources/forms.asp>.

²⁷ Licensees will receive an FPR from the TA for every call sign with fixed locations that is reconfiguring. The FPR will identify replacement frequencies and will also provide a unique URL (web address) that will provide online access to additional information and tools.

²⁸ Non-frequency-dependent planning activities in which licensees may engage prior to obtaining their FPRs include conducting subscriber equipment inventory, infrastructure inventory, non-frequency-specific engineering and implementation planning, and defining their interoperability environment.

The length of a licensee's planning period is prescribed by the *Fifth Report and Order*.²⁹ If the licensee has 5,000 subscriber units or less, it must complete planning and submit a cost estimate for the negotiation of an FRA within 90 days.³⁰ If the licensee has 5,001 to 10,000 subscriber units, the planning period is 100 days, and if the licensee has more than 10,000 subscriber units, the period is 110 days.³¹

b. Licensees without a Planning Funding Agreement

For licensees without a PFA, the *Fifth Report and Order* provides that the TA will designate an "equivalent starting date" to calculate the planning period and the deadline for the submission of a cost estimate for an FRA to Sprint. The Reconfiguration Timetable establishes August 23, 2013 as the start date for the planning period and for calculating the deadline for submission of a cost estimate for all licensees without a PFA. If a licensee has not received its FPRs by August 23, 2013, the planning period will commence upon receipt of the FPRs.

The amount of time between the TA-designated start date and the date for submitting a cost estimate to Sprint will depend on the size of the licensee's system.³² Licensees with 5,000 subscriber units or less must submit a cost estimate for the negotiation of an FRA within 90 days of the TA-designated date (*i.e.*, by November 20, 2013).³³ Licensees that have 5,001 to 10,000 subscriber units have 100 days from the TA-designated date to submit their cost estimate (*i.e.*, by December 2, 2013). Licensees with more than 10,000 subscriber units have 110 days from the TA-designated date (*i.e.*, by December 10, 2013).³⁴ As a result, the submission of cost estimates

²⁹ *Fifth Report and Order*, 28 FCC Rcd at 4104 ¶ 61.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

by licensees without a PFA will be staggered within a period of approximately one month. Licensees that have prepared their cost estimates ahead of schedule should submit them to Sprint and proceed to negotiate an FRA. The early submission of cost estimates will facilitate the timely negotiation of FRAs by licensees and Sprint.

The dates noted above are summarized in the following table.

Table 2: RFPF Deadline, PFA Planning Start Date/TA-Designated Date, and Cost Estimate Due Dates

Licensees	RFPF Deadline	PFA Planning Start Date/TA-Designated Date	Cost Estimate Due Date – Licensees with 5,000 or Less Units	Cost Estimate Due Date – Licensees with 5,001 to 10,000 Units	Cost Estimate Due Date – Licensees with More Than 10,000 Units
Licensees Requesting Planning Funding	8/23/2013	The later of TA approval of the PFA, or receipt of FPR(s)	90 days from the planning start date	100 days from the planning start date	110 days from the planning start date
Licensees without PFAs	N/A	8/23/2013	11/20/2013	12/2/2013	12/10/2013

3. FRA Negotiations

Upon completion of the planning activities and the development of the cost estimate, the licensee must submit a cost estimate to Sprint, with a copy to the designated TA Mediator, and negotiate an FRA with Sprint. Sprint will evaluate the cost estimate to determine whether, in Sprint’s opinion, it is sufficiently complete to enable Sprint and the licensee to engage in good faith negotiations for an FRA. Sprint must so advise the TA Mediator within four working days. If Sprint fails to meet the deadline or if Sprint determines that the cost estimate is sufficiently complete to commence good faith negotiations, the TA Mediator will issue a “Notice of Commencement of Negotiations” marking the initiation of the time periods established by the

PSHSB for the negotiation and mediation of an FRA.³⁵ If Sprint determines that the cost estimate is incomplete, the TA Mediator, in consultation with the Chief Mediator, will determine whether Sprint's evaluation is reasonable. The TA Mediator may issue an "Order to Submit a Revised Cost Estimate" informing the parties of the TA Mediator's determination, the reasons for the determination, and the need for the licensee to resubmit the cost estimate with the necessary information.

As set forth in the *Fifth Report and Order*, the licensee and Sprint will have 30 days to negotiate an FRA, during which time a TA Mediator will monitor the negotiations. If the parties do not submit an FRA to the TA within 30 days, they must participate in mediation.

4. Mediation

If a licensee and Sprint have not negotiated and submitted an FRA to the TA within thirty days, they must participate in mediation for twenty working days.³⁶ A TA Mediator will assist the parties with FRA negotiations during the mediation period. If the parties do not reach agreement, the TA Mediator will instruct the parties to file Proposed Resolution Memoranda on the remaining disputed issues and will prepare and submit a Recommended Resolution, along with the record of the mediation, to the PSHSB for *de novo* review. Additional information about mediation for U.S.-Mexico border licensees can be found in the TA's ADR Plan, which is available on the TA's website at http://www.800TA.org/content/resources/ADR_Plan.pdf.³⁷

D. The Implementation Sequence and Schedule

There are five NPSPAC regions along the U.S.-Mexico border that will be reconfigured. While the TA's frequency and implementation planning is not sequenced based on NPSPAC

³⁵ See *Fifth Report and Order*, 28 FCC Rcd at 4104 ¶ 61.

³⁶ See *Fifth Report and Order*, 28 FCC Rcd at 4104 ¶ 62.

³⁷ See *ADR Plan*, at 25-36.

regions clearing in a particular order, the TA anticipates that certain regions will complete reconfiguration of their 800 MHz systems earlier than other more complex regions that will require more sophisticated frequency planning, implementation planning, and reconfiguration sequencing. The TA's frequency and implementation planning is designed to allow licensees to move in a manageable sequence to clear channels in a timely manner and maintain interoperability.

After a material population of licensees in a NPSPAC region has completed planning, the TA will conduct an Implementation Planning Session ("IPS") to assist licensees in the affected NPSPAC region with coordination of their implementation activities and clearing of frequencies. During an IPS, the TA, Sprint, licensees, and their vendors develop a consolidated implementation schedule for the region that identifies key milestones and dependencies associated with reconfiguration implementation activities. An IPS is generally for public safety licensees in a region, but non-public safety licensees may be invited to participate as needed. The IPS helps licensees adjust implementation schedules to deal with complicated interconnections and interdependencies of shared networks – particularly setting dates for retuning mutual aid channels used by neighboring jurisdictions. At the IPS, licensees will coordinate timely clearing of replacement frequencies and subsequent relocation of licensees onto their final replacement frequencies. Clearing of licensees in Mexico will also impact the schedule and coordination of licensee implementation in the Sharing Zone.

1. Overview of Implementation in Each Region

- a. NPSPAC Region 5: Southern California

NPSPAC Region 5: Southern California has a significant number of licensees and frequencies outside the Sharing Zone that need to be cleared in Channels 1-120 (806-809/851-854 MHz), as well as in the 809-812.25/854-857.25 MHz range. This population includes non-

public safety as well as public safety entities. In this area, the majority of non-public safety licensees will be provided replacement frequencies that do not need to be cleared by any incumbent licensee other than Sprint, allowing them to move as soon as they have negotiated and executed an FRA. Some Region 5 public safety licensees may also be able to move their Channels 1-120 and 809-812.25/854-857.25 MHz frequencies as soon as they reach an FRA, depending on whether their replacement channels are clear.

Because Channels 1-120 and 809-812.25/854-857.25 MHz need to be cleared outside the Sharing Zone in Region 5 as a first step to allow subsequent reconfigurations, public safety licensees with frequencies in those bands as well as in the NPSPAC band (821-824/866-869 MHz) should plan to reconfigure frequencies in the lower bands first and then do their NPSPAC reconfiguration as a subsequent step.³⁸

In turn, Sharing Zone non-public safety licensees in Region 5 will generally be provided replacement frequencies that, in the United States, require only Sprint to clear or non-public safety licensees outside the Sharing Zone in the United States to clear. Public safety licensees in the Sharing Zone will move as their replacement frequencies are cleared and as any interoperability partners are ready. Relevant clearing by licensees in Mexico will also have to be confirmed before any Sharing Zone licensee can proceed with implementation.

As a practical matter in Region 5, close coordination will be required between licensees inside and outside the Sharing Zone, which the TA will facilitate in conjunction with Sprint.

b. NPSPAC Regions 3 and 29

NPSPAC Region 3: Arizona and NPSPAC Region 29: New Mexico have licensees inside and outside the Sharing Zone that will be reconfiguring pursuant to the Reconfiguration

³⁸ The TA will provide licensees with information on whether or not they can retune in a single step once the frequency planning is complete and replacement frequencies are sent.

Timetable. However, unlike Region 5, few licensees outside the Sharing Zone will have to reconfigure 809-812.25/854-857.25 MHz frequencies to provide replacement frequencies inside the Sharing Zone, and conversely there will be little or no blocking of licensees outside the Sharing Zone by licensees in the Sharing Zone. Therefore both areas will be able to proceed with implementation as replacement frequencies become available in the respective areas, and they may be able to proceed in parallel depending on clearing progress in Mexico.

Outside the Sharing Zone, only NPSPAC licensees in Region 3 will have to wait for prior clearing of their new NPSPAC replacement channels by incumbent non-public safety licensees; otherwise, all replacement frequencies should be available for reconfiguration as soon as an FRA is reached as only Sprint will have to clear.

Within the Sharing Zone for Region 3, licensees will have instances where their replacement frequencies will have to be cleared by another U.S. licensee. To the extent feasible, non-public safety licensees will be given channels that are not blocked by another U.S. licensee, or only blocked by another U.S. non-public safety licensee, with the expectation that they will reach an FRA and reconfigure more quickly. A number of public safety licensees will have to coordinate their clearing as their replacement frequencies become available and based on interoperability requirements.

In Region 29, none of the replacement frequencies are expected to have to be cleared by a U.S. licensee, other than Sprint, before they are available. In both Regions 3 and 29, relevant clearing by licensees in Mexico will also have to be confirmed before any Sharing Zone licensee can proceed with implementation.

c. NPSPAC Regions 50 and 53

NPSPAC Region 50: Texas – El Paso and NPSPAC Region 53: Texas – San Antonio only have licensees inside the Sharing Zone that will be reconfiguring as part of this effort.

Therefore, both areas will be able to proceed with implementation as replacement frequencies become available in the respective areas and they may be able to proceed in parallel depending on clearing progress in Mexico.

In Regions 50 and 53, licensees will have instances where their replacement frequencies will have to be cleared by another U.S. licensee. To the extent feasible, non-public safety licensees will be given channels that are not blocked by another U.S. licensee, or only blocked by other U.S. non-public safety licensees, with the expectation that they will reach an FRA and reconfigure more quickly. A number of public safety licensees will have to coordinate their clearing as their replacement frequencies become available and based on interoperability requirements.

2. Reconfiguration Sequence

The Reconfiguration Timetable anticipates the following sequencing for band reconfiguration for licensees in and affected by the Sharing Zone.³⁹

a. NPSPAC Regions 3, 29, 50, and 53

1. Non-Sharing Zone licensees (Regions 3 & 29 only):

- Channels 1-120 and a few 854.0-857.25 MHz channels are first to clear. Licensees will be provided replacement frequencies in the 857.25-861.0 MHz range that will be cleared ahead of their reconfiguration by Sprint.
- NPSPAC licensees that are not blocked by reconfiguring licensees in Channels 1-120 will be able to move as soon as they reach an FRA and, if necessary, any interoperability partners are ready.
- With proper coordination, non-Sharing Zone public safety licensees with non-NPSPAC (including Expansion Band) and NPSPAC frequencies in Region 3 should then generally be able to reconfigure both bands of frequencies as a single step once Channels 1-120 are cleared by B/ILT or SMR licensees.

³⁹ Where any given licensee will fall in the schedule for a given area is a function of whether their replacement frequencies need to be cleared by other licensees and whether they have interoperability with other licensees that requires them all to move at the same time.

2. Sharing Zone licensees:

- The process will generally start by reconfiguring 856.0-866.0 MHz offset frequencies into 854-857.25 MHz.
- Non-public safety licensees will be provided replacement frequencies that are either unblocked or that should be cleared relatively quickly by any blocking U.S. B/ILT or SMR licensees.
- Some Sharing Zone public safety licensees will have to wait for their replacement frequencies to be cleared by other licensees before implementing their new frequencies.
- With proper coordination, Sharing Zone public safety licensees should generally be able to move their NPSPAC frequencies when they move their 856.0-866.0 MHz channels.
- Note: Non-Sharing Zone and Sharing Zone reconfigurations may be done in parallel as replacement frequencies are available; however frequency clearing in Mexico may impact the schedule for Sharing Zone licensees.

3. ESMR licensees move up into 862.0-869.0 MHz.

b. NPSPAC Region 5: Southern California

1. Non-Sharing Zone licensees:

- The process starts by clearing 854.0-857.25 MHz and Channels 1-120 frequencies. Non-public safety licensees will be provided replacement frequencies that are not blocked in the Sharing Zone and such licensees will be able to clear first.
- Some public safety licensees and some non-public safety licensees with only Channels 1-120 frequencies will have to wait until their replacement frequencies are cleared by licensees in the Sharing Zone.
- Non-Sharing Zone public safety licensees with both non-NPSPAC and NPSPAC frequencies should generally plan on clearing their non-NPSPAC frequencies first then NPSPAC frequencies as a separate subsequent process.
- NPSPAC licensees will reconfigure their frequencies to 851-854.0 MHz when their replacement channels are cleared and, if necessary, when their interoperability partners are also ready to reconfigure.

2. Sharing Zone licensees:

- Sharing Zone licensees reconfigure 856.0-866.0 MHz frequencies into 854-857.25 MHz. Non-public safety licensees will be provided replacement frequencies that are unblocked or that should be cleared relatively quickly.

- Most Sharing Zone public safety licensees will have to wait for their replacement frequencies to be cleared before implementing their new frequencies.
- Sharing Zone public safety licensees may also be able to move their NPSPAC frequencies when they move their 856.0-866.0 MHz channels.
- Note: Non-Sharing Zone and Sharing Zone reconfigurations may be done in parallel as replacement frequencies are available; however frequency clearing in Mexico may impact the schedule for Sharing Zone licensees.

3. Sprint moves up into 862.0-869.0 MHz.

E. Elections

1. Expansion Band

Public safety licensees currently operating in the Expansion Band (815-816/860-861 MHz) outside of the Sharing Zone in NPSPAC Region 3: Arizona, NPSPAC Region 29: New Mexico, NPSPAC Region 50: Texas – El Paso, and NPSPAC Region 53: Texas – San Antonio will be relocated out of the Expansion Band unless they affirmatively elect to remain.⁴⁰ Public safety licensees electing to remain in the Expansion Band should notify the TA of their election by completing and returning to the TA an Expansion Band Election Form.⁴¹ The form and instructions can be found on the TA’s website at <http://www.800TA.org/content/resources/forms.asp>. Licensees must submit their Expansion Band Elections to the TA by November 20, 2013.

2. Guard Band

Licensees that are operating outside of the Sharing Zone in NPSPAC Region 3: Arizona, NPSPAC Region 29: New Mexico, NPSPAC Region 50: Texas – El Paso, and NPSPAC Region

⁴⁰ See *Fifth Report and Order*, 28 FCC Rcd at 4101 ¶ 49. Affected licensees in some of these regions may have already reconfigured or filed an Expansion Band Election during the reconfiguration of non-border licensees. There is no Expansion Band in the Sharing Zone or in NPSPAC Region 5: Southern California.

⁴¹ Public safety licensees may also elect to relocate to the Expansion Band. See *Improving Public Safety Communications in the 800 MHz Band*, WT Docket No. 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order*, 19 FCC Rcd 14969, 15053 at ¶ 154 (2004) (“*Report and Order*”).

53: Texas – San Antonio may elect to relocate to the Guard Band at 816-817/861-862 MHz.⁴² Licensees not subject to mandatory reconfiguration may choose to relocate voluntarily to the Guard Band after Sprint has vacated these frequencies.⁴³ There are specific FCC rules for operations and interference protection in the Guard Band.⁴⁴

Licensees electing to relocate into the Guard Band should notify the TA of their election by completing and returning to the TA a Guard Band Election Form or a Voluntary Guard Band Election Form. The forms and instructions can be found on the TA's website at <http://www.800TA.org/content/resources/forms.asp>. Guard Band Elections must be submitted to the TA by November 20, 2013. Because licensee requests for Guard Band spectrum may exceed the available capacity, the TA will not review or grant any voluntary Guard Band Elections until all mandatory Guard Band Elections have been addressed.

V. CONCLUSION

Pursuant to the PSHSB's *Fifth Report and Order*, the TA submits its Reconfiguration Timetable for the reconfiguration of the 800 MHz band in the Sharing Zone and affected NPSPAC regions. The TA looks forward to working with the FCC, licensees, Sprint, and other affected stakeholders to expeditiously eliminate harmful interference, improve public safety communications, and help ensure a timely, efficient, and fair reconfiguration process.

⁴² See *Fifth Report and Order*, 28 FCC Rcd at 4101 ¶ 52. There is no Guard Band in the Sharing Zone or in NPSPAC Region 5: Southern California.

⁴³ See *Improving Public Safety Communications in the 800 MHz Band*, WT Docket No. 02-55, *Supplemental Order and Order on Reconsideration*, 19 FCC Rcd 25120, 25158 at ¶ 86 (2004) ("*Supplemental Order*"); see also *Report and Order*, 19 FCC Rcd at 15054 ¶ 158.

⁴⁴ See 47 C.F.R. § 90.617(k); see also *Fifth Report and Order*, 28 FCC Rcd at 4101 ¶ 52 ("any licensee choosing to relocate to the Guard Band must operate with increased minimum median received power levels in order to be eligible for protection from unacceptable interference"); see also *Report and Order*, 19 FCC Rcd at 15054-55 ¶¶ 157-158.

Respectfully submitted,

800 MHz TRANSITION ADMINISTRATOR, LLC

Brett S. Haan
Kamesh Mullapudi
Deloitte Consulting LLP
1919 N. Lynn Street
Arlington, VA 22209
(571) 814-7380

/s/ Robert B. Kelly
Robert B. Kelly
Douglas L. Povich
Steve F. Lederman
Squire Sanders (US) LLP
1200 19th Street, N.W.
Washington, DC 20036
(202) 626-6600

Alan J. (Joe) Boyer
Baseline Wireless Services, LLC
2770 Arapahoe Road, Suite 132-133
Lafayette, CO 80026
(303) 444-1480

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