



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT 800 MHZ BAND RECONFIGURATION WILL COMMENCE JANUARY 3, 2006, IN THE NPSPAC REGIONS ASSIGNED TO WAVE 3

WT Docket No. 02-55

In July 2004, the Federal Communications Commission (Commission) adopted a *Report and Order* in this docket which, *inter alia*, reconfigured the 800 MHz band to eliminate interference to public safety and other land mobile communication systems operating in the band.¹ As specified in the *Report and Order*, the band reconfiguration process is being overseen by a Transition Administrator (TA)² which has provided the Commission with a plan detailing when band reconfiguration will commence in each of the fifty-five 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) regions.³ On March 11, 2005, the Bureau approved the TA's basic 800 MHz band reconfiguration schedule, *i.e.*, the grouping of the NPSPAC regions into four waves (Waves 1-4) and starting the reconfiguration process in each wave on the dates recommended by the TA.⁴

¹ See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004) (*Report and Order*). See also *Supplemental Order and Order on Reconsideration*, WT Docket No. 02-55, 19 FCC Rcd 25120 (2004) (*Supplemental Order*). See also, *Memorandum Opinion and Order*, WT Docket No. 02-55, FCC 05-174, released October 5, 2005.

² The Transition Administrator was recommended by a search committee made up of representatives of the five major stakeholders in the 800 MHz band, Nextel Communications, Inc. (Nextel), the Association of Public Safety Communications Officials-International (APCO), the Industrial Telecommunications Association (ITA), Southern LINC and the United Telecom Council (UTC). See *Report and Order*, 19 FCC Rcd at 15070-75 ¶¶ 190-200. The Bureau concurred in the search committee's recommendation that the Transition Administrator be comprised of a three-organization team made up of BearingPoint, Squire-Sanders-Dempsey LLP, and Baseline Telecom, Inc. See *Wireless Telecommunications Bureau Concurs with Search Committee Selection of a Transition Administrator*, *Public Notice*, 19 FCC Rcd 21923 (WTB, PSCID 2004). Additional information on the TA can be found on its web page – www.800ta.org.

³ On January 31, 2005, the TA filed a plan containing a general schedule for implementing 800 MHz band reconfiguration. See *Regional Prioritization Plan of the 800 MHz Transition Administrator*, WT Docket No. 02-55, filed January 31, 2005 (*TA Plan*). The TA later amended the plan to specify a date certain for commencement of Wave 4. See letter dated February 18, 2005, from Robert B. Kelly, Squire, Sanders & Dempsey to Michael J. Wilhelm Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, FCC. The TA's band reconfiguration schedule may be viewed at www.800ta.org.

⁴ See *Wireless Telecommunications Bureau Approves the Basic Reconfiguration Schedule Put Forth in the Transition Administrator's 800 MHz Regional Prioritization Plan*, *Public Notice*, 20 FCC Rcd 5159, (WTB 2005) (*TA Plan PN*).

As part of the 800 MHz band reconfiguration process, the Commission stated that it would issue a Public Notice thirty days before reconfiguration is scheduled to start in each NPSPAC region.⁵ Each such Public Notice specifies a three-month voluntary negotiation period during which time identified licensees in the regions being reconfigured are encouraged to reach agreement with Nextel on the details of relocating.⁶ The voluntary negotiation period is followed by a three-month mandatory negotiation period, if necessary.⁷ The Commission also stated that it would freeze the filing of certain 800 MHz applications for the regions being reconfigured when it issued a Public Notice announcing the date when voluntary negotiation of relocation agreements must be concluded.⁸ The Commission explained that this freeze is necessary in order to maintain a stable spectral landscape during the reconfiguration process in each region.⁹ The Commission delegated authority to issue these Public Notices to the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau (WTB).¹⁰

On May 27, 2005, WTB released a *Public Notice* announcing the reconfiguration start date for the NPSPAC regions assigned to Wave 1 (for the non-NPSPAC channels therein).¹¹ This *Wave 1 PN* also specified the 800 MHz reconfiguration benchmark compliance dates.¹² On September 2, 2005, WTB released a *Public Notice* announcing the reconfiguration start date for NPSPAC regions assigned to Wave 2 (non-NPSPAC channels).¹³ By this *Public Notice*, we announce that the 800 MHz band reconfiguration process for non-NPSPAC channels will start January 3, 2006, in the NPSPAC regions assigned to Wave 3.¹⁴ A list of NPSPAC regions assigned to Wave 3 is attached to this *Public Notice*.¹⁵ The three-month

⁵ See 47 C.F.R. § 90.677(b) and *Report and Order*, 19 FCC Rcd 15076 ¶ 201. See also *TA Plan PN* at 2.

⁶ See 47 C.F.R. § 90.677(b).

⁷ See 47 C.F.R. § 90.677(c).

⁸ See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

⁹ See *id.* See also *Supplemental Order*, 19 FCC Rcd 25158-59 ¶ 87. The Bureau has provided additional information regarding the processing of 800 MHz applications during reconfiguration and indicated that there will be two separate application filing freezes for each region, one filing freeze for non-NPSPAC licensees and a separate freeze for NPSPAC licensees. See *Wireless Telecommunications Bureau Outlines Application Freeze Process for Implementation of 800 MHz Band Reconfiguration, Public Notice*, 20 FCC Rcd 8905 (WTB 2005) (*Two Freeze PN*).

¹⁰ See *Report and Order*, 19 FCC Rcd 15076 ¶ 201.

¹¹ See *Wireless Telecommunications Bureau Announces that 800 MHz Band Reconfiguration Will Commence June 27, 2005, in the NPSPAC Regions Assigned to Wave 1 and Specifies 800 MHz Reconfiguration Benchmark Compliance Dates, Public Notice*, 20 FCC Rcd 9961 (WTB 2005) (*Wave 1 PN*).

¹² See *id.* at 3. Nextel must (1) relocate all but Nextel and SouthernLINC incumbents from Channels 1-120 in the first twenty NPSPAC regions scheduled for reconfiguration and (2) initiate retuning negotiations with all NPSPAC licensees in these same regions by December 26, 2006 (eighteen month benchmark). Further, all applicable systems must have commenced reconfiguration by December 26, 2007 (thirty month benchmark). The 800 MHz band reconfiguration must be completed by June 26, 2008 (thirty-six month benchmark). *Id.*

¹³ See *Wireless Telecommunications Bureau Announces that 800 MHz Band Reconfiguration Will Commence October 3, 2005, in the NPSPAC Regions Assigned to Wave 2, Public Notice*, DA 05-2390, released September 2, 2005 (*Wave 2 PN*).

¹⁴ For the purposes of this *Public Notice*, non-NPSPAC channels are those channels in the 806-817/851-862 MHz band. For the purposes of reconfiguration, this group generally will consist of 800 MHz band licensees on Channels 1-120 (806-809/851-854 MHz).

period during which non-NPSPAC 800 MHz licensees have the option of negotiating on a voluntary basis will end April 2, 2006. The three-month mandatory negotiation period will end July 2, 2006.¹⁶

We also announce by this *Public Notice* that, effective immediately, we are freezing the filing of 800 MHz applications for non-NPSPAC channels in Wave 3.¹⁷ The freeze applies to stations located in all of the NPSPAC regions assigned to Wave 3 and to stations within seventy miles of the borders of the Wave 3 regions.¹⁸ This freeze is effective on the release date of this *Public Notice* and will last until thirty working days¹⁹ after the date for completion of mandatory negotiations as specified above, *i.e.*, until August 14, 2006. The freeze does not apply to modification applications filed to implement 800 MHz band reconfiguration, modification applications filed that do not change an 800 MHz frequency or expand an 800 MHz station's existing coverage area (*e.g.*, administrative updates), assignments/transfers, or renewal-only applications.²⁰

We reiterate that, to facilitate the 800 MHz reconfiguration process, the Commission has established the following new radio service codes for licenses that list 800 MHz band frequencies governed by Part 90 of the Commission's Rules:

Site specific licenses:

- Public safety (conventional) – GE
- Public safety (trunked) – YE
- Business/Industrial/Land Transportation (conventional) – GJ
- Business/Industrial/Land Transportation (trunked) – YJ
- SMR (conventional) – GM and GL (The GL code is used only for applications listing both 800 MHz and 900 MHz frequencies)
- SMR (trunked) – YM and YL (The YL code is used only for applications listing both 800 MHz and 900 MHz frequencies)

Geographic area licenses:

- SMR, market area – YH and CY (The CY code is used only for applications listing both 800 MHz and 1.9 GHz frequencies)

¹⁵ See also *TA Plan PN* Appendix for NPSPAC regions in Wave 3. Per the TA's request, we have moved the Louisiana NPSPAC region (#18) from Wave 2 to Wave 3. See letter from Bob Kelly to Michael Wilhelm, Chief Public Safety and Critical Infrastructure Division, dated September 2, 2005.

¹⁶ In the *Supplemental Order*, the Commission established two negotiation periods (voluntary and mandatory), one for non-NPSPAC licensees and the second for NPSPAC licensees (stations operating in the 821-824/866-869 MHz band). See *Supplemental Order*, 19 FCC Rcd 25143-44 ¶¶ 52-53. Also, in the *TA Plan PN*, the Commission stated that it concurred with the TA's recommendation for separate negotiation periods for NPSPAC and non-NPSPAC licensees in each wave. See *TA Plan PN* at 2. We will issue a separate public notice to start the reconfiguration process in regions in Wave 3 for NPSPAC channels.

¹⁷ We will freeze the filing of applications for 800 MHz NPSPAC frequencies in the regions in Wave 3 in the Public Notice announcing the start of the voluntary and mandatory negotiation periods for NPSPAC licensees. See *Two Freeze PN*; see also note 16, *supra*.

¹⁸ Applicants may request an exception to the freeze pursuant to the waiver provisions in Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925. Parties filing such a request should carefully review the rule's criteria for a waiver and must provide complete support, including but not limited to documentation demonstrating that they meet each prong of the waiver standard. See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

¹⁹ The computation of working days in this specific case does not include weekends or federal holidays.

²⁰ See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

The Commission's Universal Licensing System (ULS) will automatically update modification applications filed to implement 800 MHz band reconfiguration to show the appropriate new radio service code (*i.e.*, applicants should file using their current radio service codes). Once the radio service code has been changed on the license by the Commission, licensees filing subsequent applications concerning that license must use the new radio service code.

The Reconfiguration Plan filed by the TA is available on the Commission's 800 MHz band reconfiguration web page at <http://www.800MHz.gov>. Questions concerning the plan, and other Transition Administrator matters, including whether your 800 MHz system must be relocated, should be directed to Brett Haan, BearingPoint, 1676 International Drive, McLean, VA 22102, Brett.Haan@800ta.org. For additional information on 800 MHz band reconfiguration issues, generally, please contact Roberto Mussenden, Esq., Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via e-mail to Roberto.Mussenden@fcc.gov.

Action by the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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APPENDIX
NPSPAC Regions Assigned to Wave 3

NPSPAC Region ¹	Description of Region ²
1	Alabama
9	Florida
10	Georgia
18	Louisiana
23	Mississippi
31	North Carolina
37	South Carolina
*	Large non-public safety systems that cover multiple NPSPAC regions ³

¹ Per the TA's request, we moved the Louisiana NPSPAC region (#18) from Wave 2 to Wave 3. See letter from Bob Kelly to Michael Wilhelm, Chief Public Safety and Critical Infrastructure Division, dated September 2, 2005.

² Regions that are only a portion of a state or states are defined by counties. A list of the counties in each of these regions can be accessed at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.

³ Large non-public safety systems that had no systems in Wave 1 or 2 and that provide coverage beyond the border of NPSPAC regions in Wave 3 will commence reconfiguration of their entire system, including base stations located outside the boundaries of Wave 3 NPSPAC regions, as part of the Wave 3 reconfiguration process.