



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT 800 MHZ BAND RECONFIGURATION FOR NPSPAC CHANNELS WILL COMMENCE FEBRUARY 1, 2006, IN THE NPSPAC REGIONS ASSIGNED TO WAVE 1

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 The Bureau also agreed with the TA's

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*, DA 05-619, released March 11, 2005 (*TA Plan PN*).

recommendation to have two separate negotiation periods for each NPSPAC region – one negotiation period for non-NPSPAC licensees and a second negotiation period for NPSPAC licensees.⁵

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.⁶ 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.⁷ The voluntary negotiation period is followed by a three-month mandatory negotiation period, if necessary.⁸ 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.⁹ The Commission explained that this freeze is necessary in order to maintain a stable spectral landscape during the reconfiguration process in each region.¹⁰ The Commission delegated authority to issue these Public Notices to the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau (WTB).¹¹

On May 27, 2005, WTB released a *Public Notice* announcing the reconfiguration start date for the non-NPSPAC channels in the NPSPAC regions assigned to Wave 1.¹² This *Wave 1 PN* also specified the 800 MHz reconfiguration benchmark compliance dates.¹³ By this *Public Notice*, we announce that the 800 MHz band reconfiguration process for NPSPAC channels in the NPSPAC regions assigned to Wave 1 will start on February 1, 2006.¹⁴ A list of NPSPAC regions assigned to Wave 1 is attached to this

⁵ See *TA Plan PN* at 2. 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. Finally, in the *Wave 1 PN*, the Bureau stated that it would issue a separate public notice to start the reconfiguration process in regions in Wave 1 for NPSPAC channels. 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*, DA 05-1546, released May 27, 2005 (*Wave 1 PN*).

⁶ See 47 C.F.R. § 90.677(b) and *Report and Order*, 19 FCC Rcd 15076 ¶ 201. See also *TA Plan PN* at 2.

⁷ See 47 C.F.R. § 90.677(b).

⁸ See 47 C.F.R. § 90.677(c).

⁹ See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

¹⁰ 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*, DA 05-1340, released May 11, 2005 (*Two Freeze PN*).

¹¹ See *Report and Order*, 19 FCC Rcd 15076 ¶ 201.

¹² See *Wave 1 PN*.

¹³ 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.*

¹⁴ For the purposes of this *Public Notice*, NPSPAC channels are those channels in the 821-824/866-869 MHz band.

*Public Notice.*¹⁵ The three-month period during which NPSPAC 800 MHz licensees have the option of negotiating on a voluntary basis will end April 30, 2006. The three-month mandatory negotiation period will end July 31, 2006.

We also announce by this *Public Notice* that, effective immediately, we are freezing the filing of 800 MHz applications for NPSPAC channels in Wave 1. The freeze applies to stations located in all of the NPSPAC regions assigned to Wave 1 and to stations within seventy miles of the borders of the Wave 1 regions.¹⁶ This freeze is effective on the release date of this *Public Notice* and will last until thirty working days¹⁷ after the date for completion of mandatory negotiations as specified above, *i.e.*, until September 12, 2006. The freeze does not apply to modification applications filed to implement 800 MHz band reconfiguration, applications involving administrative updates, assignments/transfers or renewal-only applications.¹⁸

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)

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,

¹⁵ See also *TA Plan PN Appendix* for NPSPAC regions in Wave 1.

¹⁶ 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.

¹⁷ The computation of working days in this specific case does not include weekends or federal holidays.

¹⁸ See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

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.

– FCC –

APPENDIX

NPSPAC Regions Assigned to Wave 1

NPSPAC Region	Description of Region ¹
6	California (Northern)
7	Colorado
8	NY City area (NY, NJ, & CT)
11	Hawaii
13	Illinois (except Southern Lake Michigan counties)
14	Indiana (except Southern Lake Michigan counties)
19	New England
20	Maryland, Northern VA & DC
27	Nevada
28	Eastern PA, DE & Southern NJ
35	Oregon
41	Utah
42	Virginia
45	Wisconsin (except Southern Lake Michigan counties)
54	Southern Lake Michigan (MI, WI, IL, & IN) ²

¹ 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>.

² The counties in Michigan in Region 54 will be in Wave 4 because of border area issues. *See* TA Plan.