



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT 800 MHZ BAND RECONFIGURATION FOR NON-NPSPAC CHANNELS WILL COMMENCE JULY 3, 2006, IN THE NPSPAC REGIONS ASSIGNED TO WAVE 4

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

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,

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 Additional information on the TA can be found on its web page – www.800ta.org.

³ See Regional Prioritization Plan of the 800 MHz Transition Administrator, WT Docket No. 02-55, filed January 31, 2005. 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*).

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).

if necessary.⁷ The Commission delegated authority to issue these Public Notices to the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau (WTB).⁸

By this *Public Notice*, we announce that the 800 MHz band reconfiguration process for non-NPSPAC channels⁹ will start July 3, 2006, in the NPSPAC regions assigned to Wave 4.¹⁰ A list of NPSPAC regions assigned to Wave 4 is attached to this *Public Notice*.¹¹ The three-month period during which non-NPSPAC 800 MHz licensees have the option of negotiating on a voluntary basis will end October 2, 2006. The three-month mandatory negotiation period will end January 2, 2007.¹²

We note that relocation channel assignments for some Wave 4 licensees may be dependent on the resolution of ongoing discussions between the U.S. Government and Mexico and Canada regarding allocation of channels in border areas. We expect Wave 4 licensees within the border areas to commence negotiations and planning to the extent that such activities are not dependent on receipt of relocation frequency assignments. To the extent that such licensees do not receive channel assignments from the TA within the negotiation or mediation period for this wave, they may submit a request for extension to the TA as needed, and the TA shall either act on the request or refer it to WTB as provided in the Commission's orders in this proceeding.¹³ The TA may also propose adjustments to the Wave 4 schedule consistent with its authority under these orders, and we reserve the ability to make additional adjustments to the schedule to allow for resolution of international border issues if such adjustments will further the 800 MHz band reconfiguration process.

In the *Report and Order*, the Commission 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.¹⁴ The Commission explained that this freeze is necessary in order to maintain a stable spectral landscape during the reconfiguration

⁷ See 47 C.F.R. § 90.677(c).

⁸ See *Report and Order*, 19 FCC Rcd 15076 ¶ 201.

⁹ 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).

¹⁰ In March, the Bureau moved the start date for Wave 4, Phase 1 band reconfiguration from April 3, 2006 to July 3, 2006. See *Wireless Telecommunications Bureau Revises 800 MHz Band Reconfiguration Negotiation Timetable for Wave 4, Phase 1 Licensees*, *Public Notice*, DA 06-526, released March 3, 2006.

¹¹ See also *TA Plan PN* Appendix for NPSPAC regions in Wave 4.

¹² 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 4 for NPSPAC channels.

¹³ See *Improving Public Safety Communications in the 800 MHz Band*, *Order*, FCC 06-63 (released May 8, 2006) (delegated authority to grant mediation extensions requested by the TA for a period not to exceed six months after the end of the mediation period); *Improving Public Safety Communications in the 800 MHz Band*, *Order*, FCC 06-76 (released May 26, 2006) (delegated authority to grant requests by the TA for extension of negotiation periods in future waves).

¹⁴ See *Report and Order*, 19 FCC Rcd 15078 ¶ 204.

process in each region.¹⁵ We announce by this *Public Notice* that, effective immediately, we are freezing the filing of 800 MHz applications for non-NPSPAC channels in Wave 4.¹⁶ The freeze applies to stations located in all of the NPSPAC regions assigned to Wave 4 and to stations within seventy miles of the borders of the Wave 4 regions.¹⁷ This freeze is effective on the release date of this *Public Notice* and will last until thirty working days after the date for completion of mandatory negotiations as specified above, *i.e.*, until February 15, 2007.¹⁸ 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 a 800 MHz station's existing coverage area (*e.g.*, administrative updates), assignments/transfers, or renewal-only applications.¹⁹

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.

¹⁵ *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) (*800 MHz Freeze PN*).

¹⁶ We will freeze the filing of applications for 800 MHz NPSPAC frequencies in the regions in Wave 4 in the Public Notice announcing the start of the voluntary and mandatory negotiation periods for NPSPAC licensees. *See 800 MHz Freeze PN*; *see also* note 12, *supra*.

¹⁷ 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.

¹⁸ The computation of working days in this specific case does not include weekends or federal holidays.

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

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
NPSAC Regions Assigned to Wave 4

NPSAC Region	Description of Region ¹
2	Alaska
3	Arizona
5	California (Southern)
21	Michigan
29	New Mexico
30	Eastern Upstate NY
33	Ohio
36	Western PA
43	Washington
50	Texas (West & Central- Midland area)
53	Texas (Southern-San Antonio area)
55	Western Upstate NY

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>.