



# PUBLIC NOTICE

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## INITIATION PLANS AND POST-TRANSITION NOTIFICATIONS FILED IN WT DOCKET NO. 06-136

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) announces the filing of Initiation Plans and Post-transition Notifications by Sprint Nextel Corporation (Sprint Nextel) regarding the transition of the 2500-2690 MHz band.

On July 29, 2004, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking (BRS/EBS R&O and FNPRM)* that revamped the rules and policies governing the licensing of services in the 2500-2690 MHz MDS/ITFS band.<sup>1</sup> In particular, the Commission adopted a new band plan that restructures the 2500-2690 MHz band into upper and lower-band segments for low-power operations (UBS and LBS, respectively), and a mid-band segment (MBS) for high-power operations. The Commission also adopted a transition plan for relocating Educational Broadband Service (EBS) licensees and Broadband Radio Service (BRS) licensees from their current channel locations to their new spectrum blocks in the LBS, MBS, or UBS. Specifically, the transition occurs in the following five phases: (1) initiating the transition process by filing an Initiation Plan with the Commission; (2) planning the transition; (3) reimbursing the costs of the transition; (4) terminating existing operations in transitioned markets; and (5) completing the transition by filing the Post-transition Notification with the Commission and sending a copy to all affected BRS and EBS licensees.<sup>2</sup>

On April 27, 2006, the Commission released a *Third Memorandum Opinion and Order and Second Report and Order (BRS/EBS 3<sup>rd</sup> MO&O)* that, among other things, revised the transition area size from Major Economic Areas (MEAs) to Basic Trading Areas (BTAs).<sup>3</sup> The Commission also determined that the transition can be undertaken by multiple proponents, and that the first entity to file an Initiation Plan with the Commission is the proponent for a given BTA.<sup>4</sup> Therefore, the first entity to file

<sup>1</sup> See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 03-66, 19 FCC Rcd 14165 (2004) (*BRS/EBS R&O and FNPRM* as appropriate).

<sup>2</sup> *Id.* at 14198 ¶ 74.

<sup>3</sup> Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Third Memorandum Opinion and Order and Second Report and Order*, WT Docket No. 03-66, 21 FCC Rcd 5606, 5642 ¶ 65 (2006) (*BRS/EBS 3<sup>rd</sup> MO&O*).

<sup>4</sup> *Id.*, 21 FCC Rcd at 5652 ¶¶ 91-92; 47 C.F.R. §§ 27.1231(c), 27.1231(f).

an Initiation Plan with the Commission shall automatically be designated as the proponent for a given BTA at the time it files, without any action required by the Commission or the Bureau, and the 90-Transition Planning Period for that BTA shall begin on the day after the proponent files the Initiation Plan.<sup>5</sup> In order to facilitate the availability of information for BRS and EBS licensees and lessees, however, the Commission directed the Bureau to release a Public Notice indicating when Initiation Plans have been filed with the Commission.<sup>6</sup> Entities that wish to file Initiation Plans under the rules set forth in the *BRS/EBS 3rd MO&O* must file on or after July 19, 2006, the date these rules became effective, and before January 19, 2009.<sup>7</sup>

On August 29, 2006, Sprint Nextel filed Initiation Plans for the following markets: BTA 116 (Dover, DE); BTA 126 (Elkhart, IN); BTA225 (Kankakee, IL); BTA247 (Lawrence, KS); BTA280 (Marion, IN) and BTA294 (Michigan City-La Porte, IN). On September 5, 2006, Sprint Nextel filed Initiation Plans for the following markets: BTA 129 (Emporia, KS); BTA220 (Joplin, MO-Miami, OK); BTA226 (Kansas City, MO); BTA247 (Lawrence, KS); BTA275 (Manhattan-Junction City, KS); and BTA445 (Topeka, KS).

Our records indicate that Sprint Nextel is the first entity to file Initiation Plans for the BTAs listed above. Accordingly, Sprint Nextel is the proponent for these BTAs, as of August 29, 2006 and September 5, 2006, the dates the Initiation Plans were filed.

Copies of the Initiation Plans listed above, as well as other documents filed in WT Docket No. 06-136, may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). These documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents are also available electronically through the Commission's ECFS, under WT Docket No. 06-136, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

By the Chief, Broadband Division, Wireless Telecommunications Bureau.

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<sup>5</sup> *BRS/EBS 3rd MO&O*, 21 FCC Rcd at 5652-5653, 5659 ¶¶ 93, 107. See also 47 C.F.R. § 27.1232.

<sup>6</sup> *BRS/EBS 3rd MO&O*, 21 FCC Rcd at 5653 ¶ 93.

<sup>7</sup> See 71 Fed. Reg. 35178 (June 19, 2006); *BRS/EBS 3rd MO&O*, 21 FCC Rcd at 5658 ¶ 106; 47 C.F.R. §§ 27.1231(f).