



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES EXTENSION OF NEGOTIATION PERIOD BETWEEN SPRINT NEXTEL AND BORDER AREA NON-NPSPAC LICENSEES IN WAVE 4, STAGE 1 OF 800 MHZ BAND RECONFIGURATION¹

WT Docket No. 02-55

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) extends the mandatory negotiation period for border-area² non-NPSPAC (Stage 1) licensees in Wave 4 of the 800 MHz Transition Administrator's (TA) band reconfiguration schedule³ by 90 days from January 2, 2007 to April 2, 2007, and postpones the beginning of the mediation period for such licensees until April 3, 2007.⁴ This extension does not apply to Wave 4, Stage 1 licensees outside the border areas. Such licensees remain subject to the previously announced negotiation and mediation schedule for this wave.

The voluntary negotiation period for Stage 1 licensees in Wave 4 began on July 3, 2006, and the mandatory negotiation period began on October 3, 2006.⁵ The mandatory negotiation period is currently scheduled to end on January 2, 2007, at which point licensees who have failed to negotiate frequency relocation agreements (FRAs) with Sprint Nextel (Sprint) are scheduled to be referred to TA-sponsored mediation. However, at the time that we announced the Wave 4, Stage 1 negotiation periods, we noted

¹ Delegated authority for handling 800 MHz band reconfiguration issues has been transferred from the Wireless Telecommunications Bureau to the new Public Safety and Homeland Security Bureau (PSHSB). See Establishment of the Public Safety and Homeland Security Bureau And Other Organizational Changes, *Order*, 21 FCC Rcd 10867 (2006).

² Border areas in the 800 MHz band are areas within 140 km (87 miles) of the US-Canada border or within 110 km (68.4 miles) of the US/Mexico border. See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969, 15063 ¶ 176 (2004).

³ The TA's band reconfiguration schedule may be viewed at www.800ta.org.

⁴ PSHSB has delegated authority to extend the negotiation and mediation periods provided the extension will facilitate the process and does not affect the interim milestones or the 36-month deadline for completion of rebanding established by the Commission. See Improving Public Safety Communications in the 800 MHz Band, *Order*, WT Docket No. 02-55, 21 FCC Rcd 6689 (2006). We will continue to monitor the schedule and reserve the ability to make additional adjustments as needed based on international developments.

⁵ 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, *Public Notice*, DA 06-1183, released June 2, 2006.

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.⁶ We also reserved the ability to make additional adjustments to the schedule to allow for resolution of international border issues if such adjustments would further the 800 MHz band reconfiguration process.⁷

We believe that the Wave 4, Stage 1 negotiation period should be extended and the start of mediation postponed for 800 MHz licensees in border areas that have not yet received their rebanding frequency designations from the TA due to ongoing international discussions on US-Canada and US-Mexico border issues. In the absence of new frequency designations, these licensees cannot fully plan for rebanding or complete their negotiation of FRAs with Sprint. Therefore, there is no practical purpose in requiring such licensees to enter mediation under the current schedule. Extending the negotiation period for these licensees will alleviate administrative burdens on licensees, avoid unnecessary rebanding expenditures, and provide additional time for resolution of border issues and issuance of frequency designations by the TA.⁸ This extension does not affect other interim benchmarks or the Commission's 36-month deadline for completion of rebanding.

We clarify that during the extended negotiation period, Wave 4, Stage 1 border area licensees are not required to engage in planning or negotiation prior to the receipt of frequency designations from the TA, though they may engage in such activities to the extent that they are not frequency-dependent and would not result in unnecessary duplication of costs. If licensees choose to engage in such planning and negotiation activities, Sprint shall pay licensees' reasonable costs in accordance with the requirements of the Commission's orders in this proceeding.

This extension does not apply to Wave 4, Stage 1 licensees outside the border areas that have received rebanding frequency designations from the TA. Such licensees remain subject to the previously announced negotiation and mediation schedule for this wave.

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 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., Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or via e-mail to Roberto.Mussenden@fcc.gov.

Action by the Associate Chief, Public Safety and Homeland Security Bureau.

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⁶ *Id.* at 2.

⁷ *Id.*

⁸ Our extension of the negotiation period correspondingly extends the filing freeze on new applications in Wave 4, Stage 1 border areas. See Wireless Telecommunications Bureau Outlines Application Freeze Process for Implementation of 800 MHz Band Reconfiguration, *Public Notice*, 20 FCC Rcd 8905 (WTB 2005). Accordingly, the freeze will remain in effect in border areas until thirty working days after the new April 2, 2007 date for completion of negotiations, *i.e.*, until May 14, 2007. The freeze does not apply to modification applications 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.