



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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DA 07-4168
October 5, 2007
OMB Control Number 3060-1107

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES AN OCTOBER 23, 2007 DEADLINE FOR FILING 700 MHZ RELOCATION CERTIFICATION INFORMATION

PS Docket No. 06-229; WT Docket No. 96-86

On July 31, 2007, the Federal Communications Commission (Commission) adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.¹ The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

To effectuate the narrowband consolidation, the Commission determined that no new narrowband operations would be permitted outside of these consolidated segments after August 30, 2007, and that the Upper 700 MHz D Block licensee will pay the costs of relocating narrowband radios to the new consolidated segments.² To clearly define reimbursement costs, the Commission required every 700 MHz band public safety licensee, whether holding individual narrowband authorizations or operating pursuant to a State License, to provide certain information to the Commission by the effective date of the *Second Report and Order*.³

The Commission directed the Public Safety and Homeland Security Bureau (PSHSB) to issue a Public Notice announcing the deadline and instructions for filing this information with the Commission.⁴ On August 16, 2007, PSHSB issued a Public Notice reminding public safety licensees that no new operations would be permitted outside the consolidated narrowband channels, and that they would be

¹ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

² *Id.* ¶ 336. The Commission set a cap of \$10 million for the amount that the Upper 700 MHz D Block licensee would have to pay to cover these relocation costs. *Id.* ¶ 341.

³ *Id.* ¶ 336.

⁴ *Id.* ¶ 337.

required to certify the number of narrowband mobile and portable handsets and base stations serving these handsets that are in operation as of August 30, 2007.⁵

By this Public Notice, we announce that 700 MHz public safety licensees must file the following information with the Commission by October 23, 2007. In order to be considered timely filed, this information **must be received by the Commission** no later than October 23, 2007. As indicated in the *Second Report and Order*,⁶ this information must include:

- 1) the total number of narrowband mobile and portable handsets in operation in channels 63 and 68 (764-767/794-797 MHz), and the upper 1 megahertz of channels 64 and 69 (775-776/805-806 MHz);
- 2) the areas of operation of the mobile and portable units (such as defined by the jurisdictional boundaries of the relevant public safety departments);
- 3) the total number of narrowband base stations serving these handsets in operation;
- 4) the location, in latitude and longitude, of the identified base stations; and
- 5) contact information for each identified set of handsets and base stations, as appropriate.

All information must be accurate as of August 30, 2007.⁷ Further, the filing must include a certification, signed by an authorized party, stating that the information provided is true, complete, correct, and made in good faith.

We also caution that, as stated in the *Second Report and Order*, **public safety licensees that do not timely and properly file the above information and certification will not be reimbursed for associated relocation costs.**⁸

Filing Procedures. All certifications filed pursuant to this Public Notice must reference PS Docket No. 06-229, WT Docket No. 96-86, and DA 07-4168.

Certifications may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Certifications filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, filers must transmit one electronic copy of the certification to each docket or rulemaking number referenced in the

⁵ New Public Safety Narrowband Operations Outside of the 700 MHz Consolidated Narrowband Blocks Prohibited as of August 30, 2007, PS Docket No. 06-229, WT Docket No. 96-86, *Public Notice*, DA 07-3644 (PSHSB, rel. Aug. 16, 2007).

⁶ *Id.* ¶ 336.

⁷ *Id.* Several entities have sought waivers or filed Petitions for Reconsideration of certain obligations under the *Second Report and Order*. We note that the pendency of such requests does not eliminate the obligation to comply with the Commission's rules, and as such remind parties that their certifications and inventories identified must be in accordance with the timeframes established in the *Second Report and Order*. Thus, for example, if a public safety entity has requested waiver relief or filed a Petition for Reconsideration concerning narrowband operations outside of the consolidated channels, all entities still must provide the information and follow the procedures in exact accordance with this Public Notice.

⁸ *Id.* ¶ 337.

caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Filers may also submit an electronic certification by Internet e-mail. To get filing instructions for e-mail certifications, filers should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Paper certifications can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All certifications must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Attention: Chief, Public Safety and Homeland Security Bureau, and must be **received by October 23, 2007**. An original and four copies must be filed.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue NE, Suite 110, Washington DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express, and Priority mail must be sent to 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

Non-confidential submissions relating to DA 07-4168 may be obtained from Best Copy and Printing, Inc., in person at 445 12th St., SW, Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. Non-confidential documents also will be available for public inspection and copying during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th St. SW, Washington, DC 20554.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Questions regarding this Public Notice may be directed to Jeffrey S. Cohen, Senior Legal Counsel, Public Safety and Homeland Security Bureau, (202) 418-0799.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. § 3507), the FCC is notifying the public that it received OMB approval on September 11, 2007, for the collections of information described in this Public Notice. Public reporting burden for this collection of information is estimated to average 21 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden to Federal Communications Commission, AMD-PERM, Washington, DC 20554, Paperwork Reduction Project (3060-0809), or via the Internet to PRA@fcc.gov.

Under 5 C.F.R. § 1320, an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing

to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB Control Number. This collection has been assigned OMB Control Number 3060-1107.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. § 3507.

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