



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES THE
OPENING OF A FILING WINDOW FOR ADDITIONAL LOCATIONS
RELINQUISHED BY SPRINT NEXTEL CORPORATION
IN THE 809.5-815/854.5-860 MHZ BAND SEGMENT**

**Application Filing Commences June 1, 2011
Pre-Filing Coordination Notification Commences May 18, 2011**

WT Docket No. 02-55

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) announces that it will open a filing window for additional locations vacated by Sprint Nextel Corporation (Sprint) in the 809.5-815/854.5-860 MHz (Channels 251- 470) portion of the 800 MHz band. The channels being released by Sprint were previously made available at some locations within each NPSPAC Region.¹ The additional locations being vacated by Sprint pursuant to this *Public Notice* will make those same channels available for licensing over a larger geographic area in each NPSPAC Region.

The Bureau will begin accepting applications on **June 1, 2011** for facilities at the locations made available by this *Public Notice*.

Applicants that receive licenses for channels vacated by Sprint must provide 60 days notice to Sprint² before they activate a channel for testing or the commencement of operations.

Background

In connection with reconfiguration of the 800 MHz band, the Bureau has released channels vacated by Sprint in the interleaved portion of the band (809-815/854-860 MHz). Vacated channels in the interleaved portion of the band are exclusively reserved for public safety applicants for three years from the opening of a filing window, and for public safety and critical infrastructure industry applicants for two

¹ See Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Channels Relinquished by Sprint Nextel Corporation in the 809-809.5/854-854.5 MHz Band, *Public Notice*, 23 FCC Rcd 18343 (2008) (*Vacated Spectrum PN Round 1*); Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Certain Channels Relinquished by Sprint Nextel Corporation in the 809.5-815/854.5-860 MHz Band, *Public Notice*, 24 FCC Rcd 13236 (2009) (*Vacated Spectrum PN Round 2*); Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Certain Channels Relinquished by Sprint Nextel Corporation in the 809.5-815/854.5-860 MHz Band, *Public Notice*, 25 FCC Rcd 16038 (2010) (*Vacated Spectrum PN Round 3*).

² Notice should be provided to Sprint by email at 800mhzinterleavedspectrum@sprint.com.

years thereafter.³ After five years, any remaining vacated channels revert to their original frequency pools and become available for licensing to any eligible applicant.⁴

To date, the Bureau has released three *Public Notices* announcing the availability of channels vacated by Sprint.⁵ These vacated channels have been released in stages within NPSPAC regions as band reconfiguration progresses in each region.⁶

Information Regarding Available Channels

To identify specific vacated channels that are available for licensing, the Bureau has created a Vacated Channel Search Engine (VCSE) accessible at <http://wireless2.fcc.gov/UlsApp/UlsSearch/searchLicense.jsp>.⁷ The VCSE contains detailed geographic and frequency data regarding these vacated channels. The vacated channel public access file, which can be downloaded by users with data-processing capability (e.g., frequency coordinators), may be accessed at <http://wireless.fcc.gov/uls/index.htm?job=transaction&page=weekly>. Although Expansion Band and Guard Band channels are listed in the VCSE, they are not available for licensing at this time.⁸

In previous notices, the Bureau indicated that it would continue to update the VCSE on a regular basis with additional information regarding available channels as Sprint and other licensees relocate to the ESMR band and non-cellular licensees relocate to the Guard Band.⁹

Consequently, by this *Public Notice*, we are making available for licensing additional locations vacated by Sprint for channels released by previous notices. These additional locations include Economic Area (EA)-based licenses. No new channels are being released by this *Public Notice*, rather, the locations made available here will allow for licensing of previously released channels over a larger geographic area within a NPSPAC region.¹⁰

For the additional locations being made available for licensing pursuant to this *Public Notice*, the VCSE will specify **June 1, 2011** as the availability date in the “Channel Availability” field.

³ See Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969, 15052 ¶ 152 (2004) (*800 MHz Report and Order*).

⁴ *Id.* See 47 C.F.R. §§ 90.615, 90.617(g). Note that, except for channels assigned to relocating licensees by the 800 MHz Transition Administrator, both the Expansion Band and Guard Band Channels are unavailable for licensing. The date and the conditions under which these channels will be made available will be announced in a future Commission *Public Notice*.

⁵ See *supra* n.1.

⁶ See *Vacated Spectrum PN Round 2*, 23 FCC Rcd at 13237; *Vacated Spectrum PN Round 3*, 25 FCC Rcd at 16039.

⁷ Select “800 MHz Reconfiguration Search” on the above-cited web page. See Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Establish New 800 MHz Vacated Channel Search Engine for Identifying Vacated Channels in the 800 MHz Interleaved Band That Will be Available for Licensing to Public Safety and Critical Infrastructure Industry Entities, *Public Notice*, 23 FCC Rcd 16481 (2008).

⁸ See *supra* n. 4.

⁹ See *Vacated Spectrum PN Round 1*, 23 FCC Rcd at 18344; *Vacated PN Spectrum Round 2*, 24 FCC Rcd at 13238; *Vacated Spectrum PN Round 3*, 25 FCC Rcd at 16041.

¹⁰ On March 31, 2011, Sprint relinquished additional interleaved channels in 12 non-border NPSPAC regions. See Improving Public Safety Communications in the 800 MHz Band, Relinquishment by Sprint Nextel of Channels in the Interleaved, Expansion, and Guard Bands, WT Docket No. 02-55, *Order*, DA 11-585 (rel. March 31, 2011). The Bureau will announce a filing window for these channels in a future *Public Notice*.

Application Procedures

Beginning on **June 1, 2011**, Commission-certified frequency coordinators may file applications on behalf of eligible applicants (see “Exclusive Eligibility Periods” below) in the Universal Licensing System (ULS) for the locations released by this *Public Notice*. Any application filed for these locations before the initial filing date will be dismissed.

Applications for vacated channels must include a certification of frequency coordination by an appropriate Commission-certified frequency coordinator in accordance with Section 90.175 of the Commission’s rules.¹¹ Furthermore, frequency coordinators must follow the procedures detailed in previous notices for coordinating applications and attach the appropriate certifications to each application.¹²

The notification process for frequency coordinators to address and resolve conflicting applications prior to filing with the Commission will commence on **May 18, 2011**, at 8:00 AM Eastern Daylight Time. At that time, but no earlier, each frequency coordinator may submit electronic notification to the other participating coordinators of applications it has prepared for coordination.¹³

Exclusive Eligibility Periods

From **June 1, 2011** to **June 1, 2014**, the channels made available by the records released by this *Public Notice* will be available exclusively for licensing to public safety eligible entities. From **June 1, 2014** to **June 1, 2016**, the channels made available by the records released by this *Public Notice* will be available exclusively for licensing to public safety eligible entities and critical infrastructure industry eligible entities.

Continued Operation By Sprint Subject to 60 Days Notice

Applicants who receive licenses for channels vacated by Sprint in accordance with this *Public Notice* must provide 60 days notice to Sprint before they activate a channel for testing or the commencement of operations. Sprint may continue existing operations on channels covered by this *Public Notice* after new licenses are granted until 60 days after the new licensee notifies Sprint of its intention to activate the channel(s) for testing or commencement of operations. This advance notice must be provided to Sprint by email at 800mhzinterleavedspectrum@sprint.com. Upon receipt of such notice, Sprint must cease operation on the channel(s) specified in the notice within 60 days to the extent necessary to comply with the co-channel spacing requirements of Section 90.621(b) of the rules. New licenses granted pursuant to this *Public Notice* will be conditioned on providing such 60-day notice to Sprint.

Additional Information

For further information, contact Tracy Simmons, Policy Division, Public Safety and Homeland Security Bureau, at (717) 338-2657 or Tracy.Simmons@fcc.gov, or Brian Marengo, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or Brian.Marengo@fcc.gov.

Action by Deputy Chief, Public Safety and Homeland Security Bureau.

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¹¹ 47 C.F.R. § 90.175.

¹² See *Vacated Spectrum PN Round 1*, 23 FCC Rcd at 18344-45; *Vacated Spectrum PN Round 2*, 24 FCC Rcd at 13238-40; *Vacated Spectrum PN Round 3*, 25 FCC Rcd at 16041-43.

¹³ Each notification must be filed individually, batch filing is not permitted.