



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 12-1033

Released: June 29, 2012

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU EXTENDS
VOLUNTARY 800 MHZ REBANDING NEGOTIATION PERIOD FOR
WAVE 4 BORDER AREA NPSPAC AND NON-NPSPAC LICENSEES ALONG THE U.S.-
MEXICO BORDER PENDING ESTABLISHMENT OF NEGOTIATION TIMETABLE**

WT Docket No. 02-55

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB or Bureau) extends the voluntary negotiation period for Wave 4 NPSPAC (Stage 2) and non-NPSPAC (Stage 1) licensees in the U.S.-Mexico border, and postpones the beginning of the mediation period for such licensees until the Bureau establishes a mandatory negotiation and timetable for these licensees.¹

As we noted in prior public notices, rebanding of Wave 4 licensees in the U.S.-Mexico border region is affected by international negotiations with Mexico.² Those negotiations culminated in the signing on June 8, 2012 of a new Protocol for the 800 MHz band along the U.S.-Mexico border.³ Consequently, the Bureau now intends to release a Notice of Proposed Rulemaking seeking comment on a post-rebanding channel plan based on the new Protocol.⁴ In that document, the Bureau will also seek comment on planning, mandatory negotiation, and mediation timelines for licensees along the U.S.-Mexico border.

Accordingly, extending the voluntary 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 800 MHz Transition Administrator (TA).

¹ For details regarding rebanding waves and negotiation periods, see the 800 MHz Transition Administrator's band reconfiguration schedule at www.800ta.org.

² See Public Safety And Homeland Security Bureau Extends 800 MHz Rebanding Negotiation Periods For Wave 4 Border Area NPSPAC and Non-NPSPAC Licensees Along The U.S.-Mexico Border, *Public Notice*, 27 FCC Rcd 3067 (PSHSB 2012). This Public Notice does not apply to 800 MHz licensees in the U.S.-Canada border region, who are subject to the negotiation and mediation periods established in the Bureau's order establishing a band plan and rebanding timetable for the U.S.-Canada border region. See Improving Public Safety Communications in the 800 MHz Band, *Second Report and Order*, 23 FCC Rcd 7605 (PSHSB 2008).

³ See Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment, Assignment and Use of the 806-824/851-869 MHz and 896-901/935-940 MHz Bands for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border (Jun 2012).

⁴ Improving Public Safety Communications in the 800 MHz Band, *Second Memorandum Opinion and Order*, WT Docket No. 02-55, 22 FCC Rcd 10467, 10494-95 (2007).

During the extended voluntary negotiation period, Wave 4 licensees in the U.S.-Mexico border region are not required to engage in planning or mandatory negotiation prior to the receipt of frequency designations from the TA, although we encourage them to 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 Nextel Corporation (Sprint) shall pay licensees' reasonable costs in accordance with the requirements of the Commission's orders in this proceeding.⁵

This extension also extends the filing freeze on new applications in the U.S.-Mexico border region until the Bureau establishes a rebanding timeline for the region and specifies a date by which it can again begin accepting new applications. For clarity sake, we list the NPSPAC regions subject to the application freeze in the attached Appendix. The application freeze will apply, as it did in previous notices, to the NPSPAC regions listed in the attached Appendix as well as locations within seventy miles of the border of these regions.

The freeze, however, 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). In addition, Wave 4 licensees in the U.S.- Mexico border region may expand their facilities or add channels during the freeze, but only pursuant to Special Temporary Authorization (STA). Requests for an STA must be accompanied by a demonstration that, without the new or expanded facilities, there would be a specific, material and serious adverse effect on the safety of life or property. See the Special Temporary Authorization (STA) procedures described in the Bureau's December 2006 *STA Guidance PN*.⁶

The extension of voluntary negotiations and the application freeze does not apply to Wave 4 licensees along the U.S.-Mexico border that have received replacement channel assignments from the TA. Such licensees remain subject to the previously announced negotiation and mediation schedules for this wave.

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

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

– FCC –

⁵ See FCC Announces Supplemental Procedures and Provides Guidance for Completion of 800 MHz Rebanding, *Public Notice*, 22 FCC Rcd 17227, 17232 (2007).

⁶ See Public Safety and Homeland Security Bureau Provides Guidance for Public Safety Licensees With Regard to License Application and Special Temporary Authorization Procedures and Payment of Frequency Relocation Costs for Public Safety Facilities Added During 800 MHz Band Reconfiguration, *Public Notice*, 21 FCC Rcd 14658 (PSHSB 2006).

APPENDIX
NPSPEC Regions Along U.S. – Mexico Border Subject to the Freeze

NPSPEC Region	Description of Region ⁷
3	Arizona
5	Southern California
29	New Mexico
50	West and Central Texas (Midland Area)
53	Southern Texas (San Antonio Area)

⁷ 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>.