

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Improving Public Safety Communications)
in the 800 MHz Band) Docket No. 02-55
)
Action Communications *et al.*)

ORDER

Adopted: November 26, 2013

Released: November 26, 2013

By the Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau

I. INTRODUCTION

1. Under consideration is the “Request for Waiver Related to Commission November 20, 2013 Deadline for Submission of Estimates” (Request) filed by Action Communications, *et al.* (Action) seeking extensions of time within which to file rebanding cost proposals with Sprint Corporation (Sprint) as part of the Commission’s 800 MHz band reconfiguration initiative.¹

II. DISCUSSION

2. Action operates and manages a five channel 800 MHz system in the Tuscon, Arizona area, on behalf of itself and four additional licensees (*i.e.*, Richard Dillon, Alice McNamara, Donald Armijo, and Dirk Steen).² It seeks an extension of time within which to submit a cost estimate to Sprint Corporation because it expended considerable time obtaining authorization from all of the licensees to perform rebanding-related services,³ and because the 800 MHz Transition Administrator (TA) modified Action’s replacement channel proposal due to spacing issues.⁴ Action submits that these circumstances made it difficult to ascertain costs.⁵ It states that its consultant, EMR Consulting, will provide a Transition Plan with cost estimates for review during Thanksgiving week.⁶ It requests, however, an extension of time until December 2, 2013 to account for possible delay due to the Thanksgiving holiday.⁷

¹ Request for Waiver Related to Commission November 20, 2013 Deadline for Submission of Estimates submitted by Action Communications, *et al.*, (Nov. 20, 2013) *re* WPGY701, WPGY693, WPGY689, WPGY705, and WPGY697.

² *Id.*

³ *Id.*

⁴ *Id.* at 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

III. DECISION

3. Section 1.46 of the Commission's rules provides "It is the policy of the Commission that extensions of time shall not be routinely granted."⁸ The import of that rule is especially relevant to 800 MHz rebanding where delay in rebanding by one licensee can cause a "domino effect" delay in the rebanding efforts of other licensees that have met the Commission's 800 MHz band reconfiguration deadlines, with a consequent delay of the overall program. We therefore afford a high degree of scrutiny to the reasons licensees advance for extensions of time.⁹

4. In the instant matter, the extension of time requested is relatively modest and it is apparent that the licensee has exercised diligence in requesting cost proposals from its consultant. We therefore are granting the requested extension, with the caveat to Action and the other licensees that, upon submission of the cost proposals, they must diligently pursue the negotiation process with Sprint and timely conclude an Frequency Reconfiguration Agreement.

IV. ORDERING CLAUSES

5. Accordingly IT IS ORDERED that Action Communications, SHALL SUBMIT to Sprint Corporation, a cost proposal for reconfiguration of 800 MHz facilities, call signs WPGY701, WPGY693, WPGY689, WPGY705, and WPGY697, by December 2, 2013.

6. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
Deputy Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau

⁸ 47 C.F.R. § 1.46.

⁹ See Regents of the University of California, WT Docket 02-55, *Order*, DA 13-2234, (PSHSB rel. Nov. 21, 2013).