

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

In the Matter of
Improving Public Safety Communications
in the 800 MHz Band
Kalil Bottling Co.
Docket No. 02-55

ORDER

Adopted: December 6, 2013

Released: December 6, 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 Kalil Boltling Co. (Kalil) seeking an extension of time within which to file a rebanding cost proposal with Sprint Corporation (Sprint) as part of the Commission's 800 MHz band reconfiguration initiative.

II. DISCUSSION

2. Kalil operates a single channel, conventional system near Tucson, Arizona. Kalil submits that its personnel were confused about the rebanding program's requirements until speaking with Kalil's local radio shop. Upon learning about the rebanding program's mandates, counsel submits that Kalil is now fully committed to prompt participation in the process but will require a few days to obtain vendor quotes in order to submit a cost estimate to Sprint. Kalil requests a short extension of time until December 9, 2013 to submit its cost estimate to Sprint.

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." 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

1 Request for Waiver Related to Commission November 20, 2013 Deadline for Submission of Estimates submitted by Kalil Bottling Co. (Nov. 26, 2013) re WPSU475.

2 Id.

3 Id.

4 Id. at 2.

5 Id.

6 47 C.F.R. § 1.46.

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.<sup>7</sup>

4. In the instant matter, the extension of time requested is relatively modest and it is apparent that the licensee has exercised diligence in obtaining counsel to comply with the Commission's requirements. We therefore are granting the requested extension, with the caveat to the licensee that, upon submission of the cost proposal, it must diligently pursue the negotiation process with Sprint and timely conclude a Frequency Reconfiguration Agreement.

#### **IV. ORDERING CLAUSES**

5. Accordingly, IT IS ORDERED that the Request for Waiver Related to Commission November 20, 2013 Deadline for Submission of Estimates filed by Kalil Bottling Co. IS GRANTED.

6. IT IS FURTHER ORDERED that Kalil Bottling Co. SHALL SUBMIT to Sprint Corporation, a cost proposal for reconfiguration of 800 MHz facilities, call sign WPSU475, by December 9, 2013.

7. 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

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<sup>7</sup> See Regents of the University of California, WT Docket 02-55, *Order*, DA 13-2234 (PSHSB rel. Nov. 21, 2013).