

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

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

ORDER

Adopted: December 24, 2013

Released: December 24, 2013

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

I. INTRODUCTION

1. On August 16, 2013, the Public Safety and Homeland Security Bureau (Bureau) released a *Public Notice* establishing a schedule for completion of rebanding in the U.S.-Mexico border regions.¹ Under that timeline, we directed licensees to submit cost estimates to Sprint Nextel Corp. (Sprint) by November 20, 2013.² In this *Order*, we address requests for extension of the November 20, 2012 deadline for U.S.-Mexico border area licensees to submit cost estimates.

II. DISCUSSION

2. Section 1.46 of the Commission’s rules provides “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”³ 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. Accordingly, as discussed in greater detail below, we grant extensions at this time only to licensees that have shown that grant of the request will not unreasonably delay rebanding, and we hold in abeyance requests from licensees that do not yet justify an extension.

3. *Licensees Requesting Extension to Complete Cost Estimates on or Before March 10, 2014.* We first address extension requests of those border licensees, listed in Appendix A, that propose to complete their cost estimates on or before March 10, 2014.⁴ After reviewing these requests, we find that

¹ Public Safety and Homeland Security Bureau Announces that the 30-Month Transition Period for 800 MHz Band Reconfiguration in Regions Along the U.S.-Mexico Border Will Commence on August 23, 2013; Bureau Approves U.S. –Mexico Border Reconfiguration Timetable Submitted by the 800 MHz Transition Administrator and Establishes Application Freeze Dates, WT Docket No. 02-55, *Public Notice*, 28 FCC Rcd 12990 (PSHSB 2013) (*Public Notice*). Improving Public Safety Communications in the 800 MHz Band, New 800 MHz Band Plan for U.S. – Mexico Sharing Zone, WT Docket 02-55, *Fifth Report and Order*, 28 FCC Rcd 4085 (PSHSB 2013).

² *Public Notice* at Appendix II Reconfiguration Timetable Key Dates.

³ 47 C.F.R. § 1.46.

⁴ Appendix A.

each of these licensees has made substantial progress toward completing cost estimates and has demonstrated a level of diligence and good faith sufficient to warrant the requested extension. We therefore are granting the requested extensions, with the caveat to the licensee that, upon submission of the cost proposals, the licensee must diligently pursue the negotiation process with Sprint and timely conclude an FRA.

4. *Licensees Requesting Extension to Complete Cost Estimates After March 10, 2014.* With respect to those U.S.-Mexico licensees, listed in Appendix B, that have filed requests for extension to complete their cost estimates after March 10, 2014, we grant partial waivers until March 10, 2014, to either complete their cost estimate or submit a further waiver request seeking additional time.⁵ Any further request for waiver must detail the licensee's progress to date and propose milestone dates for each cost estimate step that has not yet been completed.

III. CONCLUSION AND ORDERING CLAUSES

5. We note that failure to comply with the requirements of this *Order*, including, but not limited to, the requirement to file timely extension requests, without good cause shown, may result in further action by the Commission, including consideration of whether a licensee's rebanding efforts demonstrate the "utmost good faith" that the Commission's rules demand.⁶

6. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 0.191, 0.392, and 1.946 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392, 1.946, IT IS ORDERED that the requests for extension of the November 20, 2013 deadline submitted by the licensees listed in Appendix A and Appendix B of this order are GRANTED OR GRANTED IN PART, to the extent discussed herein.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ Appendix B.

⁶ 47 C.F.R. § 90.677.

Appendix A**Appendix A – Licensees Requesting Extensions to Complete Cost Estimates on or Before March 10, 2014.**

Relief Granted: Extension to Complete Cost Estimate on or Before the Date Requested (indicated in parentheses).

Region 3 (Arizona)

Erik D. Schull (Jan. 5, 2014)
Henry Zappia (Jan. 5, 2014)
Arizona University Board of Regents (Jan. 6, 2104)
Pasqua Yaqui Tribe (Jan. 6, 2104)
Pima County Community College District (Jan. 6, 2104)
Tohono O’odham Nation of Arizona (Jan. 6, 2104)
Gila Electronics of Yuma (Jan. 10, 2104)
Tucson Airport Authority (Jan. 15, 2014)
City of Tucson (Jan. 20, 2014)
R&M Repeater (Jan. 20, 2014)
City of Mesa (Feb. 17, 2014)
City of Phoenix (Feb. 17, 2014)
Tucson Electric Power Company (Feb. 28, 2014)
Glendale Police Department (Mar. 10, 2014)

Region 5 (Southern California)

Granite Construction, Inc. (Jan. 10, 2014)
Imperial Irrigation District (Jan. 15, 2014)
San Diego Gas and Electric Company (Jan. 20, 2014)

Region 53 (Southern Texas - San Antonio Area)

County of Hidalgo (Jan. 20, 2014)
City of Rio Grande City (Feb. 18, 2014)
Lower Rio Grande Valley Development Council (Feb. 20, 2014)
Weslaco Independent School District (Mar. 7, 2014)
Ysleta del Sur Pueblo (Mar. 3, 2014)

Appendix B**Appendix B –Licensees Requesting Extension Dates Beyond March 10, 2014.**

Relief Granted: Extension Until March 10, 2014, to Either Complete Cost Estimate or Submit a Further Request for Extension Seeking Additional Time.

Region 3 (Arizona)

County of Maricopa

Region 5 (Southern California)

Eastern Riverside County Interoperable Communications Authority (ERICA)
Southern California Edison Co.
County of San Diego