

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

In the Matter of
PIMA COUNTY COMMUNITY COLLEGE
DISTRICT
and
NEXTEL COMMUNICATIONS, Inc.
WT Docket No. 02-55
Mediation No. TAM-45128

ORDER

Adopted: September 16, 2014

Released: September 16, 2014

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

1. Introduction and Background. Under consideration is the Third Recommended Resolution and Renewed Request for Waiver (Waiver Request) filed September 15, 2014 by the 800 MHz Transition Administrator, LLC (TA) seeking an extension of the mediation period in the captioned case until September 26, 2014. The TA recites that the captioned parties have reached an agreement in principle for a Frequency Reconfiguration Agreement (FRA) for the rebanding of the Pima County Community College District's (District) 800 MHz communications system, but have not yet reduced that agreement to writing and executed it.

2. As the TA states, the parties previously represented to the Commission that they had reached agreement on an FRA, which agreement was abrogated by the District which then advanced an untimely request for an upgrade of its equipment. There followed a series of additional requests for extension of the mediation period. The latest of these, submitted on August 21, 2014, extended the mediation period until September 5, 2014, but provided that if the parties had not reached agreement in principle by that date, that the TA Mediator must establish a briefing schedule for the submission of proposed resolution memorandums. The Waiver Request reports that the parties have again reached agreement in principle, but does not disclose when that occurred, i.e. on, before or after September 5, 2014.

3. Discussion. The Commission has stated that extensions of the mediation period are warranted only when the extension will facilitate the reconfiguration process without causing unreasonable delay. Here, the cumulative extension requests from the parties have caused unnecessary and unreasonable delay in their conclusion of an FRA, notably by the District's advancing an untimely upgrade proposal. Given the parties' history, we have no assurance that the latest agreement in principle

1 Waiver Request at 3.

2 Id. at 2.

3 Id. at 3.

4 Id.

5 Id. citing Letter from Catherine W. Seidel, Acting Chief, Wireless Telecommunications Bureau, FCC to Robert B. Kelly, Esq., 800 MHz Transition Administrator, LLC, 21 FCC Rcd 687, 688 (WTB 2006).

will not again be abrogated. Therefore, we are instructing the TA Mediator to closely monitor the progress of the parties in reducing their agreement to writing and having it executed. If, at any time prior to September 26, 2014 either party refuses to go forward with reducing the agreement in principle to writing, the TA Mediator shall call for the submission of proposed resolution memorandums within ten business days. If by September 26, 2014, the parties do not have an executed FRA, the TA Mediator shall call for submission of proposed resolution memorandums by October 6, 2014. There will be no further extensions of the mediation period in this case.

4. *Ordering Clauses.* Accordingly IT IS ORDERED that the Third Recommended Resolution and Renewed Request for Waiver, submitted September 15 by the 800 MHz Transition Administrator, LLC, IS GRANTED, subject to the conditions imposed herein.

5. This action is taken under delegated authority pursuant to Sections 0.191(a) and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191(a), 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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