

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

In the Matter of
SPRINT CORPORATION
and
LICENSE ACQUISITIONS, LLC
Docket No. 02-55
TAM-45083

ORDER

Adopted: April 2, 2014

Released: April 2, 2014

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

1. Under consideration is the Request for Extension or Suspension of Mediation (Request) filed in the captioned proceeding by Sprint Corporation (Sprint). Sprint requests the Public Safety and Homeland Security Bureau (Bureau) to direct the TA Mediator to extend or suspend the mediation in the matter of Sprint and License Acquisitions, LLC (License Acquisitions) until a ruling is had on License Acquisitions' 'underlying petitions for waiver of FCC rules and/or its requests for license renewal.' For the reasons set out below, we deny the Request.

2. Sprint argues that '[k]nowing the outcome of these proceedings would conserve what might otherwise be a waste of resources, as one possible outcome could be the conclusion that there are no valid or active licenses to reband and thus no need for further mediation.' Similarly, however, a possible outcome of License Acquisitions' waiver request and license renewal applications could be the conclusion that License Acquisitions holds valid licenses that should be renewed and that rebanding of those licenses will be required. Were we to grant Sprint's request, and if a favorable determination were made on the pending waiver request and license renewal applications, the parties then would have to initiate mediation, with a consequent delay to the overall 800 MHz rebanding program as compared to their timely mediating a Frequency Reconfiguration Agreement.

3. We note that License Acquisitions has neither joined in the Sprint request nor filed supporting comments. It therefore apparently is prepared to go forward with mediation at this time.

4. Because unconstructed licenses are at issue, conclusion of a Frequency Reconfiguration Agreement is a relatively uncomplicated process, involving assigning License Acquisitions to new frequencies. We therefore conclude that it would not be unduly burdensome on either Sprint or License Acquisitions to agree on the transactional cost of effecting such a 'paper retune.' Accordingly, we are denying the Request to extend or suspend the mediation period until a ruling is had on License Acquisitions' pending applications and waiver request. The mediation period, however, is extended by twenty working days from the release date of this order so that the parties may negotiate a Frequency Reconfiguration Agreement under the auspices of the TA Mediator. At such time as a Frequency Reconfiguration Agreement is reached, it shall be submitted to the 800 MHz Transition Administrator

1 Sprint Request for Extension or Suspension of Mediation, Feb. 20, 2014 (Request)(filed via email).

2 Id.

who will retain it in escrow until a ruling has been had on License Acquisitions' waiver request and license renewal applications.

5. Accordingly, IT IS ORDERED that the Request for Extension or Suspension of Mediation filed by Sprint Corporation IS DENIED.

6. IT IS FURTHER ORDERED that the mediation period is extended by twenty working days from the release date of this *Order*.

7. IT IS FURTHER ORDERED that Sprint Corporation and License Acquisitions LLC SHALL SUBMIT to mediation for the rebanding of License Acquisitions' licenses.

8. IT IS FURTHER ORDERED that, on conclusion of a Frequency Reconfiguration Agreement, the 800 MHz Transition Administrator shall hold that the Frequency Reconfiguration Agreement in escrow pending further direction from the Commission.

9. 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