

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

In the Matter of	)	
	)	
City of San Diego, California	)	WT Docket No. 02-55
Request for Waiver and Extension of Time	)	

**ORDER**

**Adopted:** June 3, 2014

**Released:** June 3, 2014

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

**I. INTRODUCTION**

1. Under consideration is the May 28, 2014 Request for Waiver and Extension of Time (Request) filed by the City of San Diego, California (San Diego). San Diego seeks an extension of time until August 15, 2014 to submit a cost estimate for reconfiguration of its 800 MHz communications system. Previously, San Diego was granted an extension of time, for the same purpose, until June 1, 2014.<sup>1</sup> For the reasons set out below, the Request is granted.

**II. BACKGROUND**

2. San Diego operates a two-site, twelve channel system, which includes 3,400 mobile and 7,800 portable units and also interoperates with agencies throughout the region and County.<sup>2</sup> San Diego represents that preparation of the cost estimate relies on the work of Motorola Solutions (Motorola).<sup>3</sup> Previously, San Diego advised the Commission that the Motorola Statement of Work (SOW) was scheduled for delivery between May 11 and June 11, 2014.<sup>4</sup> San Diego states that a Motorola representative recently advised that a July 15, 2014 “delivery of its statement of work was more realistic.”<sup>5</sup> San Diego states that the Motorola representative “related the challenge that integrating a cutover plan for the City’s system to the new frequencies requires clarifying with a level of precision still needed the City’s wide ranging subscriber base.”<sup>6</sup> San Diego notes that the planning review process has evolved from an estimated 600 unit replacement count to approximately 3,000 units.<sup>7</sup> San Diego adds that there is also the challenge of designing how best to verify the readiness of the replacement

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<sup>1</sup> Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Order*, 29 FCC Rcd 2163, Appendix B (PSHSB 2014).

<sup>2</sup> Request at 1-2.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

frequencies in the context of users in Mexico clearing these channels, as recommended by the 800 MHz Transition Administrator (TA).<sup>8</sup> Assuming Motorola delivers the SOW by July 15, San Diego and its consultant will examine the migration plan for reprogramming, review the replacement frequencies, evaluate co-channel and adjacent channel interference and testing protocols and prepare a plan to implement San Diego's responsibilities.<sup>9</sup> Therefore, San Diego contends that it has justified an over two-month extension of time within which to submit a cost estimate to Sprint Corporation and the TA.

### III. DECISION

3. Section 1.46(a) of the Commission's rules states that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted."<sup>10</sup> The Bureau has emphasized that 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."<sup>11</sup>

4. We have applied the requisite high degree of scrutiny to San Diego's Request and find that San Diego has exercised diligence but has been prevented from preparing its cost estimate for submission to Sprint Corporation and the 800 MHz Transition Administrator by the lack of a timely SOW and cost proposal from Motorola.<sup>12</sup> Motorola's delay in providing its SOW and cost proposal is a matter apparently outside San Diego's control. We remain concerned that Motorola, the vendor for many Mexico border area U.S. licensees, is the source of delay underlying several requests for extension of time by rebanding licensees.

5. It is problematic whether San Diego actually requires one month to review, revise if necessary, and accept the Motorola SOW. Some of the effort that San Diego describes would appear to be capable of being done in advance of the Motorola SOW, *e.g.*, the review of replacement frequencies, the evaluation of interference and the establishment of testing protocols. Nonetheless, we recognize that the size of San Diego's system and its interoperability with other systems make its reconfiguration complex. Therefore, we are granting its Request with the understanding that we do not contemplate further extensions of time for this licensee absent compelling and unforeseeable reasons.

### IV. ORDERING CLAUSES

6. Accordingly IT IS ORDERED, that the Further Request for Extension of Time to Submit Cost Estimate for Frequency Reconfiguration, submitted May 28, 2014 by the City of San Diego, California, IS GRANTED.

7. IT IS FURTHER ORDERED, that the City of San Diego, California shall file a cost estimate

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 2-3.

<sup>10</sup> 47 C.F.R. § 1.46(a).

<sup>11</sup> Regents of the University of California, WT Docket No. 02-55, *Order*, 28 FCC Rcd 15920, 15921 (PSHSB 2013).

<sup>12</sup> *See, e.g.*, Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Order*, DA 14-623 (PSHSB rel. May 9, 2014) (Granting Orange County, California an extension of time to submit a cost estimate for the reconfiguration of the County's 800 MHz communications system).

with Sprint Corporation and the 800 MHz Transition Administrator on or before August 15, 2014.

8. IT IS FURTHER ORDERED that, if the City of San Diego, California fails to file a cost estimate with Sprint Corporation and the 800 MHz Transition Administrator by August 15, 2014, it shall file a further request for extension of time within which to do so, in which the City of San Diego, California, sets forth its efforts to comply with the instant *Order*, being specific as to dates and descriptions of those efforts.

9. 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