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NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU AND WIRELESS
TELECOMMUNICATIONS BUREAU ANNOUNCE THE AVAILABILITY OF ADDITIONAL
SPRINT VACATED CHANNELS AND THE AVAILABILITY OF EXPANSION BAND AND
GUARD BAND CHANNELS IN CERTAIN NPSPAC REGIONS**

WT Docket No. 02-55

I. INTRODUCTION

By this *Public Notice*, the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (collectively the Bureaus) announce the dates and procedures for submitting applications in the 800 MHz band for Expansion Band and Guard Band channels, and the channels in the interleaved segment of the band vacated by Sprint Nextel Corporation (Sprint), in three National Public Safety Planning Advisory Committee (NPSPAC) regions; and remind relevant stakeholders of the completion of 800 MHz band reconfiguration in those three regions. The Bureaus also announce the dates and procedures for submitting applications for Expansion Band and Guard Band channels in 21 NPSPAC regions where Expansion Band and Guard Band licensing was previously deferred.

II. BACKGROUND

In 2004, the Commission ordered 800 MHz rebanding to resolve interference caused by commercial systems to public safety and other non-cellular architecture systems in the band.¹ The Commission provided for the rebanding process to be completed on a region by region basis.²

In order to address increasing interference in the 800 MHz band, the Commission established rules requiring enhanced specialized mobile radio (ESMR) and cellular telephone system operators to address and resolve interference their systems cause to public safety and non-cellular licensees in the band.³ The *800 MHz Report and Order* specified that, in order to be eligible for full protection from interference, public safety and other non-cellular licensees were required to receive a minimum measured input signal power of -101 dBm for portable units and -104 dBm for vehicular units.⁴ The Commission then codified these minimum threshold signal levels.⁵ Following the release of the *800 MHz Report and Order*, however, stakeholders presented the Commission with evidence that resolving cases of

¹ See *Improving Public Safety Communications in the 800 MHz Band*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969, 14971-73, paras. 1-3 (2004) (*800 MHz Report and Order*).

² *Id.* at 15072, para. 195. See also *Wireless Telecommunications Bureau Approves the Basic Reconfiguration Schedule Put Forth in the Transition Administrator's 800 MHz Regional Prioritization Plan*, Public Notice, 20 FCC Rcd 5159 (WTB 2005).

³ *800 MHz Report and Order*, 19 FCC Rcd at 15037-45, paras. 124-141.

⁴ *Id.* at 15029, para. 105.

⁵ 47 CFR §§ 22.970(a), 90.672(a).

interference at these minimum threshold levels could impose substantial operational restrictions on ESMR carriers in the interleaved channels during the rebanding process.⁶ Thus, the Commission temporarily waived the minimum threshold levels and implemented interim levels of -85 dBm for portable units and -88 dBm for vehicular units. These higher minimum signal levels remain in effect in each NPSPAC region until band reconfiguration is complete in that region.⁷

The Bureaus announced the completion of 800 MHz band reconfiguration in 11 regions in 2012,⁸ and another 9 regions in 2014.⁹ In 2016, the Bureaus announced the completion of 800 MHz band reconfiguration in the 21 regions listed in Attachment C, but they did not make unoccupied Expansion Band and Guard Band channels in those regions available for licensing at that time due to the pendency of a petition for rulemaking regarding the 800 MHz band.¹⁰

On October 22, 2018, the Commission released a *Report and Order and Order* which announced the completion of 800 MHz Band reconfiguration in three additional NPSPAC regions listed in Attachment A.¹¹ Consequently, the post-rebanding channel plan is in effect in these NPSPAC regions.¹² The completion of rebanding in these regions represents the continuation of a successful public-private partnership with Sprint, furthers the Commission's mission to "promote safety of life and property," and supports the nation's first responders with effective public safety networks free of cellular interference.¹³

In the *Report and Order and Order*, the Commission announced that, as to the NPSPAC regions listed in Attachment A, the temporary waiver of the interference criteria in those three regions expired, and the minimum threshold levels specified in the Commission's rules are now in effect.¹⁴ Consequently, as of October 23, 2018, ESMR licensees and cellular telephone operators bear "strict responsibility" for resolving unacceptable interference to public safety and other non-cellular licensees receiving at least a

⁶ See *Improving Public Safety Communications in the 800 MHz Band*, Supplemental Order, 19 FCC Rcd 25120, 25137, para. 38 (2004) (*Supplemental Order*).

⁷ *Id.* at 25137-38, para. 39.

⁸ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions*, Public Notice, 27 FCC Rcd 14775 (PSHSB/WTB 2012).

⁹ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions and the Availability of Additional Sprint Vacated Channels*, Public Notice, 29 FCC Rcd 16290 (PSHSB/WTB 2014) (*Second Completion of Rebanding Public Notice*).

¹⁰ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions and the Availability of Additional Sprint Vacated Channels*, Public Notice, 31 FCC Rcd 12891, 12895-97 (PSHSB/WTB 2016) (*Third Completion of Rebanding Public Notice*).

¹¹ *Creation of Interstitial 12.5 Kiloherz Channels in the 800 MHz Band Between 809-817/854-862 MHz; Amendment of Part 90 of the Commission's Rules to Improve Access to Private Land Mobile Radio Spectrum; Land Mobile Communications Council Petition for Rulemaking Regarding Interim Eligibility for 800 MHz Expansion Band and Guard Band Frequencies*, WP Docket No. 15-32, RM-11572, WP Docket No. 16-26, RM-11719, Report and Order and Order, FCC 18-143, at 24, para. 59 (Oct. 22, 2018) (*PLMR Report and Order*); see also *infra* Attachment A. NPSPAC regions previously announced as complete with band reconfiguration are listed in Attachment B. The Bureaus have yet to announce the completion of 800 MHz reconfiguration in 14 NPSPAC regions, mostly along the border with Mexico or adjacent to such regions.

minimum measured input signal power of -101 dBm for portable units and -104 dBm for vehicular units in the regions listed in Attachment A.¹⁵

The 800 MHz Transition Administrator (TA) has certified that band reconfiguration is complete in these regions and all licensees are now operating on their post-rebanding replacement channels.¹⁶ This does not mean that licensees have completed all tasks associated with rebanding, however. For example, the TA noted in its certifications that some licensees have not submitted final rebanding cost documentation to Sprint and/or the TA, completed the actual cost reconciliation process, or closed their Frequency Reconfiguration Agreements.¹⁷ Licensees in these regions that have not completed all rebanding tasks are reminded that they must do so expeditiously.

The Commission directed the Bureaus to announce by public notice the dates and procedures for submitting applications for Expansion Band and Guard Band channels and channels in the interleaved segment of the band vacated by Sprint as to the NPSPAC regions listed in Attachment A, as well as for Expansion Band and Guard Band channels in those regions where Expansion Band and Guard Band licensing was deferred pending the resolution of a rulemaking petition.¹⁸ We do so here.

III. VACATED INTERLEAVED CHANNELS BECOMING AVAILABLE FOR LICENSING

In connection with reconfiguration of the 800 MHz band, the Public Safety and Homeland Security Bureau released for licensing certain channels vacated by Sprint in the interleaved portion of the band (809-815/854-860 MHz) in the regions where they announced the completion of 800 MHz band reconfiguration. Vacated channels in the interleaved portion of the band are reserved exclusively for public safety applicants for three years from the opening of a filing window, and for public safety and critical infrastructure industry (CII)¹⁹ applicants for two years thereafter.²⁰ After this five-year period, any

¹² See 47 CFR §§ 90.613-90.617.

¹³ See *800 MHz Report and Order*, 19 FCC Rcd at 14971, para. 1 (citing 47 U.S.C. § 151).

¹⁴ *PLMR Report and Order* at 24-25, para. 59.

¹⁵ *Id.* See also 47 CFR §§ 27.970(a), 90.672(a). The interim levels of -85 dBm for portable units and -88 dBm for vehicular units remain in effect in NPSPAC regions where rebanding has not been declared complete.

¹⁶ See Letters from Brett Haan, 800 MHz Transition Administrator, to David L. Furth, Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission (Apr. 6, 2017, May. 24, 2018, and Jun. 20, 2018) (certifying the completion of band reconfiguration in the NPSPAC regions listed in Attachment A) (TA Certification Letters). The TA was established by the Commission to oversee band reconfiguration. See *800 MHz Report and Order*, 19 FCC Rcd at 15070-75, paras. 190-200. Originally, the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau was assigned oversight of the TA and the rebanding process. See *800 MHz Report and Order*, 19 FCC Rcd at 15075, para. 201. Subsequently, the Public Safety and Homeland Security Bureau was established and has since assumed these duties. See 47 CFR § 0.191(f); *Establishment of Public Safety and Homeland Security Bureau*, Order, 21 FCC Rcd 10867 (2006).

¹⁷ See TA Certification Letters.

¹⁸ *PLMR Report and Order* at 25, para. 60.

¹⁹ A definition of critical infrastructure industry is provided in Section 90.7 of the Commission's Rules. See 47 CFR § 90.7.

²⁰ *800 MHz Report and Order*, 19 FCC Rcd at 15052, para. 152. The exclusive filing windows for public safety and CII applicants also apply to channels vacated by other licensees relocating to the ESMR band and licensees electing to relocate to the Guard Band. *Id.*; see also *Supplemental Order*, 19 FCC Rcd at 25145, para. 58.

remaining vacated channels revert to their original frequency pools and become available for licensing to any eligible applicant.²¹

The Public Safety and Homeland Security Bureau has released Sprint-vacated channels for licensing in stages with the most recent release occurring in December 2016.²² By this *Public Notice*, we announce the availability for licensing of additional Sprint-vacated channels.

In the NPSAC regions listed in Attachment A, all remaining channels vacated by Sprint in the interleaved portion of the band will be available for licensing first to public safety applicants and later to CII applicants. In addition, some Sprint-vacated channels also may become available for licensing in regions where band reconfiguration has already been completed.

Please note, however, that certain counties in regions adjacent to the Mexico border continue to be subject to an application freeze.²³ We will withhold releasing vacated channels in any county currently subject to an application freeze.

To identify specific vacated channels that are available for licensing, the Bureau has created a Vacated Channel Search Engine (VCSE) at http://wireless2.fcc.gov/reband800/search_basic.htm.²⁴ The VCSE contains detailed geographic and frequency data regarding these vacated channels. The vacated channel public access file is at <http://wireless.fcc.gov/uls/index.htm?job=transaction&page=weekly>. This access file may be downloaded by users with data-processing capability, e.g., frequency coordinators.

For channels being made available for licensing by this *Public Notice*, the VCSE will specify **July 18, 2019** as the availability date in the “Channel Availability” field.

Beginning on **July 18, 2019**, Commission-certified frequency coordinators may file applications, in the Universal Licensing System (ULS), on behalf of eligible applicants for the channels released by this *Public Notice*. Any application filed for these channels before **July 18, 2019** will be dismissed.

Applications must meet the frequency limitations specified in the Commission’s rules.²⁵ Due to the limited availability of channels during the period of exclusive eligibility, applicants will not be permitted to apply for more than five channels per fixed location. Furthermore, requests for extended implementation will be subject to a high level of scrutiny and will not be routinely granted.²⁶

Applications for vacated channels must include a certification of frequency coordination by an appropriate Commission-certified frequency coordinator in accordance with the Commission’s rules.²⁷ The certification must state that the coordinator has searched the VCSE and the Commission’s licensing database and has verified that the frequencies and locations being applied for are available for licensing under the rules and procedures detailed in this *Public Notice*. **The certification should include the applicant’s name, a list of the specific locations/frequencies that were subject to the search, and the**

²¹ See *Supplemental Order*, 19 FCC Rcd at 25145, para. 58; see also 47 CFR §§ 90.615, 90.617(g).

²² See *Third Completion of Rebanding Public Notice*, 31 FCC Rcd at 12893-95.

²³ See *Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze along Border with Mexico*, Public Notice, 32 FCC Rcd 1817 (PSHSB 2017) (*Border Freeze Public Notice*).

²⁴ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Establish New 800 MHz Vacated Channel Search Engine for Identifying Vacated Channels in the 800 MHz Interleaved Band That Will be Available for Licensing to Public Safety and Critical Infrastructure Industry Entities*, Public Notice, 23 FCC Rcd 16481 (PSHSB/WTB 2008).

²⁵ See 47 CFR §§ 90.623, 90.627.

²⁶ See 47 CFR § 90.629

²⁷ See 47 CFR § 90.175.

date the search was conducted.²⁸ Also, coordinators are advised to check the Commission's Market-Based database to ascertain whether there are EA licenses that conflict with a channel chosen from the VCSE. Staff may return applications if there is ambiguity as to which channels or locations on the application are covered by the coordinator's certification.

When coordinating applications for vacated site-based channels, the frequency coordinator should confirm that the 22 dB μ V/m F(50,10) contour of the proposed facilities does not extend beyond the 22 dB μ V/m F(50,10) contour of the originally licensed station.²⁹ The originally licensed contour should be calculated using the maximum Effective Radiated Power and the actual antenna height above average terrain (HAAT).³⁰ When coordinating applications for vacated EA-based channels, the frequency coordinator should confirm that the 40 dB μ V/m F(50,50) contour of the proposed facilities does not extend into an adjacent region where the channel is unavailable for licensing.³¹

Furthermore, as with previously released vacated channels, frequency coordinators must follow pre-coordination procedures to eliminate conflicts between applications prior to their being filed with the Commission, and they must attach the appropriate certifications to each application.³² Frequency coordinators may accept applications for vacated channels specified in this *Public Notice* that are submitted to them for coordination.³³ In order to reduce the possibility that the Commission might receive mutually exclusive applications, each frequency coordinator must provide notification of each application submitted to it for coordination to all other participating coordinators prior to filing the application with the Commission. The purpose of this notification process is to enable frequency coordinators to address and resolve conflicting applications prior to filing with the Commission.

Pre-coordination may commence no sooner than **May 9, 2019**, at 8:00 AM Eastern Time.³⁴ On that date, and after that time, each frequency coordinator may submit electronic notification to the other participating coordinators of applications it has prepared for coordination. Each notification for vacated channels must be sent individually; batch filing is prohibited. Applications that are submitted for notification must include the following exhibits:

- A showing that the appropriate contour of the proposed facility is within the contour or region previously licensed to Sprint as described above;
- A statement verifying channel availability;
- A study detailing the directional height of the antenna above average terrain (DHAAT) for any proposed facility employing the short-spacing separation table in our rules.³⁵

²⁸ See *Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Channels Relinquished by Sprint Nextel Corporation in the 809-809.5/854-854.5 MHz Band*, Public Notice, 23 FCC Rcd 18343, 18344 (PSHSB 2008) (*Licensing Procedures Public Notice*).

²⁹ 47 CFR § 90.693(b).

³⁰ The maximum ERP varies with the antenna height above average terrain (HAAT). For instance, a maximum ERP of 1000 watts is permitted for all HAAT values below 305 meters. See 47 CFR § 90.635(b).

³¹ 47 CFR §90.689(b).

³² *Licensing Procedures Public Notice*, 23 FCC Rcd at 18344-45.

³³ Coordinators may also accept applications submitted to them for coordination prior to the date of this *Public Notice*, provided that they comply with the pre-coordination notification procedures set forth in this *Public Notice* with respect to such applications.

³⁴ *Id.* at 18345.

³⁵ 47 CFR § 90.621(b)(4).

All participating frequency coordinators will check each notified application for mutual exclusivity with other notified applications. If conflicts are found, the application with the earliest notification date and time stamp will take precedence.³⁶ Mutually exclusive channels must be deleted from later-notified applications but such applications may maintain their priority for channels that have no conflicts. Frequency coordinators may also apply engineering solutions to resolve potentially mutually exclusive situations.

From **July 18, 2019**, to **July 17, 2022**, the interleaved channels made available by this *Public Notice* will be available exclusively for licensing to public safety eligible entities. From **July 18, 2022**, to **July 17, 2024**, the channels made available by the records released by this *Public Notice* will be available exclusively for licensing to public safety eligible entities and critical infrastructure industry eligible entities.

Applicants who receive a license for channels vacated by Sprint no longer need to provide prior notice to Sprint before they activate a channel for testing or commence operations.

IV. EXPANSION BAND AND GUARD BAND CHANNELS

The Commission created the Expansion Band and Guard Band to provide spectral separation between commercial licensees operating in the ESMR segment of the band above 817/862 MHz, and public safety licensees operating below 815/860 MHz.³⁷ Expansion Band spectrum is designated primarily for Specialized Mobile Radio (SMR) stations, with the remainder for Business/Industrial/Land Transportation (B/ILT) Pool eligibles.³⁸ Guard Band spectrum is in the General Pool,³⁹ and thus is available for Public Safety, B/ILT, and SMR operations.⁴⁰

In creating the Expansion Band, the Commission noted that, “[a]lthough occupants of the Expansion Band will receive full interference protection, ... licensees who operate in the 2 x 2 MHz segment of the band [Expansion Band and Guard Band] immediately adjacent to the cellular portion of

³⁶ We encourage frequency coordinators first to explore engineering solutions and other rational bases on which to resolve mutual exclusivity. If mutual exclusivity cannot otherwise be resolved before the filing window opens, it may be resolved on the basis of the pre-coordination notification date and time stamp in order to avoid the filing of mutually exclusive applications. See *City of Aventura, Florida*; *City of Doral, Florida*, Memorandum Opinion and Order, 28 FCC Rcd 4439, 4442-43, para. 10 (WTB PLD 2013) (*Aventura*).

³⁷ *800 MHz Report and Order*, 19 FCC Rcd at 15053-55, paras. 154-158. No Guard Band exists in the southeastern portion of the United States in counties served by both Sprint and SouthernLINC and in areas adjacent to the U.S./Canada border. Furthermore, the Expansion Band consists of the 812.5-813.5 MHz/857.5-858.5 MHz segment of the band in these counties served by both Sprint and SouthernLINC except for a seventy-mile radius around Atlanta where the Expansion Band is reduced to one-half megahertz. *Id.* at 15058, para. 166; see also *Improving Public Safety Communications in the 800 MHz Band*, Memorandum Opinion and Order, 20 FCC Rcd 16015, 16036, para. 48 (2005).

³⁸ See 47 CFR § 90.617(b), (d). Expansion Band users also include Public Safety licensees that chose not to relocate from the band. See *800 MHz Report and Order*, 19 FCC Rcd at 15053, n.417. They are permitted to expand geographically on the Expansion Band channels they retained and may obtain new Expansion Band channels through inter-category sharing. See *Public Safety and Homeland Security Bureau Clarifies the Rights of 800 MHz Public Safety Licensees Electing to Remain in the 800 MHz Expansion Band*, Public Notice, 22 FCC Rcd 6803, 6803-04 (PSHSB 2007); *Public Safety and Homeland Security Bureau Clarifies the Process for Accepting Applications from Public Safety Licensees that Elected to Remain in the 800 MHz Expansion Band*, Public Notice, 30 FCC Rcd 3021 (PSHSB 2015).

³⁹ See 47 CFR § 90.615.

⁴⁰ See *Creation of Interstitial 12.5 KHz Channels in the 800 MHz Band Between 809-817/854-862 MHz*, Notice of Proposed Rulemaking, 30 FCC Rcd 1663, 1675, n.95 (2015).

the band should employ ‘campus-type’ or other interference-resistant type systems.”⁴¹ Expansion Band channels become available for licensing when the Bureaus release a *Public Notice* that announces that 90% of channels in the former NPSPAC Block are clear and specifies a date on which applications may be filed.⁴²

The Commission established the “‘Guard Band’ in the 816-817 MHz/861-862 MHz segment of the 800 MHz band to provide public safety licensees an additional one megahertz spectral separation from the [ESMR] portion of the band.”⁴³ Most Guard Band licensees receive less interference protection from ESMR operations than licensees operating in lower portions of the non-cellular portion of the 800 MHz band.⁴⁴ 800 MHz High Density Cellular operations are prohibited in the Guard Band.⁴⁵ Guard Band channels become available for licensing when the Bureaus release a Public Notice announcing that 100% of channels in the former NPSPAC Block are clear in a given region and, therein, specify a date on which applications may be filed.⁴⁶

The Bureaus have released Expansion and Guard Band channels for licensing in stages with the most recent release occurring in 2014.⁴⁷ Since the TA has certified that band reconfiguration is complete in the regions listed in Attachments A and C,⁴⁸ 100% of channels in the former NPSPAC Block in these regions are clear. Accordingly, we announce that Expansion Band and Guard Band channels in the NPSPAC regions listed in Attachments A and C will be available for licensing on **July 18, 2019**.⁴⁹ Please note, however, that no Expansion Band or Guard Band channels will be released in counties impacted by the freeze on applications.⁵⁰

Furthermore, these Expansion Band and Guard Band channels are subject to pre-coordination. Frequency coordinators must follow pre-coordination procedures to eliminate conflicts between applications prior to their being filed with the Commission, and they must attach the appropriate certifications to each application.⁵¹ Frequency coordinators may accept applications for vacated channels

⁴¹ *800 MHz Report and Order*, 19 FCC Rcd at 15053, para. 154.

⁴² *See Improving Public Safety Communications in the 800 MHz Band*, Order, 23 FCC Rcd 15966, 15972-73, para. 17 (2008) (*Sprint Waiver Order*). A channel is deemed “clear” when the NPSPAC licensee has relocated to a corresponding channel in the new NPSPAC band and ceased operations on the old channel, regardless of whether the licensee has completed all post-relocation rebanding tasks. *Id.* at 15973, para. 18.

⁴³ *800 MHz Report and Order*, 19 FCC Rcd at 15054, para. 157.

⁴⁴ *Id.* at 15055, para. 158.

⁴⁵ *Id.* at 15054-55, paras. 157-158. *See* 47 CFR § 90.7 for a definition of an 800 MHz High Density Cellular System.

⁴⁶ *Sprint Waiver Order*, 23 FCC Rcd at 15973, para. 17.

⁴⁷ *See Second Completion of Rebanding Public Notice*, 29 FCC Rcd at 16296-99.

⁴⁸ *See* TA Certification Letters; *Third Completion of Rebanding Public Notice*, 31 FCC Rcd at 12891-92, n.5.

⁴⁹ Certain EA-based Sprint facilities in the Expansion Band and Guard Band are listed in the Vacated Channel Search Engine (VCSE). We will specify **July 18, 2019** as the availability date in the “Channel Availability” field for any such facilities included in the NPSPAC regions listed in Attachments A and C.

⁵⁰ *See Border Freeze Public Notice*, 32 FCC Rcd 1817.

⁵¹ *Id.* at 18344-45.

specified in this *Public Notice* that are submitted to them for coordination.⁵² In order to reduce the possibility that the Commission might receive mutually exclusive applications, each frequency coordinator must provide notification of each application submitted to it for coordination to all other participating coordinators prior to filing the application with the Commission. The purpose of this notification process is to enable frequency coordinators to address and resolve conflicting applications prior to filing with the Commission.

Pre-coordination for the Expansion Band and Guard Band channels may commence on **May 9, 2019**, at 8:00 AM Eastern Time. On that date, and after that time, each frequency coordinator may submit electronic notification to the other participating coordinators of applications it has prepared for coordination. Each notification for vacated channels must be sent individually; batch filing is prohibited. Applications that are submitted for notification must include the following exhibits:

- A statement verifying channel availability;
- A study detailing the DHAAT for any proposed facility employing the short-spacing separation table in our rules.⁵³

All participating frequency coordinators will check each notified application for mutual exclusivity with other notified applications. If conflicts are found, the application with the earliest notification date and time stamp will take precedence.⁵⁴ Mutually exclusive channels must be deleted from later-notified applications but such applications may maintain their priority for channels that have no conflicts. Frequency coordinators may also apply engineering solutions to resolve potentially mutually exclusive situations.

Applications for the Expansion Band or Guard Band channels may implicate still-frozen neighboring regions. In such a case, the applicant may file a waiver request to allow its coverage to extend into the still-frozen region if the overlapping coverage area is limited and would not disrupt ongoing rebanding efforts in the region. Nonetheless, we remind potential applicants that their choice of base station locations and mobile areas of operation may be limited if the adjacent region is still frozen.

We remind applicants for Expansion Band and Guard Band channels that they must comply with the Commission's construction and operation rules. Licensees must construct and place a station into *bona fide* operation within twelve months of the date of grant of an authorization.⁵⁵ **Failure to meet the construction and operation requirements by the applicable deadline, or failure to maintain the station in operation for a one-year period, will result in automatic license cancellation.**⁵⁶ We advise applicants that we apply strict scrutiny to requests for waiver of the construction deadlines and operational requirements. We note that lack of financing, lack of site access, transfer of control, or assignment of authorization may not be used to justify a waiver.⁵⁷ Finally, because of our experience with

⁵² Coordinators may also accept applications submitted to them for coordination prior to the date of this *Public Notice*, provided that they comply with the pre-coordination notification procedures set forth in this *Public Notice* with respect to such applications.

⁵³ 47 CFR § 90.621(b)(4).

⁵⁴ We encourage frequency coordinators first to explore engineering solutions and other rational bases on which to resolve mutual exclusivity. If mutual exclusivity cannot otherwise be resolved before the filing window opens, it may be resolved on the basis of the pre-coordination notification date and time stamp in order to avoid the filing of mutually exclusive applications. See *Aventura*, 28 FCC Rcd at 4442-43, para. 10.

⁵⁵ 47 CFR § 90.155(a).

⁵⁶ *Id.* See also 47 CFR §§ 1.953(c), 90.157(a).

⁵⁷ 47 CFR § 1.946(e).

900 MHz band applications,⁵⁸ we may impose a temporary freeze on the acceptance of Expansion and/or Guard Band applications in the event there is an inordinately large number of applications that would compromise the availability of adequate spectrum resources for applicants with *bona fide* intentions to offer service. We will also investigate any unusual concentration of applications and any undisclosed true party in interest behind any application. Misrepresentation or lack of candor in any application may be referred for enforcement action.

V. TA APPROVAL OF APPLICATIONS FOR NEW NPSPAC BAND NO LONGER NECESSARY

In a previous *Public Notice*, the Public Safety and Homeland Security Bureau stated that applications for new facilities in the new NPSPAC band would be subject to TA review until the completion of rebanding in a NPSPAC region.⁵⁹

Accordingly, by this *Public Notice*, we announce that TA review is not required for new NPSPAC channels in regions listed in Attachment A.

VI. FURTHER INFORMATION

For further information, contact Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-0838 or Brian.Marengo@fcc.gov; Melvin Spann, Wireless Telecommunications Bureau, Mobility Division at (202) 418-1333 or Melvin.Spann@fcc.gov.

Action by the Deputy Chief, Public Safety and Homeland Security Bureau and Deputy Chief, Wireless Telecommunications Bureau.

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⁵⁸ In the *800 MHz Report and Order*, the Commission provided flexibility to 900 MHz B/ILT licensees to allow them to convert their Private Land Mobile Radio authorizations to Commercial Mobile Radio Service authorizations, *see 800 MHz Report and Order*, 19 FCC Rcd at 15127, para. 337, but it also envisioned that Sprint would temporarily shift some of its operations to the 900 MHz band to create “green space” to facilitate 800 MHz rebanding, *see id.* at 15127, para. 335-336. Following the release of the *800 MHz Report and Order*, the Wireless Telecommunications Bureau received an exceptionally high number of applications for 900 MHz B/ILT licenses, so it imposed a freeze on new 900 MHz B/ILT licenses to ensure Sprint had adequate “green space.” *See Wireless Telecommunications Bureau Freezes Applications in the 900 MHz Band*, Public Notice, 19 FCC Rcd 18277, 18277-78 (WTB 2004).

⁵⁹ *See Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Regional Plans to Reflect 800 MHz Band Reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band*, Public Notice, 24 FCC Rcd 1364, 1366 (PSHSB 2009).

Attachment A
NPSPAC Regions in Which 800 MHz Band Reconfiguration is Complete as of *Report and Order*
***and Order* FCC 18-143**

NPSPAC Region	Description of Region ⁶⁰
NPSPAC Region 9	Florida
NPSPAC Region 33	Ohio
NPSPAC Region 43	Washington State

⁶⁰ Regions that are only a portion of a state or states are defined by counties. For a list of the counties in each of these regions See *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, First Report and Order and Third Further Notice of Proposed Rule Making, 14 FCC Rcd 152 (1998), available at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.

Attachment B
NPSPAC Regions Previously Announced as Complete with 800 MHz Band Reconfiguration

NPSPAC Region	Description of Region	Date Announced as Complete ⁶¹
1	Alabama	December 9, 2016
2	Alaska	November 27, 2012
7	Colorado	November 27, 2012
8	Metropolitan NYC Area	December 9, 2016
10	Georgia	December 9, 2016
11	Hawaii	November 27, 2012
12	Idaho	December 30, 2014
13	Illinois	December 9, 2016
14	Indiana	December 9, 2016
15	Iowa	November 27, 2012
16	Kansas	December 30, 2014
17	Kentucky	December 30, 2014
18	Louisiana	December 9, 2016
19	New England	December 9, 2016
20	Maryland – DC – Northern Virginia	December 9, 2016
21	Michigan	December 9, 2016
22	Minnesota	November 27, 2012
23	Mississippi	December 9, 2016
24	Missouri	December 30, 2014
25	Montana	December 30, 2014
26	Nebraska	November 27, 2012
28	Eastern Pennsylvania – Delaware – Southern New Jersey	December 9, 2016
30	Eastern Upstate New York	December 30, 2014
31	North Carolina	December 9, 2016
32	North Dakota	November 27, 2012
35	Oregon	December 9, 2016
36	Western Pennsylvania	December 9, 2016
37	South Carolina	December 9, 2016
38	South Dakota	November 27, 2012
39	Tennessee	December 9, 2016
41	Utah	November 27, 2012
42	Virginia	December 9, 2016
44	West Virginia	December 30, 2014

⁶¹ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions*, Public Notice, 27 FCC Rcd 14775 (PSSB/WTB 2012); *Second Completion of Rebanding Public Notice*; *Third Completion of Rebanding Public Notice*.

45	Wisconsin	November 27, 2012
46	Wyoming	November 27, 2012
47	Puerto Rico	December 9, 2016
48	US Virgin Islands	December 9, 2016
51	East Texas – Houston ⁶²	December 9, 2016
54	Chicago	December 9, 2016
55	Western Upstate New York	December 30, 2014
64	American Samoa*	December 30, 2014

* This is not an official NPSPAC Region, but it is subject to band reconfiguration and has been assigned a region number for purposes of searching the Vacated Channel Search Engine.

⁶² No Sprint vacated channels have been released in the following counties which are subject to a freeze on applications: Austin, Brazoria, Colorado, Fort Bend, Grimes, Harris, Matagorda, Montgomery, Waller and Wharton.

Attachment C
NPSPAC Regions Previously Announced as Complete with 800 MHz Band Reconfiguration
Where Licensing of Expansion Band and Guard Band Channels Was Deferred

NPSPAC Region	Description of Region ⁶³
Region 1	Alabama
Region 8	Metropolitan NYC Area
Region 10	Georgia
Region 13	Illinois
Region 14	Indiana
Region 18	Louisiana
Region 19	New England
Region 20	Maryland – DC – Northern Virginia
Region 21	Michigan
Region 23	Mississippi
Region 28	Eastern Pennsylvania – Delaware – Southern New Jersey
Region 31	North Carolina
Region 35	Oregon
Region 36	Western Pennsylvania
Region 37	South Carolina
Region 39	Tennessee
Region 42	Virginia
Region 47	Puerto Rico
Region 48	U.S. Virgin Islands
Region 51	East Texas – Houston
Region 54	Chicago

⁶³ Regions that are only a portion of a state or states are defined by counties. For a list of the counties in each of these regions See *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, First Report and Order and Third Further Notice of Proposed Rule Making, 14 FCC Rcd 152 (1998), available at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.