

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

In the Matter of )
Improving Public Safety Communications in the ) WT Docket No. 02-55
800 MHz Band )
Consolidating the 800 and 900 MHz )
Industrial/Land Transportation and Business Pool )
Channels )
Amendment of Part 2 of the Commission's Rules ) ET Docket No. 00-258
To Allocate Spectrum Below 3 GHz for Mobile )
And Fixed Services to Support the Introduction )
Of New Advanced Wireless Services, Including )
Third Generation Wireless Systems )
Amendment of Section 2.106 of the Commission's ) ET Docket No. 95-18
Rules to Allocate Spectrum at 2 GHz for Use by )
the Mobile Satellite Service )

ORDER

Adopted: February 4, 2008

Released: February 4, 2008

By the Commission:

1. We extend for an additional thirty days (i.e., to March 5, 2008), on our own motion, pursuant to 47 C.F.R. § 1.3, our waiver of the deadline by which Sprint Nextel Corporation (Sprint Nextel) is required to complete the transition of the broadcast auxiliary service (BAS) to frequencies above 2025 MHz. This will provide additional time for the Commission to consider a Joint Petition for Waiver of Sprint Nextel, the Association for Maximum Service Television, Inc. (MSTV), the National Association of Broadcasters (NAB), and the Society of Broadcast Engineers (SBE) that was filed on September 4, 2007,<sup>1</sup> as well as a Consensus Plan filed by Sprint Nextel, MSTV, NAB, and SBE on December 6, 2007.<sup>2</sup> We take this action without expressing any judgment on the merits of the Joint Petition.

2. In 2000, 35 megahertz of BAS spectrum was allocated to the 2 GHz Mobile-Satellite

1 Joint Petition for Waiver of Sprint Nextel Corporation, the Association for Maximum Service Television, Inc. (MSTV), the National Association of Broadcasters (NAB), and the Society of Broadcast Engineers (SBE), WT Docket 02-55, filed Sept. 4, 2007 (Joint Petition).

2 Consensus Plan of Sprint Nextel Corp., the Association for Maximum Service Television, Inc., the National Association of Broadcasters, and the Society of Broadcast Engineers, WT Docket 02-55, ET Docket 00-258, filed December 6, 2007 (Consensus Plan).

Service (MSS), which was made responsible for BAS relocation (47 C.F.R. §§ 74.690 and 78.40).<sup>3</sup> In 2004, a portion of this spectrum (5 megahertz) was assigned to Nextel Communications, Inc. (the predecessor in interest to Sprint Nextel) under the terms of the *800 MHz Order*.<sup>4</sup> Although both Sprint Nextel and 2 GHz MSS licensees have equal obligations to relocate the 2 GHz BAS incumbents, Sprint Nextel's obligation is to complete relocation of all BAS facilities in the 1990-2110 MHz band by September 7, 2007.<sup>5</sup>

3. On September 4, 2007, Sprint Nextel, MSTV, NAB and SBE filed a Joint Petition requesting that the Commission waive the current BAS transition completion date for an additional twenty-nine months. We have previously acted, on our own motion, to waive the deadline by which Sprint Nextel must complete relocation of the broadcast auxiliary service to frequencies above 2025 MHz. Although the Commission does not routinely grant extensions of time, we believe an extension is warranted in this instance. First, the Petitioners and the 2 GHz MSS operators are actively engaged in discussions regarding the BAS transition implementation and deadlines, and we encourage all parties to continue these important efforts. In addition, an extension will provide the Commission with additional time to consider the myriad issues raised by the Joint Petition and the recently filed Consensus Plan,<sup>6</sup> as well as any new matters that may result from the ongoing discussions among the parties.

4. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and (j), and Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, that the waiver of the deadline by which Sprint Nextel must complete relocation of the broadcast auxiliary service to frequencies above 2025 MHz adopted in FCC 07-162 and extended by FCC 07-193 and FCC 08-2, IS EXTENDED to March 5, 2008.

5. IT IS FURTHER ORDERED that the effective date of this Order IS THE DATE upon which this Order is released by the Commission.

#### FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

<sup>3</sup> See Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile-Satellite Service, *Second Report and Order and Second Memorandum Opinion and Order*, ET Docket No. 95-18, 15 FCC Rcd 12315 (2000).

<sup>4</sup> See Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, WT Docket No. 02-55, ET Docket No. 00-258, 19 FCC Rcd 14969 (2004) (*800 MHz Order*).

<sup>5</sup> The Commission had initially required that BAS relocation be completed within 30 months after the effective date of the *800 MHz Order*, i.e., May 7, 2007. *Id.* The Commission subsequently extended this deadline to September 7, 2007. See Commission Seeks Comment on Ex Parte Presentations and Extends Certain Deadlines Regarding the 800 MHz Public Safety Interference Proceeding, *Public Notice*, WT Docket No. 02-55 (2004).

<sup>6</sup> Improving Public Safety Communications in the 800 MHz Band, *Order*, WT Docket No. 02-55, ET Docket No. 00-258, FCC 07-162, 22 FCC Rcd 17151 (2007) (*Waiver Order*); Improving Public Safety Communications in the 800 MHz Band, *Order*, WT Docket 02-55, ET Docket 00-258, FCC 07-193, 22 FCC Rcd 19730 (2007) (*Waiver Extension Order*); Improving Public Safety Communications in the 800 MHz Band, *Order*, WT Docket 02-55, ET Docket 00-258, FCC 08-2 (rel. January 4, 2008) (*Waiver Further Extension Order*).