

January 15, 2008

Mr. David Furth  
Associate Chief  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**RE: 30-Month Benchmark Report**

Dear Mr. Furth:

In its 800 MHz Reconfiguration Third Memorandum Opinion and Order,<sup>1</sup> the Federal Communications Commission (“FCC” or “Commission”) directed the 800 MHz Transition Administrator, LLC (“TA”) to submit a report to the Public Safety and Homeland Security Bureau by January 15, 2008 certifying whether the 30-month benchmark has been met. The 30-month benchmark is the date by which all systems must have commenced reconfiguration.<sup>2</sup>

There are two parts to the report that the TA must submit. First, the TA must certify whether the 30-month benchmark has been met by all Stage 1 (Channel 1-120) incumbent licensees in the non-border regions.<sup>3</sup> Second, the TA must certify whether covered Stage 2 licensees have complied with the timelines set forth in the Commission’s September 12 Public Notice and identify all cases in which timelines have not been met.<sup>4</sup> “Covered licensees” include all Wave 1-3 NPSPAC licensees and all Wave 4 NPSPAC licensees that had received frequency assignments from the TA as of September 12, 2007.<sup>5</sup> The September 12 Public Notice contained deadlines by which these licensees were required to complete planning and submit cost estimates to Sprint Nextel.<sup>6</sup>

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<sup>1</sup> Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Third Memorandum Opinion and Order*, 22 FCC Rcd 17209 (2007) (“Third MO&O”), at ¶ 34.

<sup>2</sup> Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004) (“R&O”), at ¶¶ 28, 214, and 347. The 30-month benchmark was also made part of the Commission’s Rules in 47 C.F.R. § 90.677(a).

<sup>3</sup> Third MO&O, at ¶¶ 20-21, 33-34, and n.64.

<sup>4</sup> “FCC Announces Supplemental Procedures and Provides Guidance for Completion of 800 MHz Rebanding,” *Public Notice*, 22 FCC Rcd 17227 (rel. Sept. 12, 2007) (“September 12 Public Notice”), at 1-2. The Commission stated that licensees who are in compliance with the September 12 Public Notice timelines as of December 26, 2007 will be deemed to have met the 30-month benchmark. Third MO&O, at ¶ 33.

<sup>5</sup> *Id.* Public safety licensees relocating from the Expansion Band in Stage 2 are also subject to the September 12 Public Notice timelines. See September 12 Public Notice, n.1. Therefore, the TA has included these licensees in the definition of “covered licensees” along with the NPSPAC licensees.

<sup>6</sup> September 12 Public Notice, at 1-2.

## Scope of Review

For purposes of certifying whether the 30-month benchmark has been met for Stage 1 licensees, the TA has examined its own records to determine whether the 922 covered Channel 1-120 licensees have entered into Frequency Reconfiguration Agreements (“FRA”) with Sprint Nextel as of December 26, 2007. The vast majority of non-border Channel 1-120 licensees have entered into FRAs with Sprint Nextel and have completed or substantially completed the process of relocating to their replacement channels. As indicated in Schedule A of this report, the TA found 24 incumbent Channel 1-120 licensees for which there were no signed FRAs submitted to the TA as of December 26, 2007, indicating that these licensees have not initiated reconfiguration of their systems.

With respect to the benchmark certification for Stage 2 licensees, the TA reviewed its records to determine whether these licensees were in compliance with the timelines set forth in the Public Notice for the completion of planning activities and the submission of a cost estimate to Sprint Nextel. As indicated in Schedule B of this report, the TA found that 86 Wave 1, 60 Wave 2, 115 Wave 3, and 21 Wave 4 NPSPAC licensees did not complete planning and submit cost estimates in accordance with the timelines set forth in the Public Notice.<sup>7</sup> Based on the status of reconfiguration activities at the 30-month benchmark date, the TA anticipates that a significant number of NPSPAC licensees, and possibly a majority, will not have completed their reconfigurations by the scheduled June 26, 2008 completion date. Through December 26, 2007, of the 904 non-border Stage 2 reconfigurations that the TA is tracking, 366 are in varying stages of planning or FRA negotiations, 441 have completed an FRA and are in some stage of implementation, and 97 are reported as being operational on their replacement channels.

In making the certification requested by the FCC, the TA has assumed, without verification: (a) the accuracy and veracity of information and statements contained in the documents that the TA reviewed, including electronic databases, and (b) the conformity to originals of all copies of documents, including electronic databases reviewed by the TA, and the authenticity of the originals of such copies. The TA has also limited its review to records and data available to it as of the date of this report.

Below we set forth our certification of completion of rebanding activities.

### 1. Commencement of Reconfiguration by Channels 1-120 Licensees

Except for those licensees listed in Schedule A attached hereto, the TA certifies that all incumbents relocating from the 1-120 channels have commenced reconfiguration in compliance with the 30-month benchmark as of December 26, 2007.

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<sup>7</sup> The September 12 Public Notice provides that licensees that do not meet the planning timelines may obtain extensions from the Public Safety and Homeland Security Bureau. September 12 Public Notice, at 2. However, for purposes of this report, we list those licensees that did not complete planning and submit cost estimates by the Public Notice dates, regardless of whether they have requested or received extensions or whether they have initial deadlines for submitting cost estimates that are after December 26, 2007.

**2. Compliance of NPSPAC licensees with Public Notice timelines**

Except for those licensees listed in Schedule B attached hereto, the TA certifies that all Covered Licensees were in compliance with timelines in the September 12 Public Notice as of December 26, 2007.

Sincerely,



Brett Haan  
800 MHz Transition Administrator, LLC

**Schedule A**

**Exceptions to TA Certification that all incumbents relocating from the 1-120 channels have commenced reconfiguration in compliance with the 30-month benchmark as of December 26, 2007**

Entity Name*
Baltimore, County of
Boston, City of
Chandler, City of
Choice Phone LLC
Claborn, Charles
Dade City, City of
Gardali, Sam D
Island SMR Inc
Jefferson Parish Fire District 1
Jefferson, Parish of
Lafayette, City of
Lake, County of
Martin, County of
Miramar, City of
Osceola, County of
Pasco County Sheriff's Office
Pasco, County of
Preferred Acquisitions, Inc.
Preferred Communication Systems, Inc.
Rankin, County of
Slidell, City of
St James, Parish of
St John The Baptist, Parish of
Volusia, County of
*Certain of these licensees have combined their Stage 1 (Channels 1-120) FRA negotiations with their Stage 2 (NPSPAC) negotiations. It is possible that these licensees similarly will seek to combine their Channels 1-120 reconfiguration with reconfiguration of their NPSPAC channels.

**Schedule B**

**Exceptions to TA Certification that All Covered Licensees Were in Compliance with  
Public Notice Timelines as of December 26, 2007**

Exceptions to TA Certification that  
All Covered Licensees Were in Compliance with  
Public Notice Timelines as of December 26, 2007

TAM #	Licensee	Status as of 12/26/07
TAM-12002	County of Calvert, MD	Planning
TAM-12003	County of Charles, MD	Planning
TAM-12005	State of Indiana	Planning
TAM-12006	County of Loudoun, VA	Negotiating FRA
TAM-12008	County of Prince William , VA	Planning
TAM-12014	City of Hartford, CT	Planning
TAM-12015	City of Newport News, VA	Planning
TAM-12019	Chester County Emergency Services, PA	Planning; Sprint Nextel has sought review of Bureau decision
TAM-12020	County of Chesterfield, VA	Planning
TAM-12022	County of Henrico, VA	Planning
TAM-12023	Lancaster County Wide Communication, PA	Planning
TAM-12025	City of Norwalk, CT	Negotiating FRA
TAM-12028	City of Richmond, VA	Planning
TAM-12034	City and County of San Francisco, CA	Planning
TAM-12037	City of Suffolk, VA	Negotiating PFA after Bureau decision
TAM-12039	Warrenton-Fauquier Joint Communication Center	Planning
TAM-12040	County of Culpeper, VA	Negotiating FRA
TAM-12043	City of Alexandria, VA	Negotiating FRA
TAM-12044	State of Delaware	Planning
TAM-12045	City of Joliet, IL	Planning
TAM-12052	County and City of Roanoke, VA	Planning
TAM-12053	County of Howard, MD	Planning
TAM-12054	City of Baltimore, MD	Planning
TAM-12056	University of Connecticut	Negotiating FRA
TAM-12058	Commonwealth of Massachusetts	Planning
TAM-12059	Town of West Hartford, CT	Planning
TAM-12061	County of Montgomery, MD	Planning
TAM-12062	Metropolitan Washington Airports Authority	Planning
TAM-12063	County of Alameda, CA	Negotiating FRA
TAM-12065	County of Albemarle, VA	Planning
TAM-12069	County of Anne Arundel, MD	Planning
TAM-12073	City of Atlantic City, NJ	Negotiating FRA
TAM-12077	City of Aurora, IL	Negotiating PFA
TAM-12081	County of Baltimore, MD	Planning
TAM-12090	City of Boston Public Health Commission (MA)	Planning
TAM-12097	County of Brown, WI	Negotiating FRA
TAM-12098	City of Cambridge, MA	Planning
TAM-12101	County of Carroll, MD	Planning
TAM-12105	City of Chesapeake, VA	Sprint Nextel has sought review of Bureau decision
TAM-12107	City of Chicago, IL	Planning
TAM-12119	State of Connecticut	Planning
TAM-12128	County of Delaware, IN	Planning
TAM-12136	City of Elgin, IL	Planning
TAM-12145	County of Frederick, MD	Planning
TAM-12150	Town of Greenwich, CT	Planning
TAM-12153	County of Grundy, IL E.T.S.B.	Planning
TAM-12159	County of Harford, MD	Planning
TAM-12168	Illinois State Toll Highway Authority	Negotiating FRA
TAM-12169	State of Illinois	Negotiating FRA
TAM-12200	Commonwealth of Massachusetts, Department of Corrections	Planning

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<b>TAM #</b>	<b>Licensee</b>	<b>Status as of 12/26/07</b>
TAM-12214	County of Milwaukee, WI	Planning
TAM-12221	County of Montgomery, PA	Planning
TAM-12225	City of Naperville, IL	Planning
TAM-12229	State of Nevada	Negotiating FRA after Bureau decision
TAM-12230	City of New Britain, CT	Negotiating FRA
TAM-12234	State of New Jersey	Planning
TAM-12235	State of New York	Negotiating FRA after Bureau decision
TAM-12254	Township of Old Bridge, NJ	Planning
TAM-12265	City of Philadelphia, PA	Planning
TAM-12270	City of Portland, OR	Negotiating FRA
TAM-12278	Rhode Island Public Transit Authority	Planning
TAM-12283	City of Roseville, CA	Planning
TAM-12307	City of Sparks, NV	Sprint Nextel has sought review of Bureau decision
TAM-12317	County of Suffolk, NY	Negotiating FRA
TAM-12327	City of Union City, NJ	Planning
TAM-12328	University and Community College System of Nevada	Negotiating FRA after Bureau decision
TAM-12330	Upper Maryland Eastern Shore Consortium	Planning
TAM-12342	County of Washoe, NV	Sprint Nextel has sought review of Bureau decision
TAM-12345	County of Waukesha, WI	Negotiating FRA
TAM-12352	Town of Wethersfield, CT	Planning
TAM-12356	County of Wicomico, MD	Negotiating FRA
TAM-12359	State of Wisconsin	Planning
TAM-12364	County of York, VA	Planning
TAM-12366	City of Trenton, NJ	Planning
TAM-12367	City of Chicago Housing Authority	Planning
TAM-12371	State of Connecticut, Department of Corrections	Negotiating FRA after Bureau decision
TAM-12376	City of Hopewell, VA	Negotiating FRA
TAM-12377	New Jersey Transit	Planning
TAM-12378	City of New York, NY (DoITT)	Planning
TAM-12381	Commonwealth of Virginia	Planning
TAM-12382	City of Chicago Phase II Aviation	Planning
TAM-12383	County of Cook, IL	Negotiating FRA
TAM-12384	State of Maryland, Department of Transportation at Baltimore Airport	Planning
TAM-12387	State of New Jersey, Attorney General's Office	Planning
TAM-12389	State of Illinois Criminal Justice Department (IPSAN)	Planning
TAM-12392	County of Dorchester, MD	Planning



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TAM #	Licensee	Status as of 12/26/07
TAM-22002	City of Irving, TX	Planning
TAM-22005	State of Arkansas	Planning
TAM-22025	City of Bowling Green, KY	Planning
TAM-22026	County of Brazoria, TX	Negotiating FRA
TAM-22037	City of Cedar Rapids, IA	Planning
TAM-22045	City of Conroe, TX	Planning
TAM-22054	Dallas Fort Worth International Airport	Planning
TAM-22055	City of Dallas, TX	Negotiating FRA
TAM-22057	County of Denton	Negotiating FRA
TAM-22059	County of Douglas, NE	Planning
TAM-22066	County of Ellis, KS	Planning
TAM-22068	County of Ellsworth, KS	Planning
TAM-22071	County of Fort Bend, TX	Negotiating FRA
TAM-22073	City of Fort Worth, TX	Planning
TAM-22076	County of Galveston, TX	Negotiating FRA
TAM-22078	City of Garland, TX	Negotiating FRA
TAM-22082	City of Goodlettsville, TN	Planning
TAM-22086	County of Harris, TX	Negotiating FRA
TAM-22087	City of Haysville, KS	Planning
TAM-22089	Houston Independent School District	Negotiating FRA
TAM-22090	City of Houston, TX -- Public Works	Planning
TAM-22091	City of Houston, TX -- Police	Planning
TAM-22092	City of Humble, TX	Negotiating FRA
TAM-22093	Hutchinson-Reno County, KS Emergency Communications	Planning
TAM-22096	City of Jacksonville, AR	Negotiating FRA
TAM-22102	County of Johnson - Sheriff's Office	Planning
TAM-22105	State of Kansas (University of Kansas and County of Russell)	Planning
TAM-22112	County of Knox, TN - Knox County Schools	Planning
TAM-22113	City of Lake Quivira, KS	Planning
TAM-22119	County of Lincoln, KS	Planning
TAM-22122	City of Little Rock, AK	Negotiating FRA
TAM-22125	City of Lubbock, TX	Planning
TAM-22132	City of McKinney, TX	Negotiating FRA
TAM-22134	City of Memphis, TN - Police Department	Planning
TAM-22142	City of Missouri City, TX	Negotiating FRA
TAM-22146	County of Montgomery, TX	Planning
TAM-22156	City of Oakridge, TN	Planning
TAM-22157	County of Obion, TN -- Sheriff's Department	Planning
TAM-22161	State of Oklahoma	Planning
TAM-22166	Overland Park, TX	Negotiating FRA after Bureau decision
TAM-22169	City of Paducah, KY	Planning
TAM-22171	City of Pasadena, TX	Negotiating FRA
TAM-22174	City of Port Neches, TX	Planning
TAM-22179	City of Raytown, MO	Planning
TAM-22192	County of Sarpy, NE	Planning
TAM-22196	County of Sedgwick, KS	Planning
TAM-22199	County of Shawnee, KS	Planning
TAM-22200	County of Shelby, TN	Planning
TAM-22203	Town of Smyrna, TN	Planning
TAM-22207	County of Sullivan, TN	Negotiating FRA

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TAM-22208	County of Sumner, KS	Planning
TAM-22209	State of Tennessee (Dept. of Corrections)	Planning
TAM-22211	State of Texas - Texas A&M University	Negotiating FRA
TAM-22215	City of Tulsa, OK	Planning
TAM-22221	City of Waco, TX	Planning
TAM-22223	County of Washington, NE - Sheriff's Department	Planning
TAM-22230	County of Williamson, TX	Planning
TAM-22245	Metropolitan Nashville Airport Authority	Planning
TAM-22250	City of Saint Louis, MO -- Police Department	Planning
TAM-22253	State of Tennessee (TEMA)	Planning

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<b>TAM #</b>	<b>Licensee</b>	<b>Status as of 12/26/07</b>
TAM-32012	County of Bulloch, GA	Planning
TAM-32016	County of Fulton, GA	Planning
TAM-32018	Huntsville Utilities, AL	Planning
TAM-32019	County of Lee, MS	Planning
TAM-32020	City of Ocala, FL	Planning
TAM-32023	City of Savannah, GA	Planning
TAM-32024	Southside Communities Fire Protection Inc., GA	Planning
TAM-32026	State of Alabama Department of Public Safety	Planning
TAM-32028	County of Anderson, SC	Planning
TAM-32032	Augusta - Richmond County, GA	Planning
TAM-32034	City of Baton Rouge, LA	Planning
TAM-32037	County of Beaufort, SC	Planning
TAM-32039	City of Birmingham, AL	Planning
TAM-32043	City of Boynton Beach, FL	Planning
TAM-32045	Broward County, Florida Board of County Commissioners	Planning
TAM-32046	Caddo Parish Communications District No 1	Planning
TAM-32048	County of Calhoun, AL	Planning
TAM-32051	City of Charleston, SC	Planning
TAM-32053	City of Charlotte, NC	Planning
TAM-32055	County of Chatham, GA	Planning
TAM-32058	County of Clay, FL	Planning
TAM-32061	County of Cobb, GA	Planning
TAM-32064	Consolidated Government of Columbus, GA	Planning
TAM-32066	City of Coral Springs, FL	Planning
TAM-32069	Town of Cary, NC	Planning
TAM-32071	City and County of Sumter, SC	Planning
TAM-32074	City of Delray Beach, FL	Planning
TAM-32076	County of Dorchester, SC	Planning
TAM-32079	City of Durham, NC	Planning
TAM-32082	City of Fayetteville Public Works Commission, NC	Planning
TAM-32085	State of Florida	Planning
TAM-32088	County of Forsyth, NC	Planning
TAM-32089	City of Fort Lauderdale, FL	Planning
TAM-32090	City of Gadsden, AL	Planning
TAM-32092	State of Georgia	Planning
TAM-32095	Greater Orlando Public Safety Cooperative	Planning
TAM-32096	City of Greensboro, NC	Planning
TAM-32099	County of Guilford, NC	Planning
TAM-32101	County of Georgetown, SC	Planning
TAM-32103	County of Harrison, MS	Planning
TAM-32104	City of Hartselle, AL	Planning
TAM-32105	County of Henry, GA	Planning
TAM-32107	City of Hialeah, FL	Planning
TAM-32108	City of Hickory, NC	Planning
TAM-32109	City of High Point, NC	Planning
TAM-32111	City of Hollywood, FL	Planning
TAM-32112	County of Horry, SC	Planning
TAM-32113	City of Huntsville, AL	Planning
TAM-32118	City of Jackson, MS	Planning
TAM-32121	City of Jacksonville, FL	Planning
TAM-32123	County of Jasper, SC	Planning
TAM-32126	Jefferson County Commission, AL	Planning
TAM-32128	City of Kernersville, NC	Planning

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<b>TAM #</b>	<b>Licensee</b>	<b>Status as of 12/26/07</b>
TAM-32129	City of La Grange, GA	Planning
TAM-32132	City of Lake Charles, LA	Planning
TAM-32134	County of Lancaster, SC	Planning
TAM-32136	County of Lenoir, NC	Planning
TAM-32137	County of Lexington, SC	Planning
TAM-32139	County of Lowndes, GA	Planning
TAM-32141	City of Maitland, FL	Planning
TAM-32142	County of Manatee, FL	Planning
TAM-32144	County of Marion, SC	Planning
TAM-32145	County of Martin, FL	Planning
TAM-32146	County of Mecklenburg, NC	Planning
TAM-32148	Miami-Dade County, FL	Planning
TAM-32153	City of Mobile, AL	Planning
TAM-32154	County of Mobile, AL	Planning
TAM-32155	County of Monroe, FL	Planning
TAM-32156	Montgomery Metro Communications Cooperative District, AL	Planning
TAM-32158	City of Myrtle Beach, SC	Planning
TAM-32159	Metropolitan Atlanta Rapid Transit Authority	Planning
TAM-32160	City of New Bern, NC	Planning
TAM-32163	City of New Orleans, LA Police Department & Sewage Water	Planning
TAM-32164	State of North Carolina, State Highway Patrol	Planning
TAM-32165	City of North Myrtle Beach, SC	Planning
TAM-32167	County of New Hanover, NC	Planning
TAM-32171	City of Opelousas, LA	Planning
TAM-32172	County of Orangeburg, SC	Planning
TAM-32175	County of Osceola, FL	Planning
TAM-32176	County of Orange, FL	Planning
TAM-32181	County of Pinellas, FL	Planning
TAM-32183	County of Pitt, NC	Planning
TAM-32184	City of Plantation, FL	Planning
TAM-32185	County of Polk, FL	Planning
TAM-32186	Commonwealth of Puerto Rico - Highway And Transportation	Planning
TAM-32187	Puerto Rico Police Communication Division	Planning
TAM-32188	Raleigh Durham Airport Authority	Planning
TAM-32190	Reedy Creek Improvement District, FL	Planning
TAM-32191	County of Richland, SC	Planning
TAM-32195	City of Rocky Mount, NC	Planning
TAM-32200	City of Saint Petersburg, FL	Planning
TAM-32205	County of Seminole, FL	Planning
TAM-32207	Parish of Pointe Coupee, LA Sheriff	Planning
TAM-32210	South Carolina Department of Transportation	Planning
TAM-32211	State of South Carolina - Budget & Control Board (CIO)	Planning
TAM-32212	South Palm Beach County, FL	Planning
TAM-32214	County of Spartanburg, SC	Planning
TAM-32220	City of Tallahassee, FL	Planning
TAM-32222	Town of Tarboro, NC	Planning
TAM-32226	City of Vicksburg, MS	Planning
TAM-32228	County of Wake, NC	Planning
TAM-32230	County of Warren, MS	Planning
TAM-32231	City of Winston-Salem, NC	Planning

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<b>TAM #</b>	<b>Licensee</b>	<b>Status as of 12/26/07</b>
TAM-32232	City of Winter Park, FL	Planning
TAM-32233	County of York, SC	Planning
TAM-32234	State of Mississippi - Mississippi University Physical Plant Dept.	Planning
TAM-32235	County of Effingham, GA	Planning
TAM-32237	County of Athens-Clarke, GA	Planning
TAM-32241	City of Columbia, SC	Planning
TAM-32252	Village of Miami Shores, FL	Planning
TAM-32260	County of Washington, AL	Planning
TAM-32261	Parish of West Baton Rouge, LA	Planning
TAM-32263	Scana Communications Inc.	Planning
TAM-32264	County of Morgan, AL	Planning
TAM-32268	County of Calhoun, AL (Tone Alert Radio System)	Planning

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<b>TAM #</b>	<b>Licensee</b>	<b>Status as of 12/26/07</b>
TAM-42003	County of Westmoreland, PA	Negotiating PFA
TAM-42004	City of Albuquerque, NM	Planning
TAM-42010	Bexar Metropolitan Water District, TX	Planning
TAM-42015	City of Cincinnati, OH	Planning
TAM-42018	City of Corpus Christi, TX - Police Communications	Planning
TAM-42021	City of Dayton, OH	Planning
TAM-42024	County of Westmoreland, PA	Planning
TAM-42025	City of Hobbs, NM	Planning
TAM-42027	City of Kingsville, TX	Planning
TAM-42028	County of Lea, NM	Planning
TAM-42029	City of Live Oak, TX	Planning
TAM-42032	State of New Mexico	Planning
TAM-42034	County of Nueces, TX	Planning
TAM-42036	City of Oxford, OH	Planning
TAM-42039	City of San Antonio, TX	Planning
TAM-42041	County of San Patricio, TX	Planning
TAM-42042	City of Signal Hill, CA	Negotiating PFA
TAM-42043	Via Metropolitan Transmitt, TX	Planning
TAM-42045	County of Warren, OH	Negotiating PFA
TAM-42051	City of Santa Fe, NM	Negotiating PFA
TAM-42056	Southwest Ohio Regional Transit Authority	Planning