



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES THAT THE 30-MONTH TRANSITION PERIOD FOR 800 MHz BAND RECONFIGURATION IN REGIONS ALONG THE U.S.-CANADA BORDER WILL COMMENCE ON OCTOBER 14, 2008

Bureau Approves U.S. – Canada Border Implementation Plan Submitted by the 800 MHz Transition Administrator and Establishes Application Freeze Dates

WT Docket No. 02-55

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) announces that the 30-month transition period for reconfiguration of 800 MHz licensees along the U.S.-Canada border will begin on October 14, 2008. As specified in the *800 MHz Second R&O*, which established the 800 MHz band reconfiguration plan for the U.S.-Canada border regions,¹ affected 800 MHz licensees must complete band reconfiguration within this 30-month transition period, which will end on April 14, 2011.²

Implementation Plan

On October 1, 2008, as directed by the Bureau in the *800 MHz Second R&O*,³ the 800 MHz Transition Administrator (TA) filed an implementation plan and timetable for 800 MHz band reconfiguration in the U.S. – Canada border regions.⁴ The Implementation Plan establishes a two-stage process for rebanding along the U.S.-Canada border. In Stage 1, SMR and B/ILT incumbents will relocate from current channels that are needed for public safety relocation. In Stage 2, public safety licensees will relocate to their new channel assignments.⁵ The Implementation Plan also contains a more detailed region-by-region timetable with sequential milestones for completion of each stage of the implementation process.⁶ By this Public Notice, the Bureau approves the Implementation Plan as filed.⁷

¹ See Improving Public Safety Communications in the 800 MHz Band, New 800 MHz Band Plan for U.S. - Canada Border Regions, WT Docket 02-55, *Second Report and Order*, 23 FCC Rcd 7605 (PSHSB 2008)(*800 MHz Second R&O*).

² *Id.* at 7620 ¶ 38. The *800 MHz Second R&O* provided that the 30-month period would begin 60 days after the effective date of the order. The order became effective on August 12, 2008. Because the 60-day period ends on a weekend and Monday, October 13, 2008 is a federal holiday, we commence the 30-month period on the next business day, October 14, 2008.

³ *Id.* at 7621 ¶ 42.

⁴ Implementation Plan and Timetable for the Reconfiguration of the 800 MHz Band in the U.S. – Canada Border Regions, filed October 1, 2008 (Implementation Plan).

⁵ *Id.* at 10-14.

⁶ *Id.* at 21-24.

Affected Licensees

The Implementation Plan applies to all 800 MHz licensees in Wave 4 regions along the U.S – Canada border that did not previously receive replacement channel assignments from the TA because they are subject to the U.S. – Canada border band plan. The TA is now in the process of providing replacement channel assignments to these licensees.⁸

Planning and Negotiation Timelines

Border area licensees must comply with the timelines specified in the Implementation Plan for procurement of planning funding, planning and development of cost estimates, and negotiation of Frequency Reconfiguration Agreements (FRAs) with Sprint Nextel Corporation (Sprint).⁹

- Licensees in both Stage 1 and Stage 2 that intend to negotiate Planning Funding Agreements (PFA) with Sprint must complete and submit their Requests for Planning Funding (RFPF) by October 14, 2008.¹⁰
- Upon submission of the RFPF, parties will have 30-days to negotiate a PFA. After October 14, 2008, PFA negotiations will be subject to monitoring by a TA mediator, and parties who fail to negotiate a PFA in 30 days will be referred to mediation.¹¹
- Stage 1 licensees that do not require a PFA must commence planning by October 14, 2008.¹²
- Stage 2 licensees that do not require a PFA must commence planning by January 15, 2009.¹³
- All licensees must complete planning and submit cost estimates to Sprint within 90 to 110 days of their planning commencement date, depending on the number of units in the licensee's system.¹⁴
- Upon completion of planning and validation of the cost estimate, parties will have 30-days to negotiate a FRA. FRA negotiations will be subject to monitoring by a TA mediator, and parties who fail to negotiate a FRA in 30 days will be referred to mediation.¹⁵

Application Freeze

In the *800 MHz Report and Order*, the Commission ordered a freeze on the acceptance of new 800 MHz applications during the planning and negotiation periods for each region subject to rebanding.¹⁶

⁷ Our approval of the Implementation Plan is without prejudice to the pending Petition for Clarification filed by Sprint on July 14, 2008 in response to the *800 MHz Second R&O*. We will address Sprint's petition separately at a later date.

⁸ The TA will provide replacement channel assignments first to Stage 1 licensees, and subsequently to Stage 2 licensees. See Implementation Plan at 11, 13.

⁹ *Id.* at 21. See also *800 MHz Second R&O*, 23 FCC Rcd at 7620-7621 ¶¶ 39-41.

¹⁰ Implementation Plan at 16.

¹¹ *Id.*

¹² *Id.* at 19.

¹³ *Id.*

¹⁴ *Id.* at 20. Stage 1 and Stage 2 licensees are subject to different planning deadlines. *Id.*

¹⁵ *Id.* at 18-19.

¹⁶ Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Report and Order*, 19 FCC Rcd 14969, 15078 ¶ 204 (2004).

Based on the timelines established above for planning and negotiations, we hereby freeze the acceptance of applications for 800 MHz licenses in the U.S.-Canada border regions until July 1, 2009. The freeze will apply to the U.S. – Canada border regions and areas outside the border regions where Wave 4 licensees did not previously receive replacement channels from the TA because they are impacted by the border region band plan.

The freeze applies only to applications for new facilities or modification applications that involve a change of frequency or expand a station's existing coverage area. Applications that do not affect frequency or coverage (*e.g.*, administrative updates, assignments/transfers, and renewal-only applications) are not subject to the freeze. In addition, licensees may seek Special Temporary Authorization (STA) to expand their facilities or add channels during the freeze, based on an appropriate showing of public interest need as described in the Bureau's December 2006 *STA Guidance PN*.¹⁷

Further Information

For further information, contact: Brian Marengo, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or Brian.Marengo@fcc.gov; or Roberto Mussenden, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or Roberto.Mussenden@fcc.gov.

Action by the Associate Chief, Public Safety and Homeland Security Bureau.

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¹⁷ See Public Safety And Homeland Security Bureau Provides Guidance For Public Safety Licensees With Regard To License Application And Special Temporary Authorization Procedures And Payment Of Frequency Relocation Costs For Public Safety Facilities Added During 800 MHz Band Reconfiguration, *Public Notice*, 21 FCC Rcd 14658 (PSHSB 2006).