

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

In the Matter of	)	
	)	
Improving Public Safety Communications in the 800 MHz Band	)	WT Docket No. 02-55
	)	
Supplemental Requests for Waiver of June 26, 2008 Rebanding Deadline for Non-Border Regions and March 19, 2012 Rebanding Deadline for Puerto Rico	)	
	)	

**ORDER**

**Adopted: August 9, 2012**

**Released: August 9, 2012**

By the Chief, Public Safety and Homeland Security Bureau:

**I. INTRODUCTION AND BACKGROUND**

1. On October 3, 2011, the Public Safety and Homeland Security Bureau (Bureau) released an order (*October 2011 Order*) addressing requests for further extension of the June 26, 2008 deadline for non-border region licensees to complete 800 MHz rebanding.<sup>1</sup> In that order, we:

- Granted waivers to public safety licensees with executed Frequency Reconfiguration Agreements (FRA) with Sprint seeking extensions to complete rebanding on or before January 17, 2012.
- Granted partial waivers to public safety licensees with executed FRAs seeking extensions beyond January 17, 2012, granting them extensions either to complete rebanding by that date or to submit, by that date, a detailed further request for additional time to complete rebanding.
- Directed each licensee with an executed FRA that either had not submitted an extension request or had submitted a request with an extension date that had passed to submit, within 30 days of release of the *October 2011 Order*, documentation to the Transition Administrator (TA) that it had completed reconfiguration, or to file by that date a supplemental waiver request with the Bureau requesting additional time for such completion in accordance with the *Waiver Guidance Notice*.<sup>2</sup>
- Held in abeyance requests from licensees that had submitted cost estimates but had not executed FRAs. We directed such licensees either to execute an FRA within 75 days of release of the *October 2011 Order* or submit to the TA a report regarding the status of FRA

<sup>1</sup> See Improving Public Safety Communications in the 800 MHz Band, *Order*, WT Docket 02-55, 26 FCC Rcd 14162 (PSHSB 2011) (*October 2011 Order*).

<sup>2</sup> See Federal Communications Commission Provides Guidance for Submission of Requests for Waiver of June 26, 2008 Deadline for Completion of 800 MHz Rebanding, *Public Notice*, 23 FCC Rcd 664 (2008).

negotiations, together with a schedule detailing when they anticipated that FRA negotiations would be complete and a brief summary of the issues in dispute.

- Held in abeyance requests from licensees that had not yet submitted cost estimates. We directed such licensees either to submit a cost estimate to Sprint within 60 days of release of the *October 2011 Order* or to provide the Bureau with a report explaining why they could not provide a cost estimate by that date, together with a schedule detailing when they anticipated submitting a cost estimate.

In this *Order*, we address supplemental waiver requests filed pursuant to the *October 2011 Order*. We also address waiver requests for extension of the March 19, 2012 deadline for Puerto Rico licensees to complete 800 MHz rebanding.<sup>3</sup>

2. Licensees affected by or located in the Canadian and Mexico border regions that did not receive frequency assignments from the TA prior to June 26, 2008, are not subject to the June 26, 2008 deadline and are not subject to the requirements of this *Order*. The Bureau has established a separate rebanding timeline for the Canadian border region<sup>4</sup> and will establish a rebanding timeline for the Mexican border at a later date.

## II. DISCUSSION

3. The Commission has stated that requests for waiver to extend the June 26, 2008 rebanding deadline are “subject to a high level of scrutiny.”<sup>5</sup> With some licensees continuing to submit requests for further extensions of time well after the deadline, even greater scrutiny is now appropriate to ensure that “the amount of additional time requested is no more than is reasonably necessary to complete the rebanding process.”<sup>6</sup> Accordingly, as discussed in greater detail below, we grant further extensions at this time only to licensees that have executed FRAs with Sprint Nextel, and we hold in abeyance requests from licensees that do not yet have executed FRAs.

### A. Licensees With Executed FRAs

4. *Licensees Requesting Extensions to Complete Rebanding on or Before April 15, 2013.* We first address waiver requests of those non-border and Puerto Rico licensees that have executed FRAs and propose to complete their rebanding on or before April 15, 2013.<sup>7</sup> After reviewing these requests, we find that each of these licensees has made substantial progress toward completing rebanding and has demonstrated a level of diligence and good faith sufficient to warrant the requested extension. We thus grant the waiver dates requested by these licensees.

5. *Licensees Requesting Extensions or Proposing Milestone Dates to Complete Rebanding after April 15, 2013.* With respect to those non-border and Puerto Rico licensees that have executed FRAs but have filed requests for extension to complete their rebanding projects after April 15, 2013, we grant partial waivers until April 15, 2013, to either complete rebanding or submit a further request for

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<sup>3</sup> See Improving Public Safety Communications in the 800 MHz Band, *Third Report and Order and Third Further Notice of Proposed Rulemaking*, WT Docket 02-55, 25 FCC Rcd 4443, 4449-51 ¶¶ 16-22 (PSHSB 2010).

<sup>4</sup> See Improving Public Safety Communications in the 800 MHz Band, *Second Report and Order*, WT Docket 02-55, 23 FCC Rcd 7605 (PSHSB 2008); Public Safety and Homeland Security Bureau Announces that the 18-Month Transition Period for 800 MHz Band Reconfiguration in Puerto Rico (Region 47) Will Commence on September 20, 2010, WT Docket No. 02-55, Public Notice, 25 FCC Rcd 13110 (PSHSB 2010).

<sup>5</sup> FCC Announces Supplemental Procedures and Provides Guidance for Completion of 800 MHz Rebanding, *Public Notice*, WT Docket 02-55, 22 FCC Rcd 17227, 17232 (2007).

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

<sup>7</sup> We list these licensees in Appendix A-1 of this *Order*.

waiver seeking additional time.<sup>8</sup> Any further request for waiver must detail the licensee's progress to date and propose milestone dates for each major rebanding step, *e.g.*, subscriber unit deployment, system cutover, and post-cutover modifications,<sup>9</sup> that has not yet been completed. In addition, licensees with timetables that are dependent on rebanding by adjacent or overlapping systems must identify such interdependencies.

6. *Licensees With FRAs That Have Not Requested Extensions or Have Requested Extension Dates That Have Passed.* We next address those licensees that have not yet completed physical reconfiguration of their systems and have either not filed an extension request,<sup>10</sup> or have filed a request in which the requested extension date has passed.<sup>11</sup> We direct each such licensee, within 30 days of release of this *Order*, to provide the TA with documentation showing it has completed reconfiguration or to file a supplemental waiver request with the Bureau requesting additional time for such completion in accordance with the *Waiver Guidance Notice*.<sup>12</sup>

### **B. Licensees Without Executed FRAs**

7. *Licensees That Have Submitted Cost Estimates But Have Yet to Execute a Frequency Reconfiguration Agreement (FRA).* At this time, only one license in the non-border region, Mississippi State University, has yet to execute an FRA with Sprint Nextel. Currently, the matter is in dispute and is pending before the TA.<sup>13</sup> Therefore, we will provide Mississippi State University 30 days from the date it executes its FRA to submit a rebanding schedule to the Bureau.

8. *Eligibility to Apply for Vacated Interleaved Band Channels.* As we decided in the *October 2011 Order*, we continue to limit eligibility to apply for vacated Interleaved Band (809-815/854-860 MHz) channels<sup>14</sup> to (1) public safety licensees that have fully executed FRAs at the time they apply for interleaved channels, and (2) public safety licensees that are either not required to reband or have completed the rebanding process.<sup>15</sup>

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<sup>8</sup> We list these licensees in Appendix A-2 of this *Order*.

<sup>9</sup> As defined in prior orders, subscriber unit deployment involves retuning, reflashing, and/or replacing subscriber equipment. The second milestone, system cutover, involves retuning the base stations to the licensee's new channel assignments and beginning system operations on the new channels. Finally, post-cutover system modifications include disposing of temporary or legacy equipment and, in the proper case, removing pre-rebanding channels from subscriber units. *See October 2011 Order*, 26 FCC Rcd at 14164 n.8.

<sup>10</sup> We list these licensees in Appendix A-3 of this *Order*.

<sup>11</sup> We list these licensees in Appendix A-4 of this *Order*.

<sup>12</sup> Licensees are directed to the TA's website for the template form and instructions for filing the supplemental waiver requests: <http://www.800ta.org/content/resources/nonborder.asp#supplementalwaiver>.

<sup>13</sup> Mississippi State University and Nextel Communications Inc., *Order Reopening the Record*, WT-Docket No. 02-55, DA 12-1200 (PSHSB 2012).

<sup>14</sup> The *800 MHz Report and Order* provided that Interleaved Band channels vacated by Sprint are to be made exclusively available for new licensing to public safety for a three-year period. Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket 02-55, 19 FCC Rcd 14969, 15052 ¶ 152 (2004). The Bureau has previously released some of these channels and will make additional interleaved channels available in the future as rebanding in each region progresses. *See, e.g.*, Improving Public Safety Communications in the 800 MHz Band, Relinquishment by Sprint Nextel of Channels in the Interleaved, Expansion, and Guard Bands, *Order*, WT Docket No. 02-55, 25 FCC Rcd 3270 (PSHSB 2010).

<sup>15</sup> *See October 2011 Order*, 26 FCC Rcd at 14164-65 ¶ 9.

**III. CONCLUSION AND ORDERING CLAUSE**

9. We note that failure to comply with the requirements of this *Order*, including, but not limited to, the requirement to file timely extension requests, without good cause shown, may result in further action by the Commission, including consideration of whether the licensee's continued rebanding costs should be deemed not recoverable from Sprint.

10. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 0.191, 0.392, and 1.925 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392, 1.925, IT IS ORDERED that the requests for waiver of the June 26, 2008, and March 19, 2012 deadlines submitted by the licensees listed in Appendix A of this order are GRANTED, GRANTED IN PART, OR HELD IN ABEYANCE, to the extent discussed herein.

FEDERAL COMMUNICATIONS COMMISSION

David S. Turetsky  
Chief, Public Safety and Homeland Security Bureau

Appendix A<sup>16</sup>**Appendix A-1 – Licensees Requesting Extensions to Complete Rebanding on or Before April 15, 2013.****Relief Granted: Extension to Complete Rebanding on or Before the Date Requested (indicated in parentheses).**Region 1 (Alabama)

Alabama Dep't of Public Safety, AL [1842] (Sept. 30, 2012)  
Jefferson County Commission, AL [1871] (Oct. 3, 2012)  
Mobile, AL [1838] (Dec. 31, 2012)  
Mobile Co., AL [1835] (Jan. 31, 2013)

Region 4 (Arkansas)

Little Rock, AR [1684] (Nov. 30, 2012)

Region 6 (Northern California)

State of California (Wave 4) [1513] (Dec. 31, 2012)  
San Francisco Co. and City, CA [1705] (Sept. 18, 2012)  
Oakland, CA [1250] (Aug. 31, 2012)

Region 8 (New York Metropolitan Area)

Union City, NJ [1744] (Dec. 15, 2012)

Region 9 (Florida)

Charlotte Co., FL [1378] (Nov. 30, 2012)  
Coral Springs, FL [1843] (Aug. 31, 2012)  
Lake Co., FL [1442] (Sept. 30, 2012)  
Miami Shores, FL [1893] (Sept. 30, 2012)  
Miramar, FL [1477] (Dec. 31, 2012)  
Pasco Co., FL [1407] (Aug. 31, 2012)  
Pinellas Co., FL [1640] (Oct. 31, 2012)  
Plantation, FL [1834] (Sept. 30, 2012)  
Seminole Co., FL [1844] (Sept. 30, 2012)  
West Palm Beach Phase II, FL [1901] (Oct. 24, 2012)

Region 10 (Georgia)

Cobb Co. GA [1770] (Dec. 1, 2012)  
Savannah/Chatham Co./Effingham Co./Southside Fire Protection Service, GA [1866] (Aug. 31, 2012)

Region 16 (Kansas)

Johnson County Sheriff's Office, KS [1823] (Oct. 31, 2012)  
State of Kansas [1817] (Sept. 30, 2012)  
Overland Park, KS [1786] (Sept. 30, 2012)  
Sedgwick Co., KS [1818] (Nov. 30, 2012)

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<sup>16</sup> The number listed in the brackets refers to the TA Waiver Reference Number which may be found at: <http://tatools.800ta.org/PublicTaTools/WaiverProfileStatus.aspx>

Shawnee Co., KS [1845] (Sept. 30, 2012)

Region 18 (Louisiana)

Baton Rouge, LA [1840] (Aug. 31, 2012)  
Calcasieu Parish Communications District, LA [1754] (Dec. 4, 2012)  
Jefferson Parish, LA [1672] (Dec. 31, 2012)  
Jefferson Parish Sheriff's Dep't, LA (Region 1) [1742] (Jan. 24, 2013)  
Kenner, LA [1481] (Sept. 1, 2012)  
Lafayette Parish Communications District, LA [1868] (Dec. 31, 2012)  
Opelousas, LA [1673] (Jan. 1, 2013)  
Rapides Parish, LA [1851] (Sept. 30, 2012)  
St. Bernard Parish Sheriff, LA [1702] (Sept. 1, 2012)

Region 19 (New England)

Boston, MA [1175] (Sept. 30, 2012)  
City of Boston Public Health Commission, MA [1746] (Aug. 15, 2012)  
Massachusetts Water Resources Authority, MA [1855] (Aug. 30, 2012)  
Massachusetts State Police, MA [1849] (Nov. 15, 2012)  
Middlesex Co., MA [1062] (Sept. 30, 2012)

Region 20 (Maryland, Washington D.C., Northern Virginia)

Alexandria, VA [1272] (Oct. 1, 2012)  
Arlington Co., VA [1087] (Oct. 3, 2012)  
Calvert Co., VA [1706] (Sept. 18, 2012)  
Charles Co., VA [1763] (Nov. 1, 2012)  
District of Columbia [1295] (Apr. 13, 2013)  
State of Maryland Aviation Administration, MD [1704] (Nov. 1, 2012)  
Metropolitan Washington Airports Authority (MWAA) [1761] (Dec. 1, 2012)  
Loudoun Co., VA [1274] (Apr. 1, 2013)  
Prince William Co., VA [1299] (Feb. 14, 2013)  
Somerset Co., MD [1566] (Dec. 31, 2012)  
Warrenton Fauquier Joint Communication Center, VA [1271] (Apr. 1, 2013)

Region 23 (Mississippi)

Hinds Co., MS [1606] (Dec. 31, 2012)  
Jackson Phase II, MS [1755] (Dec. 31, 2012)

Region 24 (Missouri)

Kansas City, MO [1696] (Sept. 30, 2012)

Region 28 (New Jersey, Eastern Pennsylvania, Delaware)

Commonwealth of Pennsylvania [1012] (Dec. 31, 2012)

Region 31 (North Carolina)

Fayetteville, NC (Public Works Commission/Communications Division) [1667] (Oct. 15, 2012)  
Hickory, NC [1656] (Jan. 1, 2013)  
High Point, NC [1778] (Dec. 31, 2012)  
Kernersville, NC [1692] (Oct. 30, 2012)  
Lenoir Co., NC [1666] (Oct. 15, 2012)  
Mecklenburg Co., NC [1637] (Sept. 28, 2012)  
Mooresville, NC [1695] (Oct. 30, 2012)

Salisbury, NC [1654] (Oct. 15, 2012)  
Thomasville, NC [1690] (Oct. 30, 2012)

Region 33 (Ohio)

Warren Co., OH [1646] (Dec. 31, 2012)

Region 34 (Oklahoma)

Norman, OK [1649] (Dec. 31, 2012)  
Edmond, OK [1578] (Jan. 18, 2013)

Region 36 (Pennsylvania)

Westmoreland Co., PA [1777] (Aug. 31, 2012)

Region 37 (South Carolina)

Florence Co. Phase II, SC [1650] (Dec. 31, 2012)  
Horry Co., SC [1735] (Sept. 1, 2012)

Region 39 (Tennessee)

Memphis Police Department, TN [1788] (Sept. 30, 2012)

Region 40 (Dallas/Central & Northeast Texas)

Fort Worth, TX [1644] (Aug. 27, 2012)  
Grand Prairie, TX [1543] (Sept. 30, 2012)

Region 42 (Virginia)

Chesapeake, VA [1226] (Sept. 30, 2012)  
Culpeper Co., VA [1034] (Apr. 1, 2013)  
Newport News Information Technology, VA [1226] (Nov. 30, 2012)

Region 47 (Puerto Rico)

Centro de Comunicaciones de Puerto Rico [1993] (Oct. 31, 2012)  
Communications Leasing Corporation [1994] (Dec. 31, 2012)  
Guaynabo Phase II, PR [1488] (Dec. 31, 2012)  
North Sight Communications [1391] (Dec. 31, 2012)  
R A Electronics & Communications [1999] (Oct. 15, 2012)  
Salado, Freddy [1992] (Nov. 30, 2012)

Region 49 (Austin/Central Texas)

Travis Co., TX [1133] (Dec. 31, 2012)  
Williamson Co. TX [1782] (Nov. 30, 2012)

Lee Co., TX [1135] (Sept. 1, 2012)

Region 54 (Chicago Metropolitan Area)

Chicago, City of, IL [1985] (Mar. 1, 2013)  
City of Chicago Phase II Aviation, IL [1749] (Nov. 15, 2012)  
Elgin, IL [1876] (Aug. 15, 2012)  
Ozaukee Co., IL [1146] (Sept. 30, 2012)

Region 63 (Guam)

L.P. Ganacias Enterprises/Radio Com Saipan, MP [1832] (Aug. 31, 2012)



**Appendix A-2 – Licensees Requesting Extension Dates Beyond April 15, 2013****Relief Granted: Extension Until April 15, 2013, to Either Complete Rebanding or Submit a Further Request for Waiver Seeking Additional Time.**Region 4 (Arkansas)

State of Arkansas

Region 6 (Northern California)

San Francisco Bay Area Rapid Transit District, CA

Region 9 (Florida)

Boca Raton Phase II, FL

Broward Co. Board of County Commissioners, FL

State of Florida

Fort Lauderdale, FL

Region 13 (Illinois)

Illinois Dept of Corrections, IL

Region 14 (Indiana)

State of Indiana (IPSC)

Region 20 (Maryland, Washington D.C., Northern Virginia)

Anne Arundel Co., MD

Baltimore Co., MD

Carroll Co., MD

Fairfax Co., VA

Frederick Co., MD

Harford Co., MD

Howard Co., MD

Manassas, VA

Ocean City, MD

St. Mary's Co., MD

Upper Maryland Easter Shore Consortium, MD

Wicomico Co., MD

Worcester Co., MD

Region 28 (New Jersey, Eastern Pennsylvania, Delaware)

Chester Co., PA

State of Delaware

Montgomery Co., PA

Region 31 (North Carolina)

Guilford Co./Greensboro, NC

New Hanover Co., NC

North Carolina State Highway Patrol, NC

Wake Co., NC

Durham, NC



Region 34 (Oklahoma)

State of Oklahoma  
Tulsa, OK

Region 37 (South Carolina)

Spartanburg Co., SC  
York Co., SC

Region 42 (Virginia)

Chesterfield Co., VA  
Hampton, VA  
Henrico Co., VA  
Hopewell, VA  
Norfolk, VA  
Portsmouth, VA  
Richmond, VA  
Virginia Beach, VA  
Virginia Dep't of State Police, VA  
York Co., VA

Region 51 (Houston/East Texas)

Harris Co., TX

Region 54 (Chicago Metropolitan Area)

Illinois Public Safety Agency Network (IPSAN)

**Appendix A-3 – Licensees That Have Not Filed an Extension Request**

**Further Action Required: Within 30 Days, Provide the Transition Administrator (TA) with Documentation That the Licensee Has Completed Rebanding or Submit a Supplemental Waiver Request for Additional Time.**

Region 6 (Northern California)

DeLasaux Thomas

Region 7 (Colorado)

Mobile Relay Associates

Region 8 (New York Metropolitan Area)

Essex Co., NJ  
New Jersey Transit

Region 9 (Florida)

Liberty Communications, Inc.  
Del Ray Beach, FL  
Miami Beach, FL  
Miami Phase II, FL  
Palm Beach Gardens, FL  
Miami-Dade Co., FL  
Lee Co., FL

Ray J. Vaughan

Region 10 (Georgia)

Metropolitan Atlanta Rapid Transit Authority

Region 14 (Indiana)

Delaware Co., IN

Region 16 (Kansas)

Lincoln Co., KS

Russell Co., KS

Region 18 (Louisiana)

Ascension Parish, LA

Orleans Parish School District, LA

Port of New Orleans, LA

St. Charles Parish, LA

Beauregard Parish Sheriff's Office, LA

Jefferson Parish Sheriff's Office, LA

Plaquemines Parish, LA

West Baton Rouge Parish, LA

Region 19 (New England)

Norfolk Co., MA

Region 20 (Maryland, Washington D.C., Northern Virginia)

University of Maryland, MD

Baltimore, MD

Region 23 (Mississippi)

Mississippi Dept of Public Safety, MS

Vicksburg/Warren Co., MS

Region 26 (Nebraska)

Sarpy, NE

Region 33 (Ohio)

Oxford, OH

Region 35 (Oregon)

Slater Communication & Electronic # 2

Region 37 (South Carolina)

State of South Carolina/Charleston Co., SC

Region 39 (Tennessee)

Tennessee Emergency Management Agency

Region 40 (Dallas/Central & Northeast Texas)

Denton Co., TX

Region 42 (Virginia)  
Allen Wireless Group 1  
Suffolk, VA

Region 47 (Puerto Rico)  
Lazaro J. Canto

Region 49 (Austin/Central Texas)  
Burnet Co., TX

Region 50 (Texas/El Paso)  
Myron Mays

Region 51 (Houston/East Texas)  
Houston Independent School District, TX

Region 53 (Texas/San Antonio)  
San Antonio, TX

**Appendix A-4 – Licensees Requesting Extension Dates That Have Since Expired**

**Further Action Required: Within 30 Days, Provide the TA with Documentation That the Licensee Has Completed Rebanding or Submit a Supplemental Waiver Request for Additional Time.**

Region 6 (Northern California)  
Sacramento Co. and City, CA  
Richmond, CA

Region 8 (New York Metropolitan Area)  
Norwalk, CT

Region 9 (Florida)  
Hollywood, FL  
Pensacola, FL

Region 16 (Kansas)  
Ellis Co., KS  
Hutchinson-Reno County Emergency Communications, KS

Region 17 (Kentucky)  
Paducah, KY

Region 18 (Louisiana)  
New Orleans Police Dep't, LA  
Sulphur, LA

Region 19 (New England)  
Boston Police Department, MA  
Suffolk Co., MA  
Worcester, MA  
Cambridge, MA

Massport, MA  
Massachusetts Bay Transportation Authority, MA

Region 20 (Maryland, Washington D.C., Northern Virginia)  
Maryland Dept of Public Safety and Corrections, MD  
Montgomery Co., MD

Region 23 (Mississippi)  
Rankin Co., MS

Region 27 (Nevada)  
State of Nevada

Region 28 (New Jersey, Eastern Pennsylvania, Delaware)  
Philadelphia, PA

Region 29 (New Mexico)  
Santa Fe, NM

Region 31 (North Carolina)  
Winston-Salem, NC  
New Bern, NC

Region 34 (Oklahoma)  
Bixby, OK  
Jenks, OK

Region 37 (South Carolina)  
Marion Co., SC  
Myrtle Beach, SC  
Sumter Co. and City, SC

Region 39 (Tennessee)  
Obion Co, TN

Region 40 (Dallas/Central & Northeast Texas)  
Bedford, TX  
Collin Co., TX

Region 47 (Puerto Rico)  
Municipal Government of Bayamon Phase II, PR  
Puerto Rico Administrator of Courts Phase II  
Puerto Rico State Police Phase II, PR

Region 49 (Austin/Central Texas)  
Bastrop Co., TX

Region 54 (Chicago Metropolitan Area)  
Grundy County ETSB  
Lake Co, IL