



Alternative Dispute Resolution (ADR)

The 800 MHz Orders issued by the Federal Communications Commission (“FCC”) require 800 MHz licensees subject to reconfiguration and Sprint Corporation (“Sprint”) to enter into mediation (also known as “Alternative Dispute Resolution” or “ADR”) if they are unable to negotiate a Planning Funding Agreement (“PFA”), if applicable, or a Frequency Reconfiguration Agreement (“FRA”) by the end of the FCC-designated negotiation period. The ADR program is administered by the 800 MHz Transition Administrator, LLC (“TA”), an independent and neutral entity charged by the FCC with oversight of the reconfiguration program. The goal of mediation is to help parties reach agreement.

The TA recognizes that negotiations between Public Safety licensees and Sprint present many unique considerations with respect to the reconfiguration process, including the mission critical nature of Public Safety systems and the operational requirements associated with them, the need of many agencies to engage in planning prior to the presentation and negotiation of a cost estimate, and the need to interoperate and coordinate with neighboring agencies before, during, and after reconfiguration.

To support mediation for NPSPEC licensees, the TA has provided training to all TA Mediators on Public Safety communications issues. The Mediators also have access to TA technical resources throughout mediation. These resources possess extensive engineering, operational, and management expertise in Public Safety communications. At any time during the mediation process, the Mediators may request technical support and other guidance from the TA regarding issues presented by the parties.

What You Can Expect In Mediation

The TA conducts its mediations pursuant to an ADR Plan submitted to the FCC. Interested parties can access the TA’s ADR Plan at http://www.800ta.org/content/resources/ADR_Plan.pdf. Mediation is intended to assist the parties in reaching agreement on a PFA or an FRA and resolving any disputes between them. A keystone of the TA’s ADR Plan and practice is flexibility. Mediation will be scaled according to the needs of the parties in reaching agreement and resolving disputes.

A licensee entering mediation will be assigned a TA Mediator. The Mediator will schedule a call with the licensee and Sprint to discuss the status of the parties’ negotiations and the issues in dispute. Further mediation activities will be based upon the Mediator’s assessment of the parties’ progress, the need for additional time to secure vendor support or legal counsel, and other relevant factors. Licensees that have not reached agreement with Sprint can expect the Mediator to establish a schedule for the development and exchange of information between the licensee and Sprint. Where there are active and on-going disputes between licensees and Sprint concerning the terms of a PFA or an FRA, more traditional mediation processes, such as mediated conference calls will be brought to bear. When parties are unable to reach agreement through mediation, the TA Mediator will forward a recommended resolution to the FCC for a fresh look (or, in legal terms, *de novo* review) at the issues involved in the dispute. The Mediators in every instance will maintain a record of the mediation proceedings consistent with the TA’s ADR Plan. That record will be forwarded to the FCC with any recommended resolution and will otherwise be available to the FCC upon request.

The TA encourages all licensees to prepare as best they can for the mediation process by familiarizing themselves with available guidance, collecting supporting information for costs and other requirements, and promptly responding to phone calls received from TA Mediators. The reasonable and prudent costs of legal and technical support during the mediation process are reimbursable expenses under program guidelines.

The TA is committed to supporting the parties throughout the mediation process and encourages licensees with questions or concerns to bring these to the attention of the Mediator at the outset of the process.

Mediation for U.S.-Mexico Border Region Licensees

U.S.-Mexico border region licensees are those licensees located within 110 km (68.35 miles) of the border between the United States and Mexico (“the Sharing Zone”) and licensees operating outside the Sharing Zone in the NPSPAC regions bordering Mexico. Such licensees may participate in mediation for PFA or FRA negotiations.

After a U.S.-Mexico border region licensee submits a Request for Planning Funding (“RFPF”) or a PFA Change Notice, the licensee and Sprint will have 30 calendar days to negotiate a PFA or a PFA Amendment. A TA Mediator will monitor the negotiations. If a PFA or a PFA Amendment has not been submitted to the TA by the end of the 30 calendar day negotiation period, the licensee and Sprint will participate in mediation for 20 working days.

Licensees that have already negotiated a PFA will receive periodic contact from the Mediator to ascertain the progress of their planning efforts. After completing planning and submitting a complete cost estimate (i.e., an estimate of the costs associated with the reconfiguration of the licensee’s radio system), a U.S.-Mexico border region licensee and Sprint will have 30 calendar days to negotiate an FRA. A TA Mediator will monitor the negotiations. If an FRA has not been submitted to the TA by the end of the 30 calendar day negotiation period, the licensee and Sprint will participate in mediation for 20 working days.

Additional details on mediation for U.S.-Mexico border region licensees can be found in Section 8.H of the TA’s ADR Plan.

About the 800 MHz Transition Administrator

800 MHz Transition Administrator, LLC (“TA LLC”) is the Transition Administrator (“TA”) for the reconfiguration of the 800 MHz band mandated by the Federal Communications Commission (“FCC”). TA LLC has contracted with Deloitte Consulting LLP, Squire Sanders (US) LLP, and Baseline Wireless Services, LLC to perform the duties of the TA. Among its duties, the TA establishes reconfiguration guidelines, specifies replacement channels, reviews reconfiguration cost estimates, monitors payment of reconfiguration costs, manages the relocation schedule, facilitates issue resolution and administers the alternative dispute resolution process. TA LLC uses information it receives solely for the purposes of administering the 800 MHz reconfiguration process and may disclose such information to the FCC or other authorized parties pursuant to the requirements of the 800 MHz Order or other applicable laws.