



## **Alternative Dispute Resolution (ADR) For Stage 2 (NPSPAC)**

Pursuant to the FCC's 800 MHz Reconfiguration Orders, affected parties - that is, Sprint Nextel Corporation and other 800 MHz licensees - that have not entered into a Frequency Reconfiguration Agreement by the end of the FCC-designated mandatory negotiation period enter into mediation (also known as "Alternative Dispute Resolution" or "ADR"). The ADR program is developed and administered by the 800 MHz Transition Administrator, LLC ("TA"), an independent and neutral body charged by the FCC with oversight of the reconfiguration program. The goal of mediation is to help parties reach agreement.

On November 1, 2006, mediation commenced for the Wave 1 Stage 2 licensees, i.e. those Public Safety licensees using NPSPAC channels that are either required or have elected to relocate to 806-809 MHz/851-854 MHz. Mediation commenced for Wave 2, Stage 2 on February 1, 2007. The TA recognizes that the current round of negotiations between Public Safety licensees and Sprint Nextel presents 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 complete their 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 NPSPAC 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 mediation pursuant to an ADR Plan submitted to the FCC. Interested parties can access the TA's ADR plan here: <http://www.800ta.org/content/PDF/policy/ADRPlan.pdf>. The mediation is intended to assist the parties in reaching a Frequency Reconfiguration Agreement to resolve any disputes between them. A keystone of the TA's ADR plan and practice is flexibility. Activity within mediation will be scaled according to the needs of the parties in reaching agreement and resolving disputes. The initial mediation period established by the FCC is thirty working days; where permitted by the FCC's rules, the TA may grant limited extensions of that period and, if the parties are making progress towards reaching agreement, may recommend that the FCC grant further extensions.

At the start of mediation, a licensee entering mediation will be assigned a TA mediator. The mediator will schedule a call with the licensee and Sprint Nextel to discuss the status of the parties' negotiations and the issues in dispute. Further activity in mediation will be based upon the mediator's assessment of the parties' progress, the need for additional time to secure vendor support or legal counsel, obtain planning funding and/or complete planning where required, and commence active negotiations. Licensees that have not started to plan for reconfiguration may expect the mediator to establish a schedule for the development and exchange of information between the licensee and Sprint Nextel. Licensees that have already negotiated a Planning Funding Agreement may receive periodic contact from the mediator to ascertain the progress of their planning efforts. Where there are active and on-going disputes between licensees and Sprint Nextel concerning the terms of a Planning Funding Agreement or Frequency Reconfiguration Agreement, more traditional mediation processes, such as mediated conference calls and meetings 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 Commission 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. For more information on the 800 MHz mediation process, please consult the TA's web site at [www.800TA.org](http://www.800TA.org).