800 MHz Band Reconfiguration

Reconfiguration Handbook

September 6, 2013
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I. INTRODUCTION

As an 800 MHz licensee, you may have received a letter from the Federal Communications Commission (FCC) containing information concerning your license and the possible relocation of that license to another part of the 800 MHz Band. The FCC ordered the reconfiguration of the 800 MHz Band to improve public safety communications and to minimize increasing levels of interference caused by having both commercial wireless cellular systems and critical public safety communications systems operating in the same band. As part of the 800 MHz reconfiguration effort, some licensees will be required to relocate. Sprint Corporation (Sprint) will fund all required relocations.

The FCC established the Transition Administrator as an independent party to oversee the administrative and financial aspects of the band reconfiguration process. 800 MHz Transition Administrator, LLC (TA) serves as the Transition Administrator for the reconfiguration of the 800 MHz Band mandated by the FCC. The TA has contracted with Deloitte Consulting LLP (as successor to BearingPoint, Inc.), Squire Sanders (US) LLP, and Baseline Wireless Services, LLC to perform its duties. 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 (ADR) process. The TA 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. The TA reminds 800 MHz stakeholders that representations made to the TA are held to the same requirement of truth and candor as representations made to the FCC.

The TA submitted its Regional Prioritization Plan (RPP), which includes the relocation schedule and approach, to the FCC, and received approval from the FCC on March 11, 2005. The RPP defines four “Waves” of the National Public Safety Planning Advisory Committee (NPSPAC) regions to be reconfigured. The first Wave commenced on June 27, 2005, the second Wave commenced on October 3, 2005, and the third Wave commenced on January 3, 2006. Wave 4, originally scheduled to start on April 3, 2006, commenced on July 3, 2006 based upon the FCC’s March 3, 2006 Public Notice.


The TA recognizes that NPSPAC regions have not been used for licensing Critical Infrastructure Industries (CII), Business, Industrial, and Land Transportation (B/ILT), and commercial systems. The FCC’s Report & Order (R&O) and the TA’s RPP use NPSPAC regions to divide the nation geographically for purposes of administering an orderly reconfiguration of the 800 MHz Band for all users. The concept of NPSPAC regions will be applied to such entities solely for reconfiguration timing purposes. If you want to know which Wave or NPSPAC region you fall under, you can go to the Call Sign Checker in the TA
Tools section of the TA website (http://www.800ta.org/content/resources/tools.asp) and type in your call sign (if it is a non-Economic Area license) or review the map on the same page.

This Handbook provides background information on 800 MHz reconfiguration and an overview of the RPP and implementation plans specific to Puerto Rico, the U.S. Virgin Islands, and the border areas. It also describes the roles of the TA, Sprint, and licensees, and provides guidelines on planning for and implementing reconfiguration. It describes:

- The activities associated with planning for reconfiguration
- The steps required to execute a Frequency Reconfiguration Agreement (FRA) with Sprint
- The activities associated with reconfiguration implementation
- The activities associated with the closing phase
- Guidelines for allowable costs and reimbursement
- The payment process and funding guidelines
- Actions being taken to deter fraud, waste, and abuse
- Contact information for the TA and Sprint

The guidelines provided in this Handbook are designed to support reasonable and prudent reconfiguration planning activities while conforming to the FCC’s requirements. The TA recognizes that there is no one "right" way to reconfigure due to the varieties and sizes of systems and the unique circumstances involved in the 800 MHz reconfiguration. The TA anticipates receiving different reconfiguration proposals based on particular system characteristics and will approve all reasonable and prudent expenses directly related to the retuning of an 800 MHz system. All licensees have the fundamental responsibility to take appropriate actions to plan and responsibly manage their reconfiguration process and to act in the utmost good faith in negotiating an FRA with Sprint.

The TA is an information source to support the reconfiguration process. You are encouraged to contact the TA with any questions and the TA will get you the information that you need. The TA will publish additions and amendments to these guidelines as warranted from time to time. Licensees are encouraged to check the TA website (http://www.800ta.org/) regularly for updates and important announcements.

Shortly before the start of your reconfiguration prioritization Wave, you should have received an Information Packet Mailing from the TA, which includes a request to provide appropriate contact information to the TA. If you have not received this mailing, please contact the TA as soon as possible. Please note that in order for the TA to reach you with the timely and relevant information, you must complete and return a Point of Contact (POC) Form (PDF or Word version), which is available on the TA’s website (http://www.800TA.org/content/resources/forms.asp). The TA also encourages you to verify
and/or update your information in the FCC’s Universal Licensing System (ULS) at

This Handbook has been written to provide visibility and guidance to the licensee from a number of
different perspectives. In order to be thorough in explaining a unique and complex process, similar
information may appear in a number of locations.
II. OVERVIEW OF 800 MHZ RECONFIGURATION

Overview of the 800 MHz Interference Issue

Over the past several years, public safety and other “high-site” radio systems—including those used by police, firefighters, emergency services, utilities, businesses, and others operating in the 806-824 MHz/851-869 MHz Band (the “800 MHz Band”)—have increasingly been experiencing equipment interference problems and communication “dead zones” as a result of technically incompatible “low-site” commercial wireless systems operating in the same or adjacent spectrum bands.

The 800 MHz interference problem surfaced in large part because the FCC’s original 800 MHz Band plan did not anticipate the extent of development and growth of “low-site” cellular-type systems. As these low-site systems (such as those of Sprint and Cellular A band operators) flourished, and as high-site 800 MHz public safety systems also became more widespread, interference problems became more common. Given the paramount importance of effective first responder and emergency communications, the FCC began addressing this serious issue in April 2000.

The FCC’s Solution


The first prong of the FCC’s solution is the creation of a technical standard for determining whether an 800 MHz licensee is entitled to interference protection and related procedures for avoiding and eliminating harmful interference. The second prong, the long-term solution, involves reconfiguration of the 800 MHz Band to separate generally incompatible high-site and low-site technologies.

The FCC’s R&O is designed to provide an effective and equitable solution with minimal disruption to users of the 800 MHz Band. Sprint will pay all reasonable and prudent expenses directly related to the retuning of an 800 MHz system, and relocated licensees will receive comparable facilities when they
reconfigure. The TA was created to help licensees during the reconfiguration process and ensure that reconfiguration proceeds as smoothly and rapidly as possible.

Who Needs to Reconfigure?

Many 800 MHz systems, including public safety, CII, B/ILT, and commercial Specialized Mobile Radio (SMR) systems operating in the 800 MHz Band will be required to relocate. Licensees in the 809-815/854-860 MHz interleaved band generally are not required to relocate. The following general guidelines apply:

- Licensees currently in the 806-809 MHz/851-854 MHz Band (current “Channels 1-120”) will be relocated.
- NPSPAC licensees currently in the 821-824 MHz/866-869 MHz Band will be relocated.
- Public safety systems currently operating in the newly created “Expansion Band” at 815-816 MHz/860-861 MHz (812.5-813.5 MHz/857.5-858.5 MHz in the Southeastern U.S, except within a seventy-mile radius of Atlanta where it is located at 813-813.5 MHz/858-858.5 MHz) will be relocated unless they elect to remain in the Expansion Band.
- Economic Area (EA) licensees who qualify and wish to operate Enhanced Specialized Mobile Radio (ESMR) systems may elect to relocate into or remain in the “ESMR Band” at 817-824 MHz/862-869 MHz (813.5-824 MHz/858.5-869 MHz in the Southeastern U.S.).
- Licensees currently operating in the 806-809/851-854 MHz Band may elect to relocate to the “Guard Band” at 816-817 MHz/861-862 MHz.
- Licensees currently operating on frequencies between 809-816 MHz/854-861 MHz may elect to relocate voluntarily to the Guard Band (816-817 MHz/861-862 MHz) at their own expense and after Sprint is no longer using the spectrum.
- In the Southeastern United States, licensees operating at 813.5-817 MHz/858.5-862 MHz may also be required to relocate as described below.
- B/ILT licensees currently located in the 809-813 MHz/854-858 MHz interleaved band within seventy miles of Atlanta may be relocated, if necessary, to the Expansion Band, which is located at 813-813.5 MHz/858-858.5 MHz in the Atlanta area.
- As required by paragraph 30 of the MO&O, licensees who operate traditional “high-site” (non-ESMR) systems must be relocated out of the ESMR Band.
- Licensees generally operating within 140 km (87 miles) of the U.S.-Canada border are subject to different band plans as described below.
- Licensees generally operating within 110 km (68.35 miles) of the U.S.-Mexico border and in NPSPAC Region 5: Southern California are subject to different band plans as described below.
• Licensees in Puerto Rico and the U.S. Virgin Islands are subject to an alternative band plan as described below.

United States (Non-Border) Band Plan

As shown below in Figure 1, the new 800 MHz Band Plan places NPSPAC users in the lower portion of the 800 MHz Band and commercial cellular-type systems in the upper portion of the 800 MHz Band, separated by:

• the 809-815/854-860 MHz interleaved band of mixed-use spectrum designated for public safety, business, and other high-site users,

• an “Expansion Band” to be used primarily by business and SMR licensees, and

• a “Guard Band” where any 800 MHz licensee can elect to move, with less strict interference protection requirements, and that is located next to the ESMR Band.
Reconfiguration of the 800 MHz Band in non-border areas was scheduled to be completed by June 26, 2008. Non-border licensees that did not complete the reconfiguration of their systems by the June 26, 2008 deadline were required to file requests for waiver of the deadline. Licensees were required to provide the FCC with milestone dates for their implementation. Licensees are required to continue updating their filings if those dates change in the course of the reconfiguration.

Southeastern United States Band Plan

As shown in Figure 1 above, there is a slightly different 800 MHz Band plan for certain areas in the Southeastern United States (sometimes known as the “Appendix G area”). The ESMR portion of the 800
MHz Band is expanded in the Southeastern U.S. and is located at 813.5-824 MHz/858.5-869 MHz. The Expansion Band in the Southeastern U.S. is located at 812.5-813.5 MHz/857.5-858.5 MHz (except that within a 70-mile radius of Atlanta, the Expansion Band is reduced to one megahertz at 813-813.5 MHz/858-858.5 MHz). There is no Guard Band in the Southeastern U.S.


U.S-Canada Border Region Band Plans

The band plan for the U.S.-Canada Border Region is comprised of a series of regional band plans that account for differences in allocation of spectrum in the different regions. The basic elements of 800 MHz reconfiguration are similar in each region:

- Non-NPSPAC public safety systems in the 806-809/851-854 MHz portion of the band will relocate, to the extent feasible, to immediately adjacent spectrum above 809/854 MHz.

- Non-NPSPAC public safety systems that cannot be relocated above the 806-809/851-854 MHz band will remain in 806-809/851-854 MHz but will convert their systems to operate with 12.5 kHz channel spacing.

- NPSPAC systems currently on U.S. primary spectrum will move to the 806-809/851-854 MHz band.

- NPSPAC systems that currently operate on Canadian spectrum will relocate to the 806-809/851-854 MHz band to the extent feasible after all public safety licensees on U.S. primary spectrum have been accommodated. NPSPAC systems that cannot be relocated from Canadian primary spectrum will relocate to the lowest available Canadian primary spectrum and continue to operate on a secondary basis to Canadian licensees.

- Non-public safety (B/ILT and SMR) licensees in the lowest block of U.S. primary spectrum will relocate to the U.S. primary spectrum above the lowest block of Canadian primary spectrum. In the upper portion of the band, ESMR and non-ESMR non-public safety systems will be separated rather than interleaved, but non-ESMR systems will have the option of remaining interleaved with ESMR if Sprint consents. The dividing line between ESMR and non-ESMR will vary by region and depend on the number on non-ESMR systems that need to be accommodated.

- Sprint’s licenses will be amended to include the former NPSPAC band at 821-824/866-869 MHz band, which will be designated for ESMR operation.

Figure 2 shows the band plans for the U.S.-Canada Border Region.
Current Channels

Canadian Border Regions 1, 4, 5, 6 - Pre

Canadian Border Region 2 - Pre
Reconfigured Channels

Canadian Border Regions 1, 4, 5, 6 - Post
Figure 2: U.S.-Canada Border Region Band Plans

Reconfiguration was scheduled to be completed in the U.S.-Canada Border Region by April 14, 2011. Licensees that did not complete the reconfiguration of their systems by the April 14, 2011 deadline were
required to file requests for waiver of the deadline. Licensees were required to provide the FCC with milestone dates for their implementation. Licensees are required to continue updating their filings if those dates change in the course of the reconfiguration.

Puerto Rico and U.S. Virgin Islands Band Plans

As shown in Figure 3, the Puerto Rico and U.S. Virgin Islands band plans, which are identical, are similar to the band plan for non-border regions of the U.S., except that the Expansion Band is increased by 0.5 MHz by eliminating the lower 0.5 MHz portion of the Guard Band. The Puerto Rico/U.S. Virgin Islands Expansion Band is at 815-816.5/860-861.5 MHz, and the Puerto Rico/U.S. Virgin Islands Guard Band is at 816.5-817/861.5-862 MHz.

![Figure 3: Puerto Rico and U.S. Virgin Islands Band Plan](image)

Reconfiguration was scheduled to be completed in Puerto Rico by March 19, 2012 and in the U.S. Virgin Islands by March 20, 2012. Licensees that did not complete reconfiguration by these deadlines were required to file requests for waiver of the deadline. Licensees were required to provide the FCC with milestone dates for their implementation. Licensees are required to continue updating their filings if those dates change in the course of the reconfiguration.

U.S.-Mexico Border Region Band Plans


The U.S.-Mexico Border Region consists of two parts:

- a Sharing Zone that includes the area within 110 kilometers (68.35 miles) of the U.S.-Mexico border and
• an area adjacent to the Sharing Zone that is affected by the Sharing Zone because of proximity or interoperability. In general, this area adjacent to the Sharing Zone includes locations within 113 kilometers (70 miles) of the Sharing Zone, but in congested areas, such as Southern California, this area may extend further from the border due to 169 kilometer (105 miles) co-channel protection for certain locations.

Figure 4 shows the NPSPAC regions bordering Mexico.

![Map of NPSPAC Regions Along U.S.-Mexico Border](image)

**Figure 4: Map of NPSPAC Regions Along U.S.-Mexico Border**

The three band plans for the U.S.-Mexico Border Region are for (1) the Sharing Zone, (2) NPSPAC Region 5 outside the Sharing Zone, and (3) NPSPAC Regions 3, 29, 50, and 53 outside the Sharing Zone. The band plans eliminate the use of offset channels and use standard channel centers in the post-rebanding channel plans.
Sharing Zone

Figure 5 shows the pre- and post-rebanding band plans for the Sharing Zone.

Reconfiguration under the band plan for the Sharing Zone will require the following relocations:

- Non-public safety licensees and non-NPSPAC public safety licensees in the 811-821/856-866 MHz portion of the band will relocate to 809-812.25/854-857.25 MHz.
- NPSPAC licensees, including those licensed on Mexican primary channels, currently at 821-824/866-869 MHz will relocate to the new NPSPAC band at 806-809/851-854 MHz. In most cases, NPSPAC licensees will relocate 15 MHz below their current location.
- Licensees operating ESMR systems and licensees that have elected to relocate to the ESMR Band will relocate to the ESMR Band at 817-824/862-869 MHz.
Licensees currently operating on Mexico primary channels in 806-811/851-856 and 816-821/861-866 MHz will relocate to the first 190 channels in the Mexican primary segment of the band at 812.25-818.5/857.25-863.5 MHz if there are no U.S. primary channels to accommodate them.

Transition to the post-reconfiguration band plan will require close coordination among U.S. licenses and with licensees in Mexico.

NPSPAC Region 5: Southern California Outside the Sharing Zone

Figure 6 shows the pre- and post-rebanding band plans for NPSPAC Region 5: Southern California outside the Sharing Zone.

The new band plan for NPSPAC Region 5 outside the Sharing Zone is similar to the standard non-border band plan, except that there is no Expansion Band or Guard Band in the 815-817/860-862 MHz segment.
of the band. Public safety licensees currently operating in 815-816/860-861 MHz will remain on these channels and will not be reconfigured.

For non-NPSPAC licensees, the 130 channels immediately above the new NPSPAC band (809-812.25/854-857.25 MHz) will likely be unavailable due to co-channel spacing requirements necessary to accommodate intensive use by licensees inside the Sharing Zone. Certain licensees currently operating in the 809-812.25/854-857.25 MHz portion of the band, which would otherwise not need to reconfigure under the standard non-border band plan, will be required to reconfigure to 812.25-817/857.25-862 MHz in order to clear replacement frequencies for licensees in the Sharing Zone.

NPSPAC Regions 3, 29, 50, and 53 Outside the Sharing Zone

Figure 7 shows the pre- and post-rebanding band plans for NPSPAC Region 3: Arizona, Region 29: New Mexico, Region 50: Texas – San Antonio, and Region 53: Texas – El Paso, outside the Sharing Zone.
The new band plan for NPSPAC Regions 3, 29, 50, and 53 outside the Sharing Zone is identical to the standard non-border band plan and includes an Expansion Band and a Guard Band. However, the 130 channels immediately above the new NPSPAC band (809-812.25/854-857.25 MHz) may be unavailable in some areas due to co-channel spacing requirements necessary to accommodate intensive use by licensees inside the Sharing Zone. Certain licensees currently operating in the 809-812.25/854-857.25 MHz portion of the band, which would otherwise not need to reconfigure under the standard non-border band plan, will be required to reconfigure to 812.25-817/857.25-862 MHz in order to clear replacement frequencies for licensees in the Sharing Zone.

U.S.-Mexico Border Region Reconfiguration Timeline

The Fifth Report and Order (Fifth R&O) established a 30-month transition period for licensees to complete rebanding in the U.S.-Mexico Border Region that began on August 23, 2013 and will end on February 23, 2016.

What Are Other Reconfiguration Options?

As part of the 800 MHz reconfiguration, some licensees will have the option to relocate while some others will be required to make elections to relocate to specific areas of the 800 MHz Band. Sprint will fund all required relocations.

Non-Enhanced Specialized Mobile Radio (ESMR) EA Licensees: The FCC’s 800 MHz Supplemental Order allows all non-ESMR EA licensees to elect to relocate to the ESMR portion of the 800 MHz Band (817-824 MHz/862-869 MHz) or to the Guard Band. EA licensees may also relocate certain associated site-based facilities that were part of the licensee’s integrated communications system (as defined in the MO&O), as of November 22, 2004. EA licensees must contact the TA if they wish to relocate to or remain in the ESMR Band. As required by the MO&O, the TA opened a 20-day filing window, beginning on January 18, 2006 and ending on February 6, 2006, for new elections and modifications to existing elections to relocate to or remain in the ESMR Band.

A non-ESMR EA licensee electing to move to the ESMR Band will:

- Receive only its “white area” spectrum (i.e., the same unencumbered area that it had before it relocated).
- Be entitled only to reasonable transactional costs associated with reconfiguration for relocating its EA licenses, but must pay all expenses (hard costs and transactional costs) associated with relocating site-based facilities to the ESMR Band.
- Be required to convert its systems, including any associated site-based facilities, to ESMR technology and to provide ESMR service by the end of its EA license term.
- Be required to certify, no later than the expiration date of its EA license, that it has converted its entire system, including any associated site-based facilities, to ESMR technology and is offering service to customers.
**Expansion Band:** The new Expansion Band is located at 815-816 MHz/860-861 MHz (812.5-813.5 MHz/857.5-858.5 MHz in the Southeastern U.S. and 813-813.5 MHz/858-858.5 MHz within a 70-mile radius of Atlanta), and is meant to serve as a buffer between cellular and non-cellular communications. The new Expansion Band in Puerto Rico will be located at 815-816.5/860-861.5 MHz. There is no Expansion Band in Canadian Border Regions 1-6. There is no Expansion Band in the U.S.-Mexico Sharing Zone or in NPSPAC Region 5: Southern California outside the Sharing Zone.

Public safety entities currently located in the Expansion Band must make an election if they wish to remain in the Expansion Band. Public Safety licensees electing to remain in the Expansion Band should notify the TA of their election by completing and submitting an Expansion Band Election Form, available on the TA’s website (http://www.800TA.org/content/resources/forms.asp). This Form may be submitted via email to elections@800TA.org, or by fax to 866-432-8317 (this is a voicemail service that automatically will accept faxes).

As of the publication of this version of the Handbook, the deadlines by which the TA requested that Expansion Band Elections be submitted have all passed, except for the deadline for licensees in the U.S.-Mexico Border Region. The deadline for these licensees to submit Expansion Band Elections is November 20, 2013.

When the TA receives Expansion Band Elections after the deadlines, the TA will review them for programmatic impact. In most cases, the TA accepts them. In the event that licensees still wish to elect to remain in the Expansion Band after the deadline, the TA strongly encourages them to submit an Expansion Band Election Form as soon as possible. The TA will review the election, but cannot provide assurance that it will be accepted. Public safety entities that do not make an election to stay in the Expansion Band will be relocated at Sprint’s expense to the 809-815 MHz/854-860 MHz Band (809-812.5 MHz/854-857.5 MHz in the Southeastern U.S.).

Please note that:

- Licensees who elect to remain in the Expansion Band are entitled to full interference protection, which is the same interference protection received by licensees relocating out of the Expansion Band. Specific guidance regarding interference protection in the Expansion Band is available in the R&O (http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-168A1.pdf).

- Public Safety licensees who elect to remain in the Expansion Band may apply for modifications of their authorizations on Expansion Band channels, including expansion of coverage contours, without the need to request a rule waiver. In addition, licensees may request to add Expansion Band channels to their current Expansion Band facilities by filing with the FCC an application accompanied by a request for intercategory sharing or other relief that would permit use of channels designated for other services. Additional information is available in the FCC’s April 6, 2007 Public Notice regarding the rights of licensees electing to remain in the Expansion Band (http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-07-1648A1.pdf).

- The Expansion Band channels from which Public Safety licensees reconfigure will be available to commercial SMR operators after reconfiguration and will no longer be Public Safety Pool channels.
• Public safety licensees that are located on Expansion Band frequencies (815-816/860-861 MHz) in Canadian Border Regions 7A and 8 or that are adjacent to the border area, but are undergoing reconfiguration as part of the Canadian border reconfiguration, may elect to remain on their Expansion Band frequencies. There is no Expansion Band in Canadian Border Regions 1-6.

• Public safety licensees that are located on Expansion Band frequencies (815-816/860-861 MHz) in the U.S.-Mexico Border Region outside the Sharing Zone in NPSPAC Region 3: Arizona, Region 29: New Mexico, Region 50: Texas – El Paso, and Region 53: Texas – San Antonio may elect to remain on their Expansion Band frequencies. There is no Expansion Band in the Sharing Zone or in NPSPAC Region 5: Southern California outside the Sharing Zone.

Guard Band: The new Guard Band is located at 816-817 MHz/861-862 MHz (except in the Southeastern U.S. where there is no Guard Band) and serves to separate cellular communications from Public Safety entities. The Guard Band in Puerto Rico will be located at 816.5-817/861.5-862 MHz. There is no Guard Band in Canadian Border Regions 1-6. There is no Guard Band in the U.S.-Mexico Sharing Zone or in NPSPAC Region 5: Southern California outside the Sharing Zone.

Incumbent licensees currently operating on frequencies between 806-809 MHz/851-854 MHz may elect to relocate to the Guard Band. Licensees with Channels 1-120 electing to relocate to the Guard Band should notify the TA of their election by completing and returning a Guard Band Election Form, available on the TA’s website (http://www.800ta.org/content/resources/forms.asp). This Form may be submitted via email to elections@800TA.org, or by fax to 866-432-8317 (this is a voicemail service that automatically will accept faxes). As of the publication of this version of the Handbook, the deadlines by which the TA requested that Guard Band Elections be submitted by non-border licensees have passed. The deadline for U.S.-Mexico Border Region licensees to submit Guard Band Elections is November 20, 2013.

Incumbent licensees currently operating on frequencies between 809-816 MHz/854-861 MHz may elect to relocate voluntarily to the Guard Band at their own expense. Licensees requesting to relocate voluntarily to the Guard Band are not necessarily guaranteed that they will be relocated because licensee requests for Guard Band spectrum may exceed the available capacity. Since these relocations are not required, their timing will be in accordance with sound spectrum management policies and may not occur until after Sprint is no longer using the spectrum. Licensees electing to relocate voluntarily to the Guard Band should notify the TA of their election by completing and returning a Voluntary Guard Band Election Form, available on the TA’s website (http://www.800TA.org/content/resources/forms.asp), via email to elections@800TA.org, or by fax to 866-432-8317 (this is a voicemail service that automatically will accept faxes). As of the publication of this version of the Handbook, the deadlines by which the TA requested that Voluntary Guard Band Elections be submitted by non-border licensees have passed. The deadline for U.S.-Mexico Border Region licensees to submit Guard Band Elections is November 20, 2013.

Certain incumbent 800 MHz licensees in the Southeastern U.S. (specifically, certain counties in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee) do not have the ability to relocate to the Guard Band. Potentially affected licensees should consult the FCC’s Second Erratum to the R&O (http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-252929A1.pdf) for additional information.
Incumbent licensees in the Puerto Rico Guard Band (816.5-817/861.5-862 MHz) may elect to relocate from the Guard Band to the Interleaved Band or Expansion Band. Licensees electing to relocate out of the Guard Band should notify the TA of their election by completing and returning a Puerto Rico Guard Band Election Form, available on the TA’s website (http://www.800ta.org/content/resources/pr_usvi.asp). This Form may be submitted via email to elections@800TA.org, or by fax to 866-432-8317 (this is a voicemail service that automatically will accept faxes). The deadline by which the TA requested that Puerto Rico Guard Band Elections be submitted has passed.

**Other Relocation Requests:** Entities with other relocation requests should communicate their requests to the TA as soon as possible, and no later than the initiation of reconfiguration negotiations with Sprint.

- Non-NPSPAC public safety licensees may request to move into the Expansion Band.
- In addition, the TA will consider other requests for voluntary relocation as spectrum limitations and sound spectrum policy permit. Such voluntary relocations will not be paid for by Sprint.

**Parties Involved in Reconfiguration**

As the government entity in charge of regulating interstate and international communications by radio, television, wire, satellite and cable, the FCC released the R&O ordering the reconfiguration of the 800 MHz Band. The FCC’s R&O assigned specific roles to the TA, Sprint, and reconfiguring licensees in the 800 MHz reconfiguration program.

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**Figure 8: Parties Involved in Reconfiguration**
800 MHz Transition Administrator, LLC (TA): The FCC appointed an independent party to serve as the Transition Administrator for the 800 MHz band reconfiguration program. The TA has contracted with Deloitte Consulting LLP (as successor to BearingPoint, Inc.), Squire Sanders (US) LLP, and Baseline Wireless Services, LLC to perform the duties of the TA. The overriding obligation of the TA is to facilitate timely band reconfiguration in a manner that is equitable to all concerned, including the United States government.

Among its duties, the TA:

- Establishes reconfiguration guidelines,
- Specifies replacement channels for relocating licensees,
- Reviews and approves Planning Funding Agreements (PFAs),
- Reviews and approves FRAs,
- Monitors payment of reconfiguration costs,
- Manages the relocation schedule,
- Facilitates issue resolution,
- Reports progress of the 800 MHz reconfiguration to the FCC, and
- Administers the Alternative Dispute Resolution process.

The TA is a neutral party that recognizes its obligation to follow the FCC’s guidance to treat all licensees fairly and equitably with minimum disruption to both the spectrum users and the public. For purposes of operating efficiency, the TA’s procedures may require reconfiguring licensees to provide information ultimately intended for the TA to Sprint, who will then forward this information to the TA (e.g., minimum cost certification).

Reconfiguring licensees should use the TA as a source of information and for assistance related to the 800 MHz reconfiguration process.

Sprint Corporation: On August 12, 2005, Sprint Corporation merged with Nextel Communications (Nextel), forming Sprint Nextel. On July 10, 2013, Sprint Nextel Corporation merged with SoftBank Corp. (SoftBank), forming Sprint Corporation (Sprint) and dropping Nextel from its name. Sprint and SoftBank, its majority shareholder, will honor all obligations accepted by Sprint Nextel to implement the FCC’s 800 MHz reconfiguration plan, including those accepted earlier by Nextel.

As the primary spectrum holder and commercial cellular-type service provider in the 800 MHz Band, Nextel was an active participant in the FCC’s proceedings regarding 800 MHz interference. As early as 2001, Nextel, both alone and as part of a coalition of 800 MHz licensees (the “Consensus Parties”), proposed potential resolutions to the 800 MHz interference problem. The FCC’s R&O adopted some of
Nextel’s proposed solutions and made Nextel a party to the 800 MHz reconfiguration effort. Nextel formally accepted the related obligations established by the FCC as of February 7, 2005.

Responsibilities of Sprint include:

- Paying all allowable costs for relocating other 800 MHz incumbents required to reconfigure. To ensure the completion of the reconfiguration nationwide, Sprint obtained Letters of Credit in the amount of $2.5 billion, with no “cap” on Sprint's potential funding obligation. (The original amount of the Letters of Credit has been gradually reduced by the FCC as Sprint has met its funding obligations to licensees and others.)

- Reconfiguring many of its own 800 MHz operations. In exchange for funding the reconfiguration and giving up some of its 700 MHz and 800 MHz spectrum, Sprint has received 10 MHz of spectrum in the 1.9 GHz Band.

Relocating licensees are expected to work closely with Sprint “in good faith” during the course of the 800 MHz reconfiguration. The FCC’s R&O states that Nextel personnel shall not be “involved” in reconfiguring a licensee’s system. In the Supplemental Order, the FCC clarified that this prohibition extends only to Nextel’s personnel gaining direct access to an incumbent licensee’s physical system. However, if the involved licensee explicitly authorized Nextel personnel to physically examine or adjust a system, then the prohibition would be inapplicable. This restriction also applied to Sprint Nextel and will apply to the newly formed Sprint. Sprint’s involvement in each licensee’s reconfiguration effort will be limited to activities that do not directly involve reconfiguring the licensee’s system, such as relocation negotiations and direct payment of reconfiguration costs.

Should any negotiations between the licensee and Sprint fail to result in an agreement, the matter will be submitted to the TA for resolution pursuant to the ADR process, which is outlined further in this Handbook in Section III: Overview of the Regional Prioritization Plan (RPP). Any disputes not resolved through the ADR process will be referred to the FCC for resolution.

Licensees: Reconfiguring licensees have the right to:

- Obtain comparable facilities.

- Have their reasonable and prudent expenses directly related to the retuning of their 800 MHz system agreed to and covered by Sprint (provided that licensees certify that the expenses are the “minimum necessary” to provide facilities comparable to those presently in use), including:
  - Funding for reconfiguration planning activities, and
  - Reasonable assistance from experts such as spectrum consultants, inventory consultants, relocation planners, engineers, legal counsel, equipment suppliers, etc.

- Avail themselves of a performance bond from a vendor if reasonably warranted.

- Seek TA assistance for resolution of disputes.
Reconfiguring licensees have the obligation to:

- Enter into an FRA and a PFA, if necessary, with Sprint.
- Negotiate in good faith.
- Participate in mediation of disputes when so instructed by the TA.
- Retain copies of all documents sent to Sprint as part of the reconfiguration.
- Certify that their costs reflect the minimum costs necessary to obtain comparable facilities.
- Certify when reconfiguration has been completed.
- Submit documentation to Sprint for receipt of goods/services provided by third parties to enable accurate and timely payments.
- Submit documentation in a timely manner to Sprint of the actual costs incurred if advance funding is provided. This information is subject to audit by the TA.
- If required, provide timely refund to Sprint of any overpayment of actual costs.
- Assist in the prevention of fraud, waste, and abuse in the reconfiguration program.
- Make representations to the TA with the same requirement of truth and candor as representations made to the FCC.

**Vendors:** Vendors providing reconfiguration services to licensees are considered to be supporting the licensee. Responsibilities of vendors include:

- Negotiating a contract directly with a licensee to perform reconfiguration or related planning activities.
- Agreeing to comply with certain vendor terms and conditions.
- Submitting appropriate documentation to Sprint to obtain payment (when the vendor and licensee have agreed that Sprint will pay the vendor directly).
- Participating in mediation of payment disputes, if necessary.
- Retaining, and producing at the request of the TA (or any auditor appointed by the TA), all documents related to the vendor’s performance of reconfiguration services for each licensee for 24 months following the completion of such reconfiguration services.
- Assisting in the prevention of fraud, waste, and abuse in the reconfiguration program.
TA Confidentiality Policy

The TA's Confidentiality Policy establishes the procedures that the TA will use to protect from public disclosure confidential information that stakeholders disclose to the TA. Confidential information includes commercially sensitive information, trade secrets, and/or privileged information in written, oral, electronic, or other forms.

The TA will not use any information, including confidential information provided by licensees, for any purpose other than for fulfilling its responsibilities in connection with the reconfiguration process. The TA does not intend to disclose confidential information to the public or to individual stakeholders. The TA, however, will provide confidential information to the FCC when requested, when required, or when, in the sole judgment of the TA, such disclosure would facilitate the reconfiguration process.

Licensees that submit documents to the TA that contain confidential information should clearly mark the information "CONFIDENTIAL INFORMATION." The TA, however, reserves the right to deny confidential treatment to any information, even if marked "CONFIDENTIAL INFORMATION," that does not satisfy the definition of confidential information.

The TA will observe special procedures to protect from public disclosure any confidential information that constitutes “Protected Confidential Information.” There are four separate procedures by which the TA will designate information as Protected Confidential Information. First, the Record of any TA mediation (as defined in the TA’s ADR Plan) and any executed PFAs and FRAs will always be treated as Protected Confidential Information. Second, information submitted pursuant to a Non-Disclosure Agreement (NDA) will be treated as Protected Confidential Information, if marked as such. Third, even in the absence of an NDA, the TA may designate information as Protected Confidential Information if the disclosing party makes a compelling showing that such treatment is justified. Finally, the TA General Counsel may classify information as Protected Confidential Information, where appropriate.

In any case in which the TA provides Protected Confidential Information to the FCC, the TA will file a request, pursuant to the FCC’s rules, asking that the FCC treat this information as not subject to public disclosure. The TA will further request that, if the FCC determines that this information should be disclosed, it provide advance notice to the TA, and a reasonable opportunity for the TA and/or the licensee that provided the information to challenge the FCC’s determination and/or negotiate an appropriate protective order.

The Confidentiality Policy does not address the ability of stakeholders to enter into agreements restricting the disclosure of Confidential Information. Such disclosure is subject to negotiation between the parties, to the extent permitted by the FCC.

Additional details are available in the complete Confidentiality Policy posted on the TA website (http://www.800ta.org/content/resources/Confidentiality_Policy.pdf).

Q&A

How do I know if I need to reconfigure?

- If you are a non-EA licensee, you can go to the TA Tools section of the TA website (http://www.800ta.org/content/resources/tools.asp) for assistance with determining whether you need to reconfigure. You can enter your call sign or operating frequency to review information.
regarding reconfiguration. EA licensees may determine whether they need to reconfigure by examining their license information or contacting the TA. License information can be found on the FCC’s website at http://wireless2.fcc.gov/ULsApp/ULsSearch/searchLicense.jsp.

If I do need to reconfigure, what do I need to do now?

- You should complete a POC Form as soon as possible. The form is available on the TA website (http://800ta.org/content/resources/forms.asp). The TA website contains current information on 800 MHz Reconfiguration, and is updated frequently. More information on getting started with reconfiguration is available in this Handbook in Section IV: Overview of Licensee Reconfiguration Phases.

Can I see what other EA licensees elected?

- Licensees were asked to submit their elections to the FCC’s Electronic Comment Filing System (ECFS) in WT Docket No. 02-55. To the extent elections or requests were not submitted on a confidential basis, such information is available through the FCC.

What happens if many EA licensees selected the same Band?

- In the event that spectrum in the Guard Band, the ESMR Band, or another part of the 800 MHz Band is not adequate to accommodate all eligible licensees that wish to relocate, the TA will attempt to facilitate a resolution between the affected parties or will refer the matter to the FCC.

How do I know if I am affected by the Southeastern U.S. Band plan?

- You can determine whether you are affected by the Southeastern U.S. 800 MHz Band plan by reviewing Section 90.614(c) of the FCC’s rules, 47 C.F.R. § 90.614(c), as amended by the Second Erratum to the R&O (http://edocket.access.gpo.gov/cfr_2009/octqtr/pdf/47cfr90.614.pdf). The TA Tools section of the TA website (http://www.800TA.org/content/resources/tools.asp) may also provide assistance in determining if your systems are covered by the Southeastern U.S. Band plan. There is a field in the Call Sign Checker that, for any call sign entered, indicates if a given location on the license falls within the region that uses the Southeastern U.S. Band plan.


How will the FCC ensure that Sprint pays my reconfiguration costs?

- Sprint is required to directly pay approved reconfiguration costs. If Sprint fails to do so in a timely manner as defined in the R&O, the TA is authorized to use funds from Sprint’s Letters of Credit to cover your costs.
What if I am a licensee located near the U.S. border with Mexico?

- On April 1, 2013, the FCC released a Fifth R&O adopting a Band Plan for the U.S.-Mexico Border Region. The FCC’s Band Plan details may be found in the Fifth R&O (http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-586A1.pdf). The FCC established a 30-month transition period for reconfiguration in the U.S.-Mexico Border Region that began on August 23, 2013. As directed by the FCC, the TA filed with the FCC on August 6, 2013 a Reconfiguration Timetable for the Reconfiguration of the 800 MHz Band in the Sharing Zone and Affected NPSPAC Regions Along the U.S.-Mexico Border, which sets out the specific steps required in each NPSPAC region for the relocation of licensees. A copy of the TA’s Reconfiguration Timetable is available on the TA’s website (http://www.800ta.org/content/resources/reconfiguration_timetable.pdf). On August 16, 2013, the PSHSB approved the TA’s Reconfiguration Timetable in a Public Notice (http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-13-1770A1.pdf). The TA mailed frequency proposals to U.S.-Mexico Border Region licensees by August 23, 2013. Additional guidance for licensees in the U.S.-Mexico Border Region can be found on the TA’s website (http://www.800TA.org/content/resources/mexicoborder.asp). Further information on getting started with reconfiguration is available in this Handbook in Section IV: Overview of Licensee Reconfiguration Phases.
III. OVERVIEW OF REGIONAL PRIORITIZATION PLAN (RPP)

Summary of the Regional Prioritization Plan (RPP)

As required by the FCC, the TA developed an RPP that lists the order in which the 55 NPSPAC regions will start the process of reconfiguration. NPSPAC, the National Public Safety Planning Advisory Committee, was set up by the FCC in the 1980s to determine how public safety communications in the 800 MHz channels were going to be used. NPSPAC developed a usage plan for public safety that divided the country into many different NPSPAC regions.

The TA recognizes that NPSPAC regions have not been used for licensing CII, B/ILT, or commercial systems. The FCC’s R&O and the TA’s RPP use NPSPAC regions to divide the nation geographically for purposes of administering an orderly reconfiguration of the 800 MHz Band for all users. The concept of NPSPAC regions will be applied to such entities solely for reconfiguration timing purposes. If you want to know which Wave or NPSPAC region you fall under, you can go to the TA Tools section of the TA website (http://800ta.org/content/resources/tools.asp) and type in your call sign (if it is a non-EA license), or review the map on the same page.

The FCC approved the RPP on March 11, 2005. The TA considered many factors in crafting the RPP, including the FCC’s reconfiguration timeline targets, population, existing instances of interference to public safety systems, the need to reconfigure interconnected regions together, workload balance, seasonal cycles, and the need for new border area frequency plans.

Beginning with the official start date for reconfiguration, June 27, 2005, the RPP defines four "Waves" or groupings of NPSPAC regions to be reconfigured. Each Wave contains groups of NPSPAC regions that will begin reconfiguration at the same time. Each Wave is divided into two “Stages.” Stage 1 consists of Channels 1-120 licensees and Stage 2 consists of NPSPAC licensees, which reconfigure after Stage 1. Figure 9 shows the NPSPAC regions within each prioritization Wave.
Within each NPSPAC region, licensees operating at 806-809 MHz/851-854 MHz (Channels 1-120) must relocate prior to NPSPAC licensees. The start date of each Wave triggers the beginning of the Channels 1-120 “Stage” of licensee relocation negotiations with Sprint. Physical reconfiguration will occur after licensees complete negotiations with Sprint and the TA approves the related agreements.

As of September 2, 2005, the RPP was amended, moving Louisiana (NPSPAC Region 18) from Wave 2 to Wave 3 in response to the devastation caused by Hurricane Katrina. The TA monitored the recovery efforts from Hurricane Katrina and worked with the public safety community and other affected 800 MHz licensees.

As of February 3, 2006, the RPP was further amended, moving Puerto Rico and the U.S. Virgin Islands (NPSPAC Regions 47 and 48 respectively) from Wave 2 to Wave 3. The TA determined that there are unique and complex spectrum issues in Puerto Rico and the U.S. Virgin Islands that were affected by the FCC’s MO&O that required this amendment of the RPP.

The MO&O required certain areas that are not associated with NPSPAC regions to be included in reconfiguration. These areas – Guam, American Samoa, and the Northern Mariana Islands – were added to Wave 4, with adjustments to the negotiation schedule as necessary to account for the later issuance of frequency proposals to these licensees.

Thirty days before the start of reconfiguration for Channels 1-120 in each Wave, the FCC issued a Public Notice announcing the start date. The FCC also released another Public Notice announcing the start
date for the NPSPAC Stage of reconfiguration for each Wave. On May 27, 2005, the FCC released a Public Notice announcing that the start date for Wave 1, Stage 1 (Channels 1-120) was June 27, 2005. On September 2, 2005, the FCC released a Public Notice announcing that the start date for Wave 2, Stage 1 (Channels 1-120) was October 3, 2005. On December 2, 2005, the FCC released a Public Notice announcing that the start date for Wave 3, Stage 1 (Channels 1-120) was January 3, 2006. On December 30, 2005, the FCC released a Public Notice announcing that the start date for Wave 1, Stage 2 (NPSPAC) was February 1, 2006. On June 2, 2006, the FCC released a Public Notice announcing that the start date for Wave 4, Stage 1 (Channels 1-120) was July 3, 2006. On June 30, 2006, the FCC released a Public Notice announcing that the start date for Wave 2, Stage 2 (NPSPAC) was August 1, 2006. On October 2, 2006, the FCC released a Public Notice announcing that the start date for Wave 3, Stage 2 (NPSPAC) was November 1, 2006. On December 29, 2006, the FCC released a Public Notice announcing that the start date for Wave 4, Stage 2 (NPSPAC) was February 1, 2007. All documents are available on the TA website at [http://www.800TA.org/content/fccguidance/](http://www.800TA.org/content/fccguidance/).

On March 31, 2006, the FCC released a Public Notice approving TA recommendations for adjustment of start dates for Wave 2, Stage 2 (NPSPAC) and Wave 3, Stage 2 (NPSPAC). The “new” adjusted start date for NPSPAC licensees in Wave 2 was August 1, 2006, and in Wave 3 was November 1, 2006. On May 26, 2006, the FCC released an Order approving the TA’s recommendation to extend the mandatory negotiation period for Wave 1, Stage 2 (NPSPAC) by three months. The “new” adjusted end date for the mandatory negotiation period for NPSPAC licensees in Wave 1 was October 31, 2006.

In its May 2007 [Second Memorandum Opinion and Order (FCC 07-102)](http://www.800TA.org/content/fccguidance/), the FCC determined that an 800 MHz band plan was needed for Puerto Rico that was distinct from that used in the Continental United States. The FCC directed the TA to propose an alternative band plan and negotiation timetable for Puerto Rico. On October 19, 2007, the TA proposed an alternative band plan and negotiation timetable for Puerto Rico in a filing with the FCC. On April 26, 2010, the FCC’s Public Safety and Homeland Security Bureau (PSHSB) released a [Third Report and Order and Third Further Notice of Proposed Rulemaking (DA 10-695)](http://www.800TA.org/content/fccguidance/) adopting a final 800 MHz band plan for Puerto Rico with a 18-month transition period starting on September 20, 2013 and proposing that the same band plan be adopted for the U.S. Virgin Islands. On February 18, 2011, the PSHSB released the [Fourth Report and Order (DA 11-315)](http://www.800TA.org/content/fccguidance/) adopting a final 800 MHz band plan for the U.S. Virgin Islands that is identical to the band plan for Puerto Rico. The Fourth Report and Order also provided for a 12-month transition period for reconfiguration in the U.S. Virgin Islands that began on March 21, 2011.

Wave 4 of the RPP consists of NPSPAC regions with complex licensing environments along the Canadian and Mexican borders. Certain Wave 4 licensees are located far enough from the borders that they were able to proceed with reconfiguration. However, many Wave 4 licensees could not be reconfigured until border area frequency plans were adopted due to the licensee’s proximity to the border regions. The voluntary negotiation period for Wave 4, Stage 1 (Channels 1-120), originally scheduled to start on April 3, 2006, started on July 3, 2006 based upon the FCC's March 3, 2006 Public Notice. The voluntary negotiation period for Wave 4, Stage 2 (NPSPAC) started on July 3, 2006 based upon the FCC's December 29, 2006 Public Notice. The FCC issued a series of Public Notices extending the negotiation period end dates for Wave 4, Stages 1 and 2 licensees within the international border areas.

For Wave 4 licensees in the U.S.-Canada Border Region, the FCC released the Second Report & Order on May 9, 2008 that established a reconfigured 800 MHz Band plan for the U.S.-Canada Border Region.
The Second R&O provides for a 30-month transition period beginning October 14, 2008 and an expedited schedule for planning, negotiations, and mediation. (Additional guidance for licensees in the U.S.-Canada Border Region can be found on the TA website at [http://www.800ta.org/content/border_regions/border_region_canada.asp](http://www.800ta.org/content/border_regions/border_region_canada.asp). On October 1, 2008, the TA submitted to the FCC the Implementation Plan and Timetable for the Reconfiguration of the 800 MHz Band in the U.S.-Canada Border Region (Implementation Plan and Timetable) that set forth the details of the reconfiguration plan in the U.S.-Canada Border Region. It can be found on the TA’s website at [http://www.800TA.org/content/resources/Implementation_Plan_CBR_10.01.08.pdf](http://www.800TA.org/content/resources/Implementation_Plan_CBR_10.01.08.pdf).

With respect to Wave 4 licensees in the U.S.-Mexico Border Region, on April 1, 2013, the FCC released a Fifth Report and Order adopting a reconfigured channel plan for the 800 MHz band in the Mexican Border Region based on an agreement signed between the United States and Mexico on June 8, 2012. The FCC established a 30-month transition period for licensees to complete rebanding in the NPSPAC regions bordering Mexico. The transition period began on August 23, 2013.

U.S.-Mexico border licensees comprise two categories:

- **In the Sharing Zone** – Licensees in the Sharing Zone have licensed repeater locations within 110 km (68.35 miles) of the U.S.-Mexico border.

- **Outside the Sharing Zone in NPSPAC Regions Along U.S.-Mexico Border** – These licensees do not have licensed repeater locations within the Sharing Zone, but are affected by the Mexican border band plan due to proximity to the Sharing Zone or because they interoperate with licensees that are in the Sharing Zone. In general, call signs with locations within approximately 113 km (70 miles) of the Sharing Zone may be considered in this category. In congested areas such as southern California where there are also certain locations given 169 km (105 miles) co-channel protection, the affected area may extend farther from the border.

On August 6, 2013, the TA submitted to the FCC the Reconfiguration Timetable for the Reconfiguration of the 800 MHz Band in the Sharing Zone and Affected NPSPAC Regions Along the U.S.-Mexico Border Region (Reconfiguration Timetable), which sets forth the timetable and details of the reconfiguration plan in the U.S.-Mexico Border Region. A copy of the Reconfiguration Timetable is available on the TA’s website ([http://www.800ta.org/content/resources/reconfiguration_timetable.pdf](http://www.800ta.org/content/resources/reconfiguration_timetable.pdf)). On August 16, 2013, the PSHSB approved the TA’s Reconfiguration Timetable in a Public Notice ([http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-13-1770A1.pdf](http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-13-1770A1.pdf)). Additional guidance for licensees in the U.S.-Mexico Border Region can be found on the TA’s website ([http://www.800TA.org/content/resources/mexicoborder.asp](http://www.800TA.org/content/resources/mexicoborder.asp)).

**Negotiations and Alternative Dispute Resolution (ADR)**

Once a licensee submits a Cost Estimate to Sprint, and Sprint or the TA Mediator has determined it is sufficiently complete for purposes of negotiating an FRA, the parties have 30 calendar days to negotiate an FRA under the monitoring of the TA Mediator. If the parties are unable to complete FRA negotiations within 30 days, they will participate in mediation. The mediation period for U.S.-Mexico border licensees is 20 working days. During this mediation, the licensee and Sprint will each be required to identify the specific issues in dispute and their positions with respect to those issues. The TA Mediator will schedule
appropriate meetings to facilitate an agreement, and may require written submissions. If no agreement is reached during the mediation period, the TA Mediator will refer any remaining disputed issues to the FCC within ten days of the close of the mediation period.

Reasonable and prudent expenses incurred in the negotiation of FRAs and the mediation of disputes by TA Mediators are reimbursable, with the exception of expenses for seeking FCC resolution of disputes. In addition, the licensee may choose to participate in non-binding arbitration at its own expense. Please remember, however, that FRAs are subject to the approval of the TA.

At the request of either party, TA Mediators will mediate disputes between a licensee and Sprint concerning the implementation of their FRA, including payment disputes, until such time as the licensee’s reconfiguration is complete. In the case of payment disputes involving the implementation of a PFA or an FRA in which payments are made directly to the vendor providing reconfiguration services, the licensee may authorize the vendor to request and pursue mediation on its behalf.

TA Mediators may also assist you in resolving any other disputes that may arise in the course of reconfiguration, provided that all parties to the disputes consent to mediation by a TA Mediator. TA Mediators will also be available to assist parties in negotiating a revised FRA to replace an agreement that has been disapproved by the TA.

To receive the help of a TA Mediator, complete the Request for Mediation Form or Authorized Request for Mediation Form (in the case of disputes involving payments made directly to vendors) and the Waiver of Privilege and Confidentiality Form, available on the TA website (http://www.800ta.org/content/resources/forms.asp). The Record of a TA mediation will always be treated as Protected Confidential Information as outlined in the Confidentiality Policy.

The complete ADR Plan is available on the TA website (http://www.800TA.org/content/resources/ADR_Plan.pdf).

**Freeze Dates for New License Applications**

Upon release of the Public Notice announcing the start of each voluntary negotiation period for each non-border Wave/Stage, the FCC froze the filing of new non-rebanding-related 800 MHz applications within, and up to 70 miles outside of the affected 800 MHz NPSPAC regions. This freeze was effective until 30 working days after the end of the mandatory negotiation period for the non-border NPSPAC regions. Within each non-border Wave, there were two freeze periods, one for all non-NPSPAC 800 MHz frequencies, and another for 800 MHz NPSPAC frequencies. The FCC also froze the filing of new non-rebanding-related 800 MHz applications along the U.S.-Canada border, in Puerto Rico, in the U.S. Virgin Islands, and along the U.S.-Mexico border. The application freeze does not apply to modification applications that do not change a frequency or expand a station’s existing coverage area (e.g., administrative updates, assignments/transfers, or renewal-only applications).

Figure 10 contains the actual freeze start and end dates set forth by the FCC. The dates provided by the TA are for general guidance only. The dates for the end of the freeze are subject to change. Licensees therefore should not rely upon the freeze end dates and should confirm these dates before filing applications with the FCC.
Figure 10: Freeze Dates

The freeze along the U.S.-Canada border originally ended on July 1, 2009. On August 20, 2010, the FCC released a Public Notice (DA 10-1566) in which it reinstated the filing freeze on new non-rebanding-related applications along the U.S.-Canada border. The FCC lifted the freeze in NPSPAC Region 30: Eastern Upstate New York and Region 36: Western Pennsylvania as of April 12, 2013. The filing freeze will continue until October 15, 2013 for NPSPAC Region 21: Michigan, NPSPAC Region 33: Ohio, NPSPAC Region 43: Washington, and NPSPAC Region 55: Western Upstate New York and for stations located within 70 miles of the borders of these NPSPAC regions.


The freeze along the U.S.-Mexico border is currently in effect until February 24, 2016. The freeze applies to NPSPAC Region 3: Arizona, NPSPAC Region 5: Southern California, NPSPAC Region 29: New Mexico, NPSPAC Region 50: Texas – El Paso, and NPSPAC Region 53: Texas – San Antonio and to stations located within 70 miles of the borders of these NPSPAC regions. The date for the end of this freeze is subject to change. Licensees should confirm the freeze end date before filing applications with the FCC.

Special Temporary Authorizations

Due to the FCC’s license application freezes related to the 800 MHz Band reconfiguration, certain licensees may require Special Temporary Authorizations (STAs) to operate on pre-rebanded channels, and maintain or expand essential facilities prior to completion of the reconfiguration. The FCC released guidance regarding applications for and the use of STAs during reconfiguration in a December 20, 2006 Public Notice (http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-2555A1.pdf) and in a February 12, 2007 letter to Sprint (http://www.800TA.org/content/fccguidance/DA_07-641_02.12.07.pdf). If a
licensee determines that an STA is appropriate, the licensee should submit an STA application to the FCC. No TA prior review or concurrence letter is necessary. For additional information, please refer to the STA Fact Sheet, which can be found at http://www.800ta.org/content/resources/factsheets.asp.

Procedures for Public Safety Licensees Applying for New 800 MHz Frequencies and Locations during Reconfiguration

The procedures for applying for new frequencies vary depending on the section of band for which you are applying. For guidance on the procedures and rules associated with applying for a new frequency and information about whether TA review or concurrence is needed, please refer to the Application Review Guidance at http://www.800ta.org/content/resources/Application_Review_Guidance.pdf. If TA concurrence is needed the request should be submitted to AppReview@800TA.org.

Q&A

What if I operate on both Channels 1-120 and NPSPAC channels?

- Public safety entities with systems using a combination of NPSPAC channels and non-NPSPAC channels that must be reconfigured (such as Channels 1-120) should work with Sprint to develop a customized reconfiguration plan. The TA recognizes the need to address such systems to minimize disruption. Some licensees have requested to relocate both their Channel 1-120 and NPSPAC facilities in Stage 2, as noted in the FCC’s Third MO&O. However, in areas affected by the U.S.-Mexico border Sharing Zone, this may not be feasible and licensees will have to move Channels 1-120 and NPSPAC facilities in separate phases.

If the majority of the frequencies used in my system are in the NPSPAC Band, can I reconfigure ahead of my Wave or at the same time as Channels 1-120 within my NPSPAC region?

- Channels 1-120 in a NPSPAC region must be cleared of users (most of whom are commercial entities, not public safety) to allow for NPSPAC relocation. This means NPSPAC licensees cannot accelerate the timing of their physical relocation ahead of their wave, region or stage.

How do I find out about the status of the new border area frequency plans?

- The FCC’s May 9, 2008 Second R&O establishing a revised 800 MHz Band plan in the U.S.-Canada border regions is available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-08-1094A1.pdf. On October 1, 2008, the TA submitted to the FCC its Implementation Plan and Timetable for the Reconfiguration of the 800 MHz Band in the U.S.-Canada border region, which provides the details of the U.S.-Canada border reconfiguration program. It is available at http://www.800TA.org/content/resources/Implementation_Plan_CBR_10.01.08.pdf. Additional information on the reconfiguration of the Canadian border regions can be found in this Handbook in Section IV: Overview Of Licensee Reconfiguration Phases.

the Reconfiguration of the 800 MHz Band in the Sharing Zone and Affected NPSPAC Regions Along the U.S. Mexico Border, which provides the details of the U.S.-Mexico Border Region reconfiguration plan. It may be found at http://www.800TA.org/content/resources/reconfiguration_timetable.pdf. On August 16, 2013, the PSHSB approved the TA’s Reconfiguration Timetable in a Public Notice (http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-13-1770A1.pdf). Additional information on the reconfiguration of the Mexican border area can be found on the TA’s website at http://800ta.org/content/resources/mexicoborder.asp.

What if I have a dispute with one of my vendors or consultants?

- The TA will generally not become involved in mediation of disputes between licensees and their vendors or consultants.

What is Sprint’s contact information for negotiations?

- If you wish to contact Sprint to initiate negotiations, you should send an email to 800MHz@Sprint.com.

How can I determine the freeze dates for new license applications?

- In the Public Notice announcing the start of each non-border Wave/Stage, the FCC announced the start date for the freeze on the acceptance of 800 MHz applications within, and up to 70 miles outside of the affected 800 MHz NPSPAC regions. Figure 10 contains the actual freeze start and end dates set forth by the FCC.

- The freeze in Puerto Rico and the U.S. Virgin Islands ended on February 2, 2011 and August 2, 2011, respectively.

- In the U.S.-Canada Border Region, the FCC lifted the freeze in NPSPAC Region 30: Eastern Upstate New York and Region 36: Western Pennsylvania as of April 12, 2013. The filing freeze in the U.S.-Canada Border Region will continue until October 15, 2013 for NPSPAC Region 21: Michigan, NPSPAC Region 33: Ohio, NPSPAC Region 43: Washington and NPSPAC Region 55: Western Upstate New York and for stations located within 70 miles of the borders of these NPSPAC Regions.

- The freeze in the U.S.-Mexico Border Region is currently in effect until February 24, 2016. The freeze applies to NPSPAC Region 3: Arizona, NPSPAC Region 5: Southern California, NPSPAC Region 29: New Mexico, NPSPAC Region 50: Texas – El Paso, and NPSPAC Region 53: Texas – San Antonio and to stations located within 70 miles of the borders of these NPSPAC regions.
IV. OVERVIEW OF LICENSEE RECONFIGURATION PHASES

The TA has organized the reconfiguration process and all associated activities into three phases: a Planning and Negotiation Phase, a Reconfiguration Implementation Phase, and a Closing Phase.

The objective of the Planning and Negotiation Phase are to:

- Develop your plan for implementing the reconfiguration of your system(s), and
- Execute an FRA with Sprint for the reconfiguration of your system(s).

The objective of the Reconfiguration Implementation Phase is to execute the reconfiguration of your system(s) according to the plan and FRA developed in the first phase.

The objective of the closing phase is to execute the final steps and “paperwork” needed to “close” the FRA and fully complete the reconfiguration process.

The TA has organized each phase into a series of steps that are described in this Handbook. The emphasis of this Handbook is on the Planning and Negotiation Phase to enable licensees to understand how and when to get started. While the three phases generally apply to all licensees, please note that not all of the steps are relevant for all licensees. The amount of planning required will vary significantly based on the size and complexity of the system to be reconfigured. Similarly, it is expected that the amount and types of testing required during implementation will also vary.

How do I get started?

Prior to the start of your reconfiguration prioritization Wave, you will receive an Information Packet Mailing, which includes a request to provide appropriate contact information to the TA. However, you can complete this POC Form at any time (http://www.800TA.org/content/resources/forms.asp). The TA website contains current information on 800 MHz Reconfiguration and is updated frequently.

Licensees and Sprint may agree to begin negotiations before the official start date of a licensee’s reconfiguration period. You may also initiate early contact with Sprint if you wish, in case of a large or complex system.
Planning Funding Agreement (PFA)

Certain licensees require planning activities before they can begin the negotiations for an FRA. If you require funding for activities associated with planning for reconfiguration, you should submit an RFPF Form to the TA, including a formal Statement of Work (SOW) in support of the request, and negotiate and enter into a PFA with Sprint. RFPF guidance and forms are available on the TA website (http://www.800TA.org/content/resources/forms.asp). The TA does not recommend a PFA for all licensees. In particular, for licensees with fewer than 500 subscriber units or less than 30 business days of resource effort for planning, the TA encourages licensees to consider including planning costs with reconfiguration costs in the Cost Estimate included in the FRA.

The process for the negotiation of a PFA follows the same steps as that for an FRA.

Planning and Negotiation Phase

The Planning and Negotiation Phase begins with providing your contact information to the TA and ends with the execution of an FRA. The activities for this phase include:

1. **Complete POC Form:** It is important that the TA knows how to get in touch with you to provide you with information related to reconfiguration and to ask you any questions concerning your Cost Estimate or other matters.

2. **Submit RFPF Form, if necessary:** If you have identified planning activities requiring funding or reimbursement, you should submit a written request to the TA, using the RFPF Form found on the TA website, and negotiate a PFA with Sprint.

3. **Document Subscriber Equipment Inventory:** Identify the 800 MHz end user devices that you believe need to be retuned, reprogrammed, or replaced during reconfiguration.

4. **Document Infrastructure Facilities Inventory:** Identify the 800 MHz network infrastructure that comprises your system.

5. **Define Interoperability Environment:** Provide notification of the reconfiguration process to all subscribers and if your system spans multiple agencies, entities, and/or geographic areas, to related entities. Gather information about these entities and their equipment for your planning purposes. Inform Sprint early about interdependencies and other agencies or entities operating on your network.

6. **Evaluate Proposed New Frequencies:** The TA will send you your proposed new frequencies and you will have the right to review them for comparability to your existing frequencies as part of your negotiations with Sprint.

7. **Submit Subscriber Equipment Deployment (SED) Request Form, if applicable:** The SED initiative provides licensees the option of replacing and/or reprogramming subscriber equipment and commencing other implementation activities prior to the negotiation of the terms of the reconfiguration of system infrastructure.
8. **Prepare a Cost Estimate:** Identify in detail the costs required to reconfigure your system. If you have a complex system, you should also prepare a SOW identifying the specific tasks required to reconfigure your system. Submit your Cost Estimate to Sprint.

9. **Negotiate the FRA with Sprint:** Work with Sprint to reach agreement on the specifics of reconfiguring your system and execute an FRA.

Planning and Negotiation Phase forms and fact sheets are available on the TA website (http://www.800TA.org/content/resources/processes.asp#planneg).

**Reconfiguration Implementation Phase**

Please refer to Section VIII of this Handbook for more detailed information on the Reconfiguration Implementation Phase. The Reconfiguration Implementation Phase will generally consist of the following activities:

1. **File FCC Applications for License Modifications:** You may request that Sprint prepare and file required application(s) and certification(s) on your behalf. If you prefer this option, you will need to provide additional information to Sprint regarding your FCC ULS registration to enable Sprint to prepare and process the applications.

2. **FCC Grants License Modifications:** Note that activations of the new frequencies in your system cannot commence until the FCC grants these applications.

3. **Sprint Clears Frequencies:** Sprint will retune its network to make the new frequencies for your system available for use. In some cases other licensees will have to clear your replacement frequencies first. In such a case, Sprint, working in conjunction with the TA, will advise you when your frequencies have been cleared by other licensees and are available for your use.

4. **Complete Pre-Reconfiguration Prep Work:** Concurrent with Sprint clearing frequencies, complete any tasks that can be performed in advance of physical reconfiguration.

5. **Reconfigure Infrastructure and Mobile Units:** Complete all tasks necessary to operate on the new frequencies while minimizing disruption to the existing operations.

6. **System Cutover:** The system cutover milestone is reached when all reconfiguration tasks are complete. At this point all infrastructure and subscriber equipment is verified to be operational on the new frequencies.

7. **Complete Acceptance Testing (if required):** Large and complex systems may conclude the retuning process with a formal acceptance test of the system to validate operations on the new frequencies.

**Closing Phase**

The Closing Phase includes the following activities that serve to finalize a licensee’s reconfiguration:
1. **Complete FCC Surrender Applications and Other Filings**: A second set of FCC applications must be filed and granted to delete your original frequencies or assign them to Sprint. In most cases, you will delete your frequencies rather than assign them. Sprint will also file applications to delete or modify frequencies from their co-channel licenses to meet FCC co-channel distance requirements around your locations. Two additional FCC filings must be made in conjunction with reconfiguration. You should file a Certification of Construction with the FCC when your new frequencies are operational, and you and Sprint will file a Notice of Consummation with the FCC if frequencies were assigned to Sprint for their use as part of the transaction.

2. **Licensee and Sprint Complete True Up**: At the end of the process, you and Sprint will undergo a “true-up” or Actual Cost Reconciliation (ACR) process, whereby your cost support documentation will be matched up against the amounts paid or to be paid by Sprint for reconfiguration costs. Once you submit the necessary cost documentation, Sprint will prepare and send to you an ACR Statement that reconciles your Cost Estimate with the cost documentation provided to Sprint. If you agree with the ACR Statement, it should be signed and returned to Sprint within 15 days of receipt.

3. **Licensee and Sprint Certify Completion**: Once the ACR process is completed, Sprint will send you a package of closing documents which are required by the program and, if you agree with them, should be signed and returned to Sprint within 30 days of receipt. Completed documentation will be filed with the TA, and the TA will record that your reconfiguration is complete.

4. **Maintain Records and Documentation**: Licensees are responsible for retaining all information related to reimbursable costs for reconfiguration. This material should be stored for a minimum of 18 months after the Completion Certification. Applicable records include books, documents, accounting procedures and practices, and other data of all types (e.g., written, electronic, or other).

**Fraud, Waste, and Abuse**

It is incumbent on all program participants to implement measures to deter and detect potential fraud, waste, abuse, or other illegality in the 800 MHz reconfiguration program. More information about safeguards and other actions required of program participants to combat fraud and other potential illegalities in the reconfiguration program appears in this Handbook in Section XI – Fraud, Waste, and Abuse.
V. PLANNING AND NEGOTIATION PHASE

A. Complete Point of Contact (POC) Form

All licensees will be asked to complete a POC Form to provide the TA with accurate contact information for your organization, to facilitate the TA’s ability to contact you when necessary, and to ensure accurate mailing of any due payments. The TA and Sprint both require POC information, and plan to share official contact information for reconfiguration. Shortly before the start of your reconfiguration Wave, you will receive the Information Packet Mailing, which includes a copy of the POC Form. In addition, the POC Form is available on the TA website (http://800ta.org/content/resources/forms.asp). In order to ensure that all TA mailings are received in a timely fashion, all licensees should complete and return the POC Form to the TA as soon as possible.

The TA also strongly encourages licensees to review and update their license and contact information in the FCC’s ULS database on the FCC’s website (http://wireless.fcc.gov/uls). Please note that it is your regulatory obligation to carefully verify the accuracy of information on your licenses and to file any corrective applications prior to the time the band is “frozen” in your NPSPAC region or after the freeze is lifted. Updating licenses or correcting errors is not a reimbursable reconfiguration expense.

What inputs are required?

- POC Form(s)

Who does this apply to?

- This applies to all reconfiguring licensees.

What is the expected outcome?

The information collected in the POC Forms will be used to:

- Create an accurate TA contact database for timely notification of proposed frequencies, other important notifications, and receipt of payments

- Augment the license records and call sign information received from the FCC to aid the TA during the frequency planning and assignment process
**How do I complete this activity?**

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
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</table>
| **1** | **Determine who in your organization will serve as the single POC to the TA for reconfiguration.**  
- The requested POC should be the individual that will have overall responsibility for the reconfiguration process and can coordinate the various activities associated with negotiating an FRA, evaluating proposed frequencies, and preparing Cost Estimates.  
- If possible, you should also identify an alternate secondary contact that can be reached in the event that the primary contact is unavailable for an extended period of time.  
- Although third parties or contractors may be listed as the primary and/or secondary contacts, the licensee of record with the FCC must sign the POC Form. |
| **2** | **Complete and return the POC Form.**  
- Fill out the POC Form in its entirety. Remember to include your call signs and electronic signature if you download the Form from the TA website ([http://www.800TA.org/content/resources/forms.asp](http://www.800TA.org/content/resources/forms.asp)). The POC Form can only be signed by the licensee of record with the FCC (not vendors or other third party representatives). You are advised that representations made to the TA are held to the same requirement of truth and candor as representations made to the FCC.  
- Return the POC Form to the TA. You can fax Forms to the TA at 888-701-4380, or email them to Comments@800TA.org. If you received multiple copies of the Form from the TA Information Packet Mailing, please include them all in your return mailing to: 800 MHz Transition Administrator, LLC, c/o Squire Sanders (US) LLP, 8000 Towers Crescent Drive, 14th Floor, Tyson’s Corner, VA 22182. Regardless of your Wave/Stage, please return the POC Form to the TA as soon as possible. |
Q&A

When will I receive the Point of Contact (POC) Form?

- Shortly before the start of your reconfiguration period, you will receive a mailing, which includes a copy of the POC Form. This mailing has been sent to all licensees. If you have not received this mailing, please contact the TA. The POC Form (PDF or Word version) is also available in the Forms section of the Resources page on the TA’s Web site (http://www.800ta.org/content/resources/forms.asp).

What should I do if I receive multiple POC Forms from the TA?

- It is possible that you will receive multiple copies of this mailing, because the TA is using the information currently on file in the FCC’s ULS database, which lists addresses separately by call sign. Should your organization receive multiple copies, please consolidate all copies received and return them to the TA for tracking purposes, although you need only complete a single Form with your contact information.

Will the TA allow licensees to modify POC information?

- Yes, the TA encourages licensees to update their contact information when changes occur. Licensees may modify their POC information by resubmitting a new POC Form. Again, this Form needs to be filled out by the licensee of record with the FCC, not by vendors or other third party representatives. Please note that the TA and Sprint both require POC information, and plan to share official contact information for reconfiguration. The contact information you provide on this form may be shared with Sprint strictly for 800 MHz reconfiguration purposes. Licensees should also update their contact information in the FCC’s ULS database when changes occur.

What if the same POC is representing multiple organizations?

- Complete one POC Form for each organization, even if the organizations have the same POC. Call signs within an organization can and should be consolidated on one POC Form.
B. Submit Request for Planning Funding (RFPF)

If you require funding for activities associated with planning for reconfiguration, you may submit an RFPF Form and supporting documentation to the TA either via email (in PDF format if possible) to Comments@800TA.org or by fax to 888-701-4380. The RFPF instructions, template, and sample packages are available on the TA website at http://www.800TA.org/content/resources/processes.asp#rfpf. All licensees submitting RFPFs after June 19, 2006 must use RFPF version 2.6 or later.

Planning Funding Agreement Fast Track Option

The PFA Fast Track Option (Fast Track) provides a means for licensees and Sprint to streamline their efforts to execute a PFA. Fast Track does not require different action on your part when submitting your RFPF. Rather, it allows licensees, whose RFPF submissions meet certain guidelines, to more quickly secure planning funding. To qualify for the Fast Track Option, the licensee must be able to determine a reasonably accurate subscriber unit count. In addition, the following guidelines should be met:

- The total planning funding request should equate to $55 or less per subscriber unit,
- The total legal costs should be 8% or less of the total request, and
- The total costs for project management should be 25% or less of the total request.

If all of these guidelines are met, and the TA has approved the RFPF submission for conformance with program guidelines (including that the costs are reasonable and prudent expenses directly related to the retuning of an 800 MHz system), Sprint will incorporate it into a PFA.

Standard Negotiation Process (Non-Fast Track Submissions)

If the RFPF submission does not qualify for Fast Track, Sprint and the licensee will negotiate a PFA. The TA or the TA Mediator will review the RFPF to confirm that the RFPF and supporting documentation submission conforms to TA instructions, uses the TA’s template and is sufficiently complete. This initial review does not represent TA approval of the proposed planning activities and costs or TA acceptance of the rates. All planning activities and costs, including rates identified, are subject to negotiations between Sprint and the incumbent licensee. If the RFPF is found to be incomplete, the licensee will be notified of the deficiencies and ordered to submit a revised RFPF. Once the RFPF is determined to be sufficiently complete, the licensee will negotiate with Sprint to reach a PFA. Once a PFA is reached, it must be submitted to the TA for review and approval of the planning costs.

RFPF Submission Deadlines

To encourage early action on planning funding and allow time for completion of planning activities and the negotiation of an FRA, the TA established deadlines for the submittal of Requests for Planning Funding (RFPFs) by non-border licensees, which have all passed as of the publication of this version of the Handbook. Licensees that had not received frequency proposals were notified of an alternate RFPF deadline in the FPR cover letter.
The deadline established by the FCC for Canadian border area licensees to submit an RFPF was Tuesday, October 14, 2008, which has also passed as of the publication of this version of the Handbook.

RFPF Deadline for U.S.-Mexico Border Region

Licensees with radio systems located in the U.S.-Mexico Border Region that need funding to conduct planning activities must submit an RFPF on or before August 23, 2013. Licensees with an existing PFA who need additional funding to conduct planning activities for U.S.-Mexico Border Region reconfiguration must submit a PFA Change Notice by this deadline. U.S.-Mexico Border Region Licensees may submit an RFPF or PFA Change Notice prior to receiving their replacement frequencies.

If you missed the RFPF deadline, the TA recommends that you incorporate your planning costs into the Cost Estimate for the FRA. However, if you missed the RFPF deadline and believe that a PFA for your planning costs is needed prior to negotiating an FRA, you should submit an extension request to the FCC specifying the date you expect to submit the RFPF. Extension requests should be submitted to the PSHSB via email to PSHSB800@fcc.gov with a copy to the TA at TAMEDiation@squiresanders.com.

Drafting an RFPF Form before negotiating with Sprint may prove beneficial in determining the magnitude of the planning funding needed, obtaining necessary documentation, and structuring the discussions with Sprint. In other cases, however, you may benefit from initial discussions with Sprint in order to decide if planning funding is necessary or if planning expenses should be included in the Cost Estimate.

Planning costs should NOT include costs associated with actual reconfiguration. Reconfiguration costs will be part of the FRA as explained in Section V: Planning And Negotiation Phase, Part H: Prepare a Cost Estimate. Planning activities may be performed by your internal personnel or external service providers and include items such as:

- Documenting your subscriber equipment and infrastructure facilities inventories,
- Evaluating proposed frequencies,
- Legal fees associated with planning and negotiating agreements,
- Engineering and implementation planning,
- Project management required in the Planning and Negotiation phases,
- Preparing a SED Request Form, if necessary,
- Preparing a Cost Estimate (and Statements of Work for complex systems) for your reconfiguration implementation, and
- Educational events associated with reconfiguration, as described in the TA’s Educational Reimbursement Policy. This policy is outlined in Section VII: Funding Guidelines. The full text of
the Educational Reimbursement Policy is posted on the TA website (http://www.800TA.org/content/resources/tapolicies.asp).

**What inputs are required?**

- RFPF Form.
- Detailed justification for each cost-based activity (via a SOW—guidelines for preparation of a SOW and a sample SOW can be found on the TA website at http://www.800TA.org/content/resources/processes.asp#rfpf). Licensees must use the RFPF and SOW templates, available on the TA website, for their submissions.
- Firm quotes and bids from service providers who will perform planning activities. Service provider rates may be on a time and materials or fixed price basis, consistent with the service provider's normal business practices.
- Estimates of the internal labor costs that you will incur in planning activities.
- Contact information and payment instructions for you and your vendors.

**Who does this apply to?**

The TA believes many licensees will have minimal or no planning costs and can include their planning costs with reconfiguration costs in their Cost Estimate for an FRA, if agreed to by Sprint. The TA encourages licensees with fewer than 500 subscriber units or less than 30 business days of resource effort for planning to consider including planning costs in their Cost Estimate. Even licensees with larger planning costs may decide to include them in their Cost Estimate if they do not require advance outside funding to complete the work. By eliminating the RFPF step, licensees may be able to reduce the time and effort required to perform reconfiguration, but the decision whether to submit an RFPF is entirely up to the licensee. The TA suggests that you consider submitting an RFPF for:

- Large systems with simulcast configurations, statewide or other geographically large systems that have complex planning requirements. Large and complex systems generally include those with more than 1,000 subscriber units, ten or more channels, and three or more sites.
- Groups of smaller systems that share systems for interoperability, where timing is critical to keeping interoperability intact during the reconfiguration.
- Other systems where the planning phase will require more than 30 business days of resource effort involving internal or external resources.

**What is the expected outcome?**

- An estimate of the costs of the planning activities associated with your reconfiguration. This step will not generate an estimate of costs for implementation of your reconfiguration.
• A completed RFPF Form with supporting documentation submitted to the TA to request payment for the costs of your planning activities.

• A TA-approved PFA with Sprint governing the terms of your planning funding and payment or a TA-approved FRA with Sprint that includes the costs of your planning activities in the Cost Estimate section (Schedule C).

**How do I complete this activity?**

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<th>Step</th>
<th>Description</th>
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<tr>
<td>1</td>
<td><strong>Determine the level of planning activities you will need to perform and decide if you will need to obtain funding for planning from Sprint.</strong>&lt;br&gt;The specific planning activities required will vary depending on the size and scope of the licensee’s existing system.  &lt;br&gt;• For many simpler systems – single-site conventional or trunked systems – there may be minimal or no planning costs for your reconfiguration, and you may not need to request and obtain funding for these costs until you negotiate funding for your reconfiguration implementation. Examples of simpler systems include:  &lt;br&gt;  ▪ Systems with fewer than 500 subscriber units serving less than five agencies.  &lt;br&gt;  ▪ Systems requiring less than 30 business days of planning effort.  &lt;br&gt;• For more complex systems - inventorying your system, evaluating proposed frequency assignments, preparing your Cost Estimate, and negotiating with Sprint could be an extensive undertaking.  &lt;br&gt;You should decide how extensive your planning activities will be and whether you will request funding for these activities from Sprint in advance of seeking funding for your reconfiguration implementation.</td>
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<tr>
<td>2</td>
<td><strong>Select the vendors who will assist you with your planning activities and obtain firm bids and quotes.</strong>&lt;br&gt;If you will use outside service providers to assist you with your planning activities, obtain:  &lt;br&gt;• Firm quotes and bids of costs from these vendors,  &lt;br&gt;• Contact information, and  &lt;br&gt;• Payment instructions (bank information, wiring instructions, payment lock box information).&lt;br&gt;The TA has prepared a standardized bid package (containing template solicitations for</td>
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proposals and a template rebanding agreement) that municipal licensees may wish to review when developing solicitations for selecting vendors to provide reconfiguration planning services. There is no requirement to use the standardized bid package or bidding procedures. The standardized bid package is available on the TA website (http://www.800TA.org/content/resources/processes.asp#sbp).

A template RFPF Form and a template supporting SOW, with additional instructions that may be helpful in preparing SOWs for vendors, are also available on the TA website (http://www.800TA.org/content/resources/processes.asp#rfpf). For all licensees submitting an RFPF Form, a supporting SOW (outlining the system description, objectives and scope, tasks to be performed, deliverables, and resources), and a Cost Estimate will be required to substantiate the validity of the costs.

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<th>3</th>
<th><strong>Estimate the internal labor costs that you will incur on planning activities.</strong></th>
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<td></td>
<td>If your own personnel will perform planning activities, Sprint will reimburse your internal labor costs based either on a “per unit” or “per hour” rate:</td>
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<td></td>
<td>• <strong>“Per Unit” Reimbursements:</strong> The preferred method for estimating your internal labor cost of performing planning tasks is to establish a “per unit” price for each such task and estimate the number of times the task will be performed. The cost estimate for each such task will equal the agreed-upon “per unit” price multiplied by the agreed-upon estimate of the number of times the task will be performed.</td>
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<tr>
<td></td>
<td>• <strong>“Per Hour” Reimbursements:</strong> When it is not practicable to use a “per unit” basis to estimate your internal labor cost of performing planning tasks, the cost estimate for each such task will equal an agreed-upon “per hour” rate multiplied by an agreed-upon estimate of the total number hours that will be required to perform all instances of the task.</td>
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Use of “per unit” reimbursement normally is appropriate either when there is an established market-based internal “per unit” price for the planning task or when you and Sprint can agree upon a reasonable and supportable estimate of the time typically required to perform such task. When it is not practical to use “per unit” reimbursement for certain planning and reconfiguration tasks, the licensee's internal labor costs will be estimated on a “per hour” basis.

When you have no established market-based internal “per unit” price for a planning task or your internal labor costs for a planning task will be estimated on a “per hour” basis, you will need to negotiate with Sprint and agree upon an internal labor rate for each internal labor category that will perform planning tasks. The TA will approve “per hour” rates that are based upon established market-based internal labor rates or negotiated rates that are fair and reasonable.

• **Market-Based Rates:** If you have established market-based internal labor rates (both regular and overtime rates) that you currently charge for work similar to the planning tasks to be performed, those rates normally are acceptable to the
|  | TA so long as you can provide reasonable support for those rates.  
|---|---|
|  | • **Negotiated Rates:** When established market-based rates either are not available or cannot be substantiated, reimbursement of internal labor incurred to perform planning tasks will be based on the rates (both regular and overtime rates) that you and Sprint negotiate so long as those rates are fair and reasonable for the work to be performed, taking into consideration the nature of the work and the qualifications of the employees required to perform the work.  
|  | For further details, see Section VII: Funding Guidelines, or the complete Incumbent Labor Reimbursement Policy, available on the TA website [http://www.800TA.org/content/resources/tapolicies.asp](http://www.800TA.org/content/resources/tapolicies.asp).  

### 4 Prepare a SOW

A supporting SOW is required describing each category of planning activity to be funded. The SOW should clearly define the work to be performed, why such work is required, and the expected outcome (i.e., the benefit you will receive). The SOW is required regardless of whether the planning work will be performed by outside vendors or in-house personnel. All SOWs should include the following:

- System Description
- Frequency Analysis
- System Inventory
- Engineering/Implementation Planning
- Legal
- Project Management
- Other

A template SOW with additional instructions is available on the TA website [http://www.800TA.org/content/resources/processes.asp#rfpf](http://www.800TA.org/content/resources/processes.asp#rfpf). Licensees must use the RFPF/SOW template for their submissions.

### 5 Complete an RFPF Form.

- Obtain and complete the RFPF Form (available on the TA website at [http://www.800TA.org/content/resources/forms.asp](http://www.800TA.org/content/resources/forms.asp)). All RFPFs must be submitted in this format. Do not use this form for submitting reconfiguration implementation costs.
• Provide documentation supporting the planning costs, as requested in the instructions within the form. Sample guidelines for the SOW are provided in the RFPF Form (available on the TA website at http://www.800TA.org/content/resources/processes.asp#rfpf).

• At the conclusion of negotiations to reach a PFA with Sprint, the RFPF Form must be signed to certify that the tasks and associated costs are the minimum necessary to support the planning activities.

6 Submit the RFPF Form to the TA

Once you have completed the RFPF Form, if the RFPF Form is submitted before August 9, 2013:

• Submit it to the TA via email (in PDF format if possible) to Comments@800TA.org or by fax to 888-701-4380.

• The TA will review to confirm that the RFPF and supporting documentation submission conforms to TA instructions and uses the TA template. If the RFPF does not conform to TA instructions, it will be incumbent upon the licensee to resubmit their RFPF and supporting documentation, and the process will start over.

• This initial review does not represent TA approval of the proposed planning activities and costs or TA acceptance of the rates. All planning activities and costs, including rates identified, are subject to negotiations between Sprint and the incumbent licensee.

• Once the RFPF and supporting documentation are determined to conform to TA instructions, the TA will forward them to Sprint. If the RFPF submission meets the guidelines for Fast Track, Sprint will expeditiously prepare the PFA for the approved amount. If the RFPF submission does not qualify for Fast Track, the TA will send a communication to both parties requesting that a negotiation schedule be established.

• If an RFPF (or PFA Change Notice) for the U.S.-Mexico Border Region submitted before August 9, 2013 has not resulted in a PFA by that date, the TA will assign a TA Mediator.

If an RFPF Form for a U.S.-Mexico Border Region licensee (or a PFA Change Notice for a licensee with an existing PFA) is submitted after August 9, 2013:

• Submit it to the TA via email (in PDF format if possible) to Comments@800TA.org or by fax to 888-701-4380 and submit a copy, in electronic form, to the TA Mediator.

• Sprint will have four working days from receipt of the RFPF or PFA Change
<table>
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<tr>
<th></th>
<th>Notice to determine if it is sufficiently complete to begin negotiations. If Sprint finds the RFPF or the PFA Change Notice complete or Sprint fails to make such determination, the TA Mediator will notify the parties that the negotiation period has commenced. If Sprint finds the RFPF or PFA Change Notice incomplete, it will notify the TA Mediator why the RFPF or PFA Change Notice is incomplete. The TA Mediator will determine whether Sprint’s determination is reasonable within one working day. If the TA Mediator determines that Sprint’s conclusion is reasonable, the TA Mediator will notify the parties that the RFPF or the PFA Change Notice is incomplete and will give the reasons for the determination. The licensee will need to submit a revised RFPF or PFA Change Notice as directed by the TA Mediator. If the TA Mediator determines that Sprint’s conclusion is not reasonable, the TA Mediator will notify the parties that the negotiation period has commenced.</th>
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<tr>
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<td>• The parties will negotiate for 30 calendar days.</td>
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<td></td>
<td>• If the RFPF or PFA Change Notice submission meets the guidelines for Fast Track, Sprint will expeditiously prepare the PFA or the PFA Amendment for the approved amount and the parties will not initiate negotiations.</td>
</tr>
<tr>
<td>7</td>
<td><strong>Negotiate a PFA with Sprint governing the terms of your planning funding and payment.</strong></td>
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<td></td>
<td>• During the negotiation period, the TA Mediator will contact both the licensee and Sprint on a regular basis to monitor the progress of negotiations. If the process appears to be stalled, the TA Mediator will seek to obtain additional information and determine whether additional steps are warranted (i.e., Mediation).</td>
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<td></td>
<td>• If a U.S.-Mexico border licensee and Sprint are unable to complete PFA negotiations within 30 calendar days, they will participate in mediation for 20 working days. During this mediation, the licensee and Sprint will each be required to identify the specific issues in dispute and their positions with respect to those issues. The TA Mediator will schedule appropriate meetings to facilitate an agreement, and may require written submissions. If no agreement is reached during the mediation period, the TA Mediator will refer any remaining disputed issues to the FCC within ten days of the close of the mediation period.</td>
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<td></td>
<td>• Update, if necessary, the original planning Cost Estimates provided on the RFPF Form to reflect the final agreement. The RFPF Form and the finalized SOW will be included as schedules to the PFA with agreed upon cost amounts and payment terms. The approved SOW will become Schedule B of the PFA.</td>
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<tr>
<td></td>
<td>• Note: If a licensee’s RFPF qualifies for the PFA Fast Track Option, a PFA may be reached without negotiations.</td>
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</tbody>
</table>
Payment terms will be addressed in the PFA with Sprint. Advance payments to licensees for estimated internal labor or third-party contractor costs will need to be reconciled to documentation evidencing the costs incurred. Licensees will be required to submit copies of this documentation to Sprint and such documentation will be subject to audit by the TA. The nature of the reconciliation documentation that you will need to submit with respect to your internal labor costs will depend upon whether your internal labor costs are being reimbursed on a “per unit” or “per hour” basis. A true-up payment for additional approved funding from Sprint, or a refund for excess funding to a licensee, will be made based on the reconciliation of estimated costs to actual costs. For more information regarding reconciliation documentation for internal labor costs, please refer to the Incumbent Labor Reimbursement Policy available on the TA website (http://www.800TA.org/content/resources/tapolicies.asp).

The TA encourages you to request Sprint to pay your vendors directly. For more information on the payment process and reimbursable costs, please refer to Handbook Section VI: Payment Process, and Section VII: Funding Guidelines.

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<th>8</th>
<th><strong>Sign a Planning Funding Agreement with Sprint authorizing planning funding.</strong></th>
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</table>

After reaching agreement on the terms of the PFA, sign the PFA and return it to Sprint, which will then forward the PFA to the TA for review. The TA will then approve, reject, or issue an RFI (Request for Information) for the PFA. If the PFA is either rejected or an RFI is issued, it will be returned to Sprint for further handling. At that time, Sprint may reach out to you for additional information. If approved, the TA will return it to Sprint for execution.

Maintain documentation to support the costs you incur for your planning activities (vendor invoices, statements of work, contracts, employee timesheets, or equivalent documentation). All supporting planning and reconfiguration documentation is subject to audit by the TA and should be retained by the licensee for a minimum of 24 months from the closing as defined in the PFA.

It is also important during the planning stage that licensees provide in their contracts with vendors and consultants that such vendors and consultants will make sufficient resources available to support licensees planning efforts. The FCC advises that licensee requests for extension of planning time based on claimed unavailability of vendor and consultant resources will not be routinely granted.
Q&A

Am I required to submit an RFPF Form?

- No. Licensees with minimal or no planning costs do not need to submit an RFPF. Such costs can be added to the FRA’s Cost Estimate section (Schedule C).

What happens if I incur costs associated with planning activities, but do not submit an RFPF Form?

- For simplicity, you can always request funding for planning activities when you submit the required Cost Estimate for reconfiguration implementation. However, if you do not request reimbursement for your planning activities by submitting either an RFPF Form or a Cost Estimate (as part of your FRA), you will be at risk for non-payment/reimbursement if both Sprint and the TA do not subsequently approve these costs.

What type of documentation should I maintain to support the costs incurred for planning activities?

- You should maintain any related vendor invoices, proof of receipt of goods/services, contracts, and SOWs (if prepared). This information will need to be provided to Sprint, unless Sprint pays the vendors directly in which case you will only need to provide proof of receipt of goods/services. The TA encourages you to request Sprint to pay your vendors directly. When advance funding is provided to the licensee, you will be required to submit this documentation to Sprint to reconcile the costs incurred with the estimated costs. The costs you incur and payments made to you by Sprint will be subject to audit by the TA. The nature of the reconciliation documentation that you will need to submit with respect to your internal labor costs will depend upon whether your internal labor costs are being reimbursed on a “per unit” or a “per hour” basis. Additional details regarding reimbursable costs are available in this Handbook in Section VII: Funding Guidelines. For more information regarding reconciliation documentation for internal labor costs, please refer to the Incumbent Labor Reimbursement Policy available on the TA website (http://800ta.org/content/resources/tapolicies.asp).

- All supporting planning documentation is subject to audit by the TA and should be retained by the licensee for a minimum of 24 months from the closing as defined in the PFA. Applicable records include books, documents, accounting procedures and practices, and other data of all types (e.g., written, electronic, or other).

Are costs for educational events considered reimbursable?

- The TA has published an Educational Reimbursement Policy, which outlines the criteria necessary for costs associated with an educational event to be considered reimbursable. Certain Educational Events are considered reimbursable, subject to the criteria outlined in the TA’s Educational Reimbursement Policy. See Section VII: Funding Guidelines for more information. The complete TA Educational Reimbursement Policy is available on the TA website (http://800ta.org/content/resources/tapolicies.asp).
How do I determine if a cost is reimbursable?

- Generally, the TA will approve reasonable and prudent expenses directly related to the retuning of your 800 MHz system as reimbursable. All licensee reconfiguration costs must be included in an RFPF Form or a Cost Estimate and must be approved by Sprint and the TA. Licensees will be required to certify that the costs are the “minimum necessary” to provide facilities comparable to those presently in use. Additional guidelines are available in Section VII: Funding Guidelines, and on the TA website (www.800TA.org).

What if I have a dispute with Sprint involving the negotiation of a PFA?

- If you have a dispute involving the negotiation of a PFA, you may request TA mediation.

Is the PFA Fast Track option just for small agencies?

- No. Large agencies can utilize Fast Track in some cases as well. All licensees are eligible. There is no limitation on the size of the system or number of radios on the system to be eligible for Fast Track. Any licensee submitting an RFPF is eligible for Fast Track provided they meet the conditions:
  - The total planning funding request should equate to $55 or less per subscriber unit
  - The total legal costs should be 8% or less of the total request
  - The total costs for project management should be 25% or less of the total request
- The TA encourages licensees to use the Fast Track option. Please see the PFA Fast Track Fact Sheet available at http://800ta.org/content/resources/PFA_Fast_Track_Fact_Sheet.pdf for additional information.

Do licensees forfeit any rights by utilizing the PFA Fast Track option?

- No. You do not give up any rights by using the Fast Track option. Make your best effort to include ALL planning costs and your best known number of subscriber units on your system. For additional information, please see the PFA Fast Track Fact Sheet on the TA’s website.
C. Document Subscriber Equipment Inventory

The reconfiguration of your 800 MHz systems may require changes to subscriber radios currently in service. If necessary, conducting a subscriber equipment inventory is an allowable planning cost, eligible for reimbursement. However, unnecessary details that increase costs without adding meaningful information will not be considered allowable. The level of effort to inventory the subscriber equipment should be limited to that which is required to determine the costs to reconfigure and to complete system reconfiguration. In addition, costs for inventorying systems and equipment that are not directly affected by the 800 MHz reconfiguration are not reimbursable. The purpose of the subscriber equipment inventory is to:

- Assess the quantity of your subscriber devices that will need to be retuned, reprogrammed or replaced. You may also need to consider the need to inventory other licensees’ subscriber equipment that operates on your system. Additional details are available in this Handbook in Section V: Planning And Negotiation Phase, Part I: Define Interoperability Environment.

- Provide the information necessary to develop a detailed Cost Estimate (and SOW for complex systems).

- Provide the information necessary to participate in the SED initiative, if desired.

**What is the expected outcome?**

This step will generate a subscriber equipment inventory to provide a reasonably accurate basis for generating a Cost Estimate (and SOW for complex systems) for reconfiguration.

**Who does this apply to?**

Only licensees who need to update existing inventory records. If your existing inventory records are fairly complete, it is possible that no additional inventory is required. In general, the inventory should be accurate to +/- 5%.
## How do I complete this activity?

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Agree on subscriber equipment inventory documentation and plan with Sprint.</strong></td>
</tr>
<tr>
<td></td>
<td>Items to discuss with your equipment vendor and Sprint include:</td>
</tr>
<tr>
<td></td>
<td>• Level of detail and</td>
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<tr>
<td></td>
<td>• Accuracy of existing equipment inventory.</td>
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<tr>
<td></td>
<td>You may also need to discuss the tasks to conduct an inventory and who will perform this work. If your equipment records are fairly complete, it is possible that no subscriber equipment inventory is required.</td>
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<tr>
<td></td>
<td>If conducting the inventory requires funding, the costs must be agreed to with Sprint and you must submit an RFPF Form with a supporting SOW.</td>
</tr>
<tr>
<td>2</td>
<td><strong>Consult your system vendor regarding inventory tools and special issues.</strong></td>
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<tr>
<td></td>
<td>Your equipment vendor may offer spreadsheet templates or other tools to assist with the subscriber equipment inventory. Such tools generally will be necessary only for licensees operating larger systems with a mix of device types. Your vendor may also provide special guidance regarding the inventory information that needs to be collected.</td>
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<td>• Often, the only detail required will be the number of devices by model number.</td>
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<td>• Collecting serial number-level detail during the Planning and Negotiation Phase will not be an allowable expense unless a valid reason exists to collect this information. For instance, on occasion, additional device information such as serial number or software revision level may be required to determine the appropriate retuning method. Licensees that require serial number information primarily for asset tracking purposes are encouraged to collect this information while retuning during the Reconfiguration Implementation Phase.</td>
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<td></td>
<td>Your equipment vendor should be able to provide detailed information on entire model lines of equipment that must be replaced no matter what the generation of the model. There is no need do an inventory beyond make and model on these devices.</td>
</tr>
<tr>
<td>3</td>
<td><strong>Conduct the subscriber equipment inventory, if necessary.</strong></td>
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<td></td>
<td>If your existing inventory records are fairly complete and accurate to +/- 5%, it is possible that no additional inventory is required. If not, you may need to conduct an inventory of subscriber equipment. In some cases a complete inventory is not needed, only a sampling of units to confirm the models used in the system. The equipment categories and devices that are relevant for the inventory include:</td>
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<td>• Mobiles and portables;</td>
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<td></td>
<td>• Radio programming equipment/software;</td>
</tr>
<tr>
<td></td>
<td>• Accessories by subscriber device model number;</td>
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</tbody>
</table>
- Active devices in daily service;
- Spare devices that are used for special events or emergencies;
- Location of devices and any special issues for access during implementation;
- Devices used on your licensed system that are assigned to related agencies;
- Special applications such as vehicular repeater systems (VRS), traffic light control, fire alarm enunciators, other Supervisory Control and Data Acquisition (SCADA) systems; and
- Other 800 MHz systems programmed into your devices.

You are responsible for determining that all subscriber devices and related accessories identified for retuning, reprogramming or replacement are fully operable.

<table>
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<th>4</th>
<th><strong>Assess and document your subscriber equipment inventory.</strong></th>
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<tr>
<td></td>
<td>- Assess and document the quantities of your subscriber devices that will need to be retuned, reprogrammed, or replaced. Itemize your subscriber device inventory by type (mobiles, portables, etc.) and indicate whether they need to be retuned, reprogrammed, or replaced.</td>
</tr>
<tr>
<td></td>
<td>- Document the information necessary to create a detailed Cost Estimate (and SOW for complex systems) for reconfiguration.</td>
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</table>
Q&A

I operate a single-channel conventional system. How detailed does the inventory need to be?

- Typically, all that will be required is a simple count of devices on your systems in order to estimate retuning costs. In your initial discussions with Sprint, you should determine if any additional detail is required.

What will happen if my estimated inventory count falls short of the actual number of units?

- Precisely counting subscriber devices is not necessary to support a Cost Estimate as long as all model types are identified. In general, the inventory should be accurate to +/- 5%. It is anticipated that during the implementation, extra subscriber devices may be shipped to handle any shortfalls.

What equipment should not be counted?

- Only subscriber equipment operating on an 800 MHz system subject to reconfiguration should be included in the inventory. Conducting an inventory of equipment operating on 150 MHz or 450 MHz or other systems is not an allowable expense.

When should I do an inventory?

- Many users may already have an active inventory in place. The existing inventory should be updated and checked to be sure relevant information is included and maintained in the normal course of operations.

- Large, complex systems that do not have an inventory should start investigating resources for conducting an inventory as an early planning item.

- Smaller and simpler systems may not need to start an inventory process much before the start of their voluntary negotiation period. The exception to this may be systems that have unusual uses like special equipment operators and/or equipment dispersed over a very wide area.
D. Document Infrastructure Facilities Inventory

All your 800 MHz systems subject to reconfiguration will require, at a minimum, the retuning of channels from your current frequencies to new frequencies. Conducting an infrastructure facilities inventory is an allowable planning cost that is eligible for reimbursement. However, the licensee must confirm that all systems included in the inventory are directly associated with the 800 MHz reconfiguration. The purpose of the infrastructure facilities inventory is to:

- Assess precisely what infrastructure equipment needs to be modified or replaced
- Provide the information necessary to develop a detailed Cost Estimate (and SOW for complex systems)

Single-channel conventional systems and small trunked systems will typically require a fairly simple infrastructure inventory. Larger, multi-site networks may require an in-depth inventory and system analysis. The level of effort to inventory the infrastructure facilities should be limited to that required to determine the costs to reconfigure and to complete system reconfiguration. The goal is to anticipate and resolve in advance any technical issues that might lead to service degradation during reconfiguration. Your system vendor or design consultant may play an important role in this process.

It is particularly important to identify any system elements that will require additional capacity during retuning. In general, this applies only to sites that regularly experience peak-period busy conditions.

What is the expected outcome?

This step will generate a detailed infrastructure inventory to support an in-depth Cost Estimate (and SOW for complex systems) for reconfiguration.

Who does this apply to?

This applies only to licensees who need to update existing inventory records. If your existing inventory records are fairly complete, it is possible that no additional inventory is required.

How do I complete this activity?

<table>
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<tr>
<th>Step</th>
<th>Description</th>
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</table>
| 1    | **Agree on infrastructure facilities inventory documentation and plan with Sprint.**  
Topics to discuss with your equipment vendors and Sprint include:  
- Level of detail and  
- Accuracy of existing infrastructure inventory.  
If required, you may also need to discuss the tasks to conduct an inventory and who will perform this work. |
If conducting the inventory will require funding, the costs must be agreed to with Sprint and you must submit an RFP Form with a supporting SOW.

2 **Consult your system vendor regarding inventory tools and special issues.**
Your equipment vendor may offer spreadsheet templates or other tools to assist with the infrastructure inventory.

Your vendor may also provide special guidance regarding the inventory information that needs to be collected, such as infrastructure equipment that may need to be examined to determine memory size or other configuration parameters. Special procedures may be necessary to perform this work.

3 **Conduct the infrastructure facilities inventory.**
The exact steps required for the infrastructure facilities inventory will depend on the system type and vendor. It is important that you identify all infrastructure elements that interact with your network. Common considerations include:

- Repeater make and model, with operating frequencies. Clearly identify systems that integrate NPSPAC channels with 1-120, interleaved, or Expansion Band channels.

- Other repeater-site facilities such as combiners, antennae, duplexers, tower top preamps, receive multi-couplers, base stations, and trunking controllers. Identify any of these elements that are shared with other licensees.

- Centralized facilities, consoles, and management systems that are frequency-specific.

It is important to identify infrastructure elements and devices that are easily overlooked including:

- Bi-directional amplifiers with precise geographic location;

- Special applications such as vehicular repeater systems (VRS), traffic light control, fire alarm enunciators, other SCADA systems; and

- Mobile data systems.

4 **Assess and document infrastructure facilities inventory.**
- Assess and document the infrastructure facilities that need to be modified or replaced.

- Document the information necessary to create a detailed Cost Estimate (and SOW for complex systems) for reconfiguration.
E. Define Interoperability Environment

It is common for 800 MHz public safety systems to be shared by multiple agencies spanning extended geographic areas or to have interdependencies with other systems. In some cases, an agency will purchase subscriber equipment to operate on channels licensed to another entity. Licensees are responsible for planning for the continuity of mutual aid operations during the reconfiguration of their systems. The TA will work with licensees and with Sprint to help coordinate interoperability solutions to preserve public safety communications during reconfiguration. If you are a licensee with a shared system or you are interoperable with neighboring agencies, it is essential that you notify related agencies and ensure that all subscriber devices are included in the reconfiguration process.

Some other examples of interoperability include:

- Mutual aid or interoperability channels specifically set aside to allow different public safety entities to communicate with one another
- 800 MHz public safety systems shared by multiple agencies spanning extended geographic areas

This activity will not apply to most commercial or B/ILT licensees. It will be the responsibility of the licensee to identify unlicensed agencies operating under user agreements on their systems.

Coordination between Agencies

Agencies that share communications should work together to preserve the integrity of communications through the reconfiguration process. In some areas, these agencies have formed an interoperability group and have chosen a “Lead Agency” to address the regional coordination, planning, and implementation activities associated with the interoperability system. Other individual licensees may elect to coordinate on their own for interoperability and mutual aid continuity through reconfiguration. Whether incurred by a “Lead Agency” or an individual licensee, reasonable and prudent expenses associated with these efforts should be agreed to with Sprint.

One of the key issues to coordinate with Sprint is the timing for availability of the five nationwide NPSPAC Mutual Aid channels. Agencies should determine when the new channels at 806-809 MHz/851-854 MHz need to be ready for their use and be prepared to discuss these requirements with Sprint. Among the items to consider is whether all new mutual aid channels need to be available at the point the first NPSPAC agency moves down from the 821-824 MHz/866-869 MHz band in the region. A related point of discussion is how long Sprint may need to keep the old mutual aid channels clear given the timing of the whole region completing reconfiguration. Additionally, because these channels are used for coordination in events where agencies may be involved from parts of the country that have not yet started reconfiguration, consider whether it is necessary to keep the old mutual aid channels on air in a given region until all agencies nationwide have reconfigured.
Funding

In situations requiring funding for interoperability planning and implementation, individual licensees and/or a Lead Agency should negotiate and reach an agreement with Sprint regarding these costs. All costs must be included in a PFA or an FRA and must be agreed with Sprint and approved by the TA.

Given the variety of legal structures and arrangements that apply to interoperability groups, funding vehicles need to be flexible. At a minimum, expenses for regional coordination need to be identified by an individual licensee and/or a Lead Agency as separate line-items in a PFA or an FRA.

What is the expected outcome?

This step will ensure that no organizations or groups of users are missed during reconfiguration. It will also impact Implementation Planning; it will generate interoperability requirements for reconfiguration.

Who does this apply to?

Interoperability issues may not affect all licensees, especially those operating commercial systems or private businesses. However, many public safety and other governmental entities may be operating in such environments. All licensees utilizing the NPSPAC or other region specific mutual aid channels should participate in reconfiguration activities related to interoperability, even if their systems are not otherwise impacted by 800 MHz Reconfiguration.

How do I complete this activity?

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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</table>
| 1    | **Determine agencies operating on your licensed system.**  
- Identify all agencies and user groups that have subscriber devices operating on your system.  
- Determine all associated channels, systems, devices, and processes that may be affected by your reconfiguration.  
- Identify unlicensed agencies operating under user agreements on your 800 MHz systems.  
- Determine contact information for affected entities for administrative and technical purposes.  
- Use the contact information to keep all affected entities informed and coordinated during reconfiguration planning and implementation.  
- Be prepared to provide this information when negotiating your reconfiguration |
agreement with Sprint.

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<th>2</th>
<th><strong>Determine other systems programmed into your subscriber equipment.</strong></th>
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<td></td>
<td>• Evaluate your subscribers’ equipment to determine if there are other 800 MHz systems programmed into your units and inform Sprint accordingly. This is especially important if the licensee that operates the other systems has not already contacted subscribers.</td>
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<tr>
<th>3</th>
<th><strong>Determine NPSPAC mutual aid channels.</strong></th>
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</table>
| | • Evaluate your subscribers’ equipment for any NPSPAC mutual aid channels used in your radios and networks.  
  • Identify licensee information and agency relationships.  
  • Notify the agencies and include them in the subscriber equipment inventory and SOW preparation (if one is to be prepared) to provide to Sprint. |

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<th>4</th>
<th><strong>Define communications approach for affected user communities.</strong></th>
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| | Recommended steps, especially for large networks in a multi-agency environment include:  
  • Document all interoperability requirements for your systems, devices, and NPSPAC mutual aid channels.  
  • Establish well-defined reconfiguration communication plan for affected system users and communicate with them throughout the reconfiguration process. |

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<th>5</th>
<th><strong>Define your requirements for minimum disruption and document the optimal solution.</strong></th>
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</table>
| | One of the key issues to coordinate with Sprint is the timing for availability of the five nationwide NPSPAC Mutual Aid channels. Agencies should determine when the new channels at 806-809 MHz/851-854 MHz need to be ready for their use and be prepared to discuss these requirements with Sprint. Among the items to consider is whether all new mutual aid channels need to be available at the point the first NPSPAC agency moves down from the 821-824 MHz/866-869 MHz band in the region. A related point of discussion is how long Sprint may need to keep the old mutual aid channels clear given the timing of the whole region completing reconfiguration. Additionally, because these channels are used for coordination in events where agencies may be involved from parts of the country that have not yet started reconfiguration, consider whether it is necessary to keep the old mutual aid channels on air in a given region until all agencies nationwide have reconfigured.  
  
  There are a number of potential solutions, including, but not limited to, the following: |
### Sample Solution 1
For the five nationwide mutual aid channels, maintain back-to-back repeaters on the old and new mutual aid channels for each channel and site, region-by-region, for the duration of the reconfiguration process. If appropriate, this plan should also include any region-specific mutual aid channels used in a similar fashion to the NPSPAC channels.

### Sample Solution 2
Keep both sets of mutual aid channels programmed into the subscriber equipment for the duration of the reconfiguration process.

Because these are only a few possible techniques, discuss this matter with your equipment vendor, related agencies and Sprint as there are a number of innovative solutions available. Additional information and sample solutions will be published on the TA website ([www.800TA.org](http://www.800TA.org)) as they become available.

### 6 Communicate and agree upon the solution with Sprint.

- In the course of working with Sprint it will be necessary to gather and provide additional information to finalize FRAs and plans to maintain the integrity of communications through the reconfiguration process.

- To facilitate overall Reconfiguration program management, the TA may also request additional information from licensees and Sprint.
F. Evaluate Proposed New Frequencies

The TA will forward proposed new frequencies to those licensees that must change operating frequencies as part of reconfiguration. The licensee will then discuss the proposed frequencies with Sprint and reach agreement regarding comparability. The TA will generally mail the proposed frequencies to the contact listed in the FCC’s ULS database concurrent with the designated start of the voluntary negotiation period for the Wave and Stage (Channels 1-120 or NPSPAC) in which your system falls. If you have provided the TA with a POC, the proposed frequencies will also be mailed to that POC.

The FPR mailing is designed to familiarize you with your proposed new frequency(ies). It will include a listing of your current frequencies designated for reconfiguration, and provide current base station transmit frequencies as well as proposed replacement frequencies by call sign as of the date of the report. As an additional service, the TA has started providing a unique URL (web address) for your call sign(s) to enable you to access an expanded online version of the report with updated co-channel information. If you do not have Internet access, you may contact the TA at 888-800-8220 and provide specific call signs to request copies of those expanded reports. An FPR Fact Sheet with additional information is available on the TA website (http://800ta.org/content/resources/factsheets.asp).

The TA will evaluate proposed frequencies and location information to ascertain that you will have no co-channel licensees and locations that are not in compliance with FCC short-spacing rules found in Section 90.621 of the FCC’s rules, 47 C.F.R. § 90.621, or to whom you are not already co-channeled on a short-spaced basis. Since the co-channel environment may change during the reconfiguration program, you may wish to periodically check your co-channel environment for updates. Suggested milestones for accessing an updated FPR online include:

- Prior to execution of the FRA,
- Prior to actual reconfiguration if more than two weeks have elapsed since the FRA was signed,
- While assessing unresolved issues after reconfiguration, if any, and
- Prior to the closing for the FRA.

Please note that you may receive multiple FPR mailings if you have multiple 800 MHz licenses. You will not receive FPRs for 800 MHz licenses that do not require reconfiguration.

What inputs are required?

- Completed POC Form
- FPRs sent by the TA
- FPR Fact Sheet (available on the TA website)
Who does this apply to?

It applies to all reconfiguring licensees.

What is the expected outcome?

This step will enable licensees to evaluate their proposed new frequencies for comparability and negotiate with Sprint if the proposed frequencies are not acceptable.

How do I complete this activity?

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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</table>
| 1    | **Review your proposed frequencies.**  
  - The FPR Fact Sheet is available on the TA website ([http://800ta.org/content/resources/factsheets.asp](http://800ta.org/content/resources/factsheets.asp)), and provides assistance with understanding your FPRs.  
  - If the proposed frequencies are acceptable, no further action is required.  
  - If you are not sure whether the proposed frequencies are comparable to those currently within your system – especially if you have a multi-frequency and/or multi-site system – you may engage an FCC-certified Frequency Coordinator or other qualified consultant to review your proposed frequencies pursuant to the PFA or FRA guidelines. |
| 2    | **Reach agreement on proposed frequencies with Sprint.**  
  In your initial discussions with Sprint and your frequency consultant (if one has been retained), you should discuss the comparability of the new frequencies. If the proposed frequency is not comparable, or you are uncertain about the comparability:  
  - Provide Sprint with technical details regarding why the frequencies are not comparable (for instance, that they will not work within your combiner scheme).  
  - Work with Sprint on identifying and agreeing to alternative frequencies.  
  - Sprint will coordinate TA review and approval of revised frequencies. |
Q&A

As a NPSPAC licensee, can I determine my new frequencies now?

- Yes. If you are a non-border NPSPAC licensee, it is possible to determine your new frequencies now. The new Band plan will shift NPSPAC frequencies down by exactly 15 MHz. For instance, if you have the frequency pair 821.4125/866.4125 MHz, your new frequencies will be 806.4125/851.4125 MHz.

What constitutes comparable facilities?

- As stated by the FCC’s R&O, comparable facilities are those that will provide the same level of service as the incumbent's existing facilities, including:
  - Equivalent channel capacity;
  - Equivalent signaling capability, baud rate, and access time;
  - Coextensive geographic coverage; and
  - Equivalent operating costs.

If it looks like my newly proposed frequencies will either not work within my current combiner scheme, or are not suitable for other reasonable causes, can they be changed?

- Yes. Every licensee has the right to evaluate the proposed frequencies (if necessary using appropriate support available through the RFPF process) and work with Sprint and the TA for alternative replacement frequencies. Licensees must document reasonable causes that the proposed frequencies are not suitable in order to negotiate for alternative frequencies. Licensees should keep in mind that the FCC's rules ensure that they will receive comparable, not necessarily better, facilities – including frequencies.

- In certain areas with specialized band plans, such as the U.S.-Mexico Sharing Zone, it may not be possible to provide licensees with adequate spacing to suit their current combiners. Sprint will be responsible for covering the reasonable costs associated with mitigating the impact of reduced spectral separation including new combiners, related antenna system changes, tower work, and other associated costs.

Will I know the co-channel licensees on my new frequencies?

- Yes. Affected licensees will be provided information from the TA on non-Sprint co-channel licensees, if any, within 113 kilometers (70 miles) of their systems (for certain areas in the western United States, the applicable distance may be within 169 kilometers (105 miles) of their systems). Your FPR mailing will contain a unique URL (web address) for your call sign(s) where you can access an expanded online version of your FPR with updated information regarding your co-channel environment. If you do not have Internet access, you may contact the TA at 888-800-8220 and provide your specific call signs to request a printed copy of the expanded online version.
of your FPR. Please note that since the co-channel environment may change during the reconfiguration program, you are encouraged to periodically check the expanded online version of your FPR for updated information regarding your co-channel environment. An FPR Fact Sheet with additional information is available on the TA website (http://800ta.org/content/resources/factsheets.asp).

- As a general practice, if possible, the TA will propose that you and any current non-Sprint co-channel licensees move together to a new frequency. For instance, if you and Acme Towing currently operate on 806.4375/851.4375 MHz, 111 km away from each other, the TA will propose that both you and Acme Towing be moved together to a new frequency, maintaining the 111 km distance.

**I am in Wave 4 and have not received an FPR. When can I expect to receive it?**

- As of the date of publication of Version 5.0 of this Handbook, the TA has provided FPRs to licensees located in the U.S.-Canada border regions and to licensees in regions adjacent to the U.S.-Mexico border that are not affected by the U.S.-Mexico border region band plan.

- The TA mailed FPRs to U.S.-Mexico Border Region licensees by August 23, 2013. The 90 to 110 day planning period in which the licensee must complete its planning will not start until the licensee receives its FPR(s).

- If you would like to confirm whether an FPR has been mailed for one of your call signs, contact the TA via email at Comments@800TA.org or by phone at 888-800-8220.
G. Submit Subscriber Equipment Deployment (SED) Request Form

The Subscriber Equipment Deployment (SED) initiative enables licensees to obtain replacement equipment, software upgrade kits, and associated services in advance of negotiating the costs to reconfigure system infrastructure. SED provides licensees the option of replacing and/or reprogramming subscriber equipment and commencing other implementation activities prior to the negotiation of the terms of the reconfiguration of system infrastructure. The SED Instructions, Request Form, and FAQs are available on the TA Website at http://www.800ta.org/content/resources/forms.asp.

What is the expected outcome?

This step will generate an FRA that includes only those cost elements and associated work schedules that relate to SED, known as a “subscriber equipment-only” FRA. If a licensee has already completed a full Cost Estimate for reconfiguration, the terms of SED may be included in an all-inclusive FRA. See Step 2 below for details.

Who does this apply to?

Participation in this initiative is optional; however, the TA recommends that all licensees – especially those with large fleets of subscriber units – that have not yet executed an FRA, including those in planning or mediation, evaluate the benefits of participation.

How do I complete this activity?

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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| 1    | Complete a SED Request Form and submit it to the TA.  
The SED Request Form is available on the TA Website at http://www.800ta.org/content/resources/forms.asp. This document identifies the equipment and labor required to complete the SED.  
To expedite negotiations, the TA has developed a set of activities and levels of effort (LOE, or time per task) associated with the deployment of subscriber units that the TA considers presumptively reasonable and prudent. The TA will approve “subscriber equipment-only” FRAs that provide for levels of effort that conform to those established as presumptively reasonable, except in extraordinary circumstances. Similarly, Sprint will accept, without further negotiation, SED requests that conform to these levels. Licensees will be required to certify that their subscriber equipment costs are the “minimum necessary” to provide facilities comparable to those presently in use. Detailed level of effort guidance is available in the SED Instructions.  
Submit the completed SED Request Form to the TA via email at Comments@800TA.org or fax (888-701-4380). The TA will record your request (for tracking purposes only) and immediately forward it to Sprint. |
Enter into an agreement with Sprint that covers the terms, conditions, and costs of the deployment.

A Sprint representative will contact you to finalize the terms, conditions, and costs of your SED once they have received your request. The SED initiative will allow licensees the flexibility to negotiate the SED and infrastructure cost components of the FRA separately. There are two options for these negotiations. In either case, parties will enter into a single FRA.

Option 1:

The parties will negotiate an FRA that includes only those cost elements and associated work schedules that relate to SED. Once an FRA is in place, all additional costs agreed to by the licensee and Sprint that are associated with reconfiguration of infrastructure will be included in an amendment to the FRA. Licensees who have completed their subscriber inventory and have not yet executed an FRA, nor expect to execute an FRA within the next 60 days, may benefit from an SED.

Option 2:

Licensees are not obligated to negotiate a “subscriber equipment-only” FRA if they have already prepared a full Cost Estimate for reconfiguration that includes infrastructure costs and are prepared to negotiate all aspects of their reconfiguration. In this case the terms of SED would be included in an all-inclusive FRA. Additional information on completing a Cost Estimate is available in this Handbook and on the TA website at http://www.800ta.org/content/resources/processes.asp#sbp.

Although the SED initiative provides the option to enter into “subscriber equipment-only” agreements, as an aid to expediting reconfiguration, all parties are reminded that they must complete the negotiation of the FRA in its entirety, for both subscriber equipment and infrastructure, in accordance with the established band reconfiguration schedule.

Licensees should determine which option would best expedite their reconfiguration.

Q&A

Will SED require me to have two (2) FRAs?

- No. SED negotiations result in the signing and execution of your FRA with standard FRA terms and conditions. However, the costs will specifically cover only the SED. All additional costs associated with reconfiguration of your infrastructure will be included in an amendment to the FRA once those are agreed to by you and Sprint.
If I have completed planning and am ready to provide a Cost Estimate and plan for reconfiguring my entire system, including subscriber units and infrastructure, am I required to negotiate a SED and then separately negotiate my infrastructure reconfiguration at a subsequent time?

- No. However, if you feel you would benefit from the SED program and it would speed your reconfiguration than SED is an option for you. If you have completed your planning and are ready to provide a Cost Estimate and negotiate an FRA that covers all aspects of your reconfiguration, that can be done in a single negotiation. The FRA should include terms that call for early deployment of all subscriber equipment if appropriate and early completion of any other tasks that can be done ahead of infrastructure reconfiguration.

Will SED cause delays in my negotiation periods and ultimately my reconfiguration schedule?

- SED is intended to speed reconfiguration of subscriber equipment prior to completing all negotiations. As such, negotiation periods will be maximized since licensees and vendors will be able to start implementation activities earlier and spread the work over a longer period of time. Also, if you identify any tasks or vehicle types that might cause a delay in completing the FRA for SED, the parties may consider deferring those items to the infrastructure negotiations. Participation in the SED initiative will not extend your negotiation periods or your reconfiguration schedule.

When do I negotiate the terms and conditions of my FRA?

- If you choose to participate in the SED initiative, then the terms and conditions of the FRA are negotiated during negotiations for SED. One of the benefits of SED is the parties can agree up front on standard FRA terms and conditions not related to tasks and costs up front and obtain approvals one time for the FRA.

Can I participate in SED if I am still in the planning phase and do not have a PFA?

- Yes. If your planning is far enough along to determine the required subscriber equipment and associated costs, then it will likely make sense to participate.

Do I need to complete any other documentation as part of my SED request? The SED Request Form does not include such items as travel costs. In what document do I account for those costs?

- Any costs associated with tasks that are required for SED but not included on the Request Form may be added to your Schedule C in your FRA. Any costs not known at the time the Request Form was completed may be added later, at the time of the negotiations regarding the amendment to the FRA for additional costs associated with reconfiguration of infrastructure.

If I require multiple touches to my system, do I negotiate that as part of SED or do I address that as part of the infrastructure amendment to my FRA?
• The SED can get you started with the initial touch of your subscriber equipment. In the SED Request Form, include any replaced units and, any units needing reprogramming (flashing), and the initial retune of the subscriber equipment. Any further touches of the subscriber equipment would be part of the later amendment to the FRA for infrastructure reconfiguration. This approach would allow a licensee to get started on reconfiguration of subscriber equipment while negotiating other aspects of the total reconfiguration package.

What if I am in mediation? Can I still participate in SED?

• Yes. If the parties are in mediation, the TA Mediator will assist the parties to reach agreement according to the terms of the ADR Plan. Interest in participating in SED should be communicated to the TA Mediator.

If I am not in mediation, and negotiations do not appear to be progressing toward an agreement, what should I do?

• SED is intended to speed reconfiguration of subscriber equipment prior to completing all negotiations. Parties should seek mediation when FRA negotiations are not progressing. The “Request for Mediation Form” is available on the TA website at http://800ta.org/content/resources/forms.asp.

I have completed an FRA, should I now negotiate an SED agreement?

• No, the FRA you already have should be enough to get you started. You should start work as soon as possible on tasks, such as replacing or reprogramming subscriber units, that can and must be done in advance of reconfiguring your infrastructure. Advise Sprint as soon as possible of the date you anticipate having your subscriber units ready and any other necessary tasks completed and when you would be ready to start your infrastructure reconfiguration.

If I am in a border region, can I participate in SED?

• Yes. SED is available for licensees that operate entirely within the border areas.

For more information about SEDs, refer to the TA’s website at http://www.800ta.org/content/resources/faqs.asp#sedfaqs.
H. Prepare a Cost Estimate

To obtain funding for your reconfiguration, you should enter into an FRA. To start the negotiations for an FRA, you must submit an estimate of the costs associated with the reconfiguration of your radio system (a Cost Estimate) to Sprint. The Cost Estimate defines in detail all of the costs required to reconfigure your system. If you have a complex system, you should also prepare a supporting SOW, which will define in detail the tasks required to reconfigure your 800 MHz system to operate on the proposed frequency assignments. Guidelines for Preparing a Cost Estimate and a Cost Estimate template can be found on the TA website (http://www.800ta.org/content/resources/processes.asp#sbp).

Sample SOWs, for use in development of an SOW for the Cost Estimate, are available along with the RFPF Form and in the standardized bid package. The RFPF Form, with instructions, can be found on the TA website (http://www.800ta.org/content/resources/forms.asp). The standardized bid package can also be found on the TA website (http://www.800ta.org/content/resources/processes.asp#sbp). This SOW template can be used for both an RFPF and a Cost Estimate.

Your Cost Estimate may include planning costs where an RFPF was not required (due to the minimal nature of the needed planning funds), if mutually agreed to with Sprint.

Time Limits for Completion of Planning by Non-Border Stage 2 Licensees

The FCC, in the September 12, 2007 Public Notice, established time limits for non-border Stage 2 licensees to complete their planning activities and submit their Cost Estimates to Sprint. These time limits apply to all Stage 2 licensees engaged in planning regardless of whether they have a PFA or not.

NPSPAC licensees (and Expansion Band licensees reconfiguring in Stage 2) must complete planning and submit a Cost Estimate to Sprint in accordance with the following variable timelines (based upon the number of subscriber units in a licensee’s system):

- Licensees with systems of up to 5,000 subscriber units – within 90 days of TA approval of the PFA
- 5,001-10,000 subscriber units – within 100 days of TA approval of the PFA
- More than 10,000 subscriber units – within 110 days of TA approval of the PFA

If a licensee cannot meet a planning deadline, it should request additional time for the completion of planning from the FCC’s Public Safety and Homeland Security Bureau (PSHSB). Licensees should file extension requests with the PSHSB via email to PSHSB800@fcc.gov and copy the TA at TAMediation@squiresanders.com and Sprint at 800mhz@sprint.com. An extension request should explain why more time is necessary and demonstrate that the licensees have exercised diligence in their reconfiguration. The PSHSB will consider a number of factors in evaluating a planning extension request, including, among others, size and complexity of the licensee’s system, degree of interoperability with other systems, and level of effort required to prepare a reasonable Cost Estimate.
The FCC has stated that licensee requests for extension of time for planning, which are based upon delays caused by Sprint or based upon claimed unavailability of vendor or consultant resources, will not be routinely granted. In response to this guidance, licensees should make extra efforts to ensure that they have sufficient vendor and consultant support necessary for completing their planning efforts. (Additional guidance regarding filing requests for additional time to complete planning is available on the TA website under the FAQs link: [http://www.800ta.org/content/resources/faqs.asp](http://www.800ta.org/content/resources/faqs.asp).)

In addition, licensees must provide the TA with biweekly updates regarding the status of planning. The cost of preparing such updates will be recoverable from Sprint. TA Mediators will monitor the progress of planning and the submission of a Cost Estimate by the applicable planning deadline.

Wave 1 and 2 licensees that had not completed planning by March 17, 2008 and Waves 3 and 4 licensees that had not completed planning by April 15, 2008 were directed to request further planning extensions as part of their requests for interim waivers of the June 26, 2008 deadline.

**Time Limits for Completion of Planning by Licensees in the U.S.-Canadian Border Region**

Pursuant to the FCC’s Second R&O and the TA’s Implementation Plan and Timetable, U.S.-Canada Border Region licensees should follow the procedures and timetable below to conduct planning activities and submit a Cost Estimate to Sprint for the FRA negotiations:

For U.S.-Canada Border Region licensees with a PFA, the licensee will have 90 to 110 days from the date the TA approves the PFA, depending on the number of subscriber units in its system, to complete planning activities and submit a Cost Estimate for the reconfiguration of its system to Sprint. If the system has up to 5,000 subscriber units, the period to complete planning and submit a Cost Estimate is 90 days; if the system has 5,001-10,000 units, the period is 100 days; and if the system has more than 10,000 units, the period is 110 days. If the licensee has not received replacement frequencies by the time of the TA’s approval of its PFA, the calculation of the planning period will run from the day the licensee receives its new frequency assignments.

For U.S.-Canada Border Region Stage 2 licensees that did not enter into a PFA, the TA-designated date for commencement of planning was January 15, 2009. Licensees without a PFA should have submitted a Cost Estimate for their reconfiguration to Sprint by one of the following deadlines, depending on the size of their system:

- For licensees with up to 5,000 subscriber units, by April 15, 2009;
- For licensees that have between 5,001 and 10,000 subscriber units, by April 27, 2009; or
- For licensees with more than 10,000 subscriber units, by May 5, 2009.

If a licensee without a PFA did not receive its proposed replacement frequencies by January 15, 2009, its Cost Estimate should be submitted to Sprint 90, 100, or 110 days from the date of receipt of those frequencies, depending upon the number of subscriber units in the system.
If the licensee requires additional time to complete planning, it may request an extension from the PSHSB. The licensee must provide the reasons why more time is necessary and demonstrate that it has exercised diligence in the time already allotted. Licensees should file extension requests with the PSHSB via email to PSHSB800@fcc.gov and copy the TA at TAMediation@squiresanders.com and Sprint at 800mhz@sprint.com.

Time Limits for Completion of Planning by Licensees in the U.S.-Mexico Border Region

Pursuant to the FCC’s Fifth R&O and the TA’s Reconfiguration Timetable, U.S.-Mexico Border Region licensees should follow the procedures and timeframes below to conduct planning activities and submit a Cost Estimate to Sprint for FRA negotiations:

U.S.-Mexico Border Region licensees with a PFA will have 90 to 110 days from the date the TA approves the PFA, depending on the number of subscriber units in its system, to complete planning activities and submit a Cost Estimate for the reconfiguration of its system to Sprint. If the licensee has up to 5,000 subscriber units, the period to complete planning and submit a Cost Estimate is 90 days; if the licensee has 5,001-10,000 units, the period is 100 days; and if the licensee has more than 10,000 units, the period is 110 days. If the licensee has not received replacement frequencies by the date the TA approves its PFA, the calculation of the planning period will run from the date the licensee receives its new frequency assignments.

For U.S.-Mexico Border Region licensees that do not enter into a PFA, the TA-designated date for commencement of planning is August 23, 2013. Licensees without a PFA should submit a Cost Estimate for their reconfiguration to Sprint by one of the following deadlines, depending on the size of their system:

- For licensees with up to 5,000 subscriber units, by November 20, 2013;
- For licensees with 5,001 to 10,000 subscriber units, by December 2, 2013; or
- For licensees with more than 10,000 subscriber units, by December 10, 2013.

If a licensee without a PFA does not receive its proposed replacement frequencies by August 23, 2013, its Cost Estimate should be submitted to Sprint within 90, 100, or 110 days from the date of receipt of those frequencies, depending upon the number of subscriber units in the system.

Pursuant to the FCC’s Fifth R&O, if a licensee needs additional time to complete planning and submit a Cost Estimate, it may petition the PSHSB for additional time. The petition must (a) explain why more time is necessary, (b) demonstrate that the licensee has exercised diligence in the time already allotted (e.g., commencing planning promptly after TA approval of its PFA, promptly reviewing statements of work prepared by its vendors, and completing planning tasks on schedule), and (c) set a firm schedule for planning completion. The licensee should submit the petition to the PSHSB via email to PSHSB800@fcc.gov and copy the TA at TAMediation@squiresanders.com and Sprint at 800mhz@sprint.com.
Cost Metrics

On January 8, 2007, the FCC released an Order (FCC 07-27) instructing the TA to make available a set of cost metrics comprised of licensee reconfiguration implementation costs and rates, based on system size. The TA has expanded the FRA Cost Metrics to include 17 cost categories and sub-categories found in a licensee’s cost estimate. The metrics published by the TA are gathered from approved FRAs (including amendments, where applicable) for Stage 2 Public Safety licensees and include:

- Aggregate implementation costs for reconfiguration of 800 MHz Public Safety systems broken down by size,
- Median reconfiguration costs and cost ranges by implementation cost category,
- Median incumbent licensee and vendor labor rates by implementation cost category, and
- Distributions of incumbent licensee and vendor costs across all implementation cost categories.

The FRA Cost Metrics data is one relevant benchmark, but reconfiguration costs can and do vary based on a number of factors. The TA reviews all licensee cost estimates and will approve for reimbursement any reasonable and prudent expenses directly related to the reconfiguration of the licensee’s 800 MHz system. Licensees must document all their costs and services and certify that their costs are the “minimum necessary” to provide facilities comparable to those presently in use.

The TA updates the FRA Cost Metrics on its website on a monthly basis. Cost Metrics and additional information can be found at [http://www.800ta.org/content/reporting/](http://www.800ta.org/content/reporting/).

After a licensee submits a cost estimate, the TA prepares a Cost Metrics Comparison Report that compares the costs in the licensee’s cost estimate to the FRA Cost Metrics for similarly sized Public Safety reconfigurations (in terms of number of subscriber units and repeaters). The TA Mediator provides the Cost Metrics Comparison Report to the licensee and Sprint when a Notice of Commencement of Negotiations is issued at the onset of FRA negotiations. The report shows the licensee’s proposed costs in 17 cost categories as compared to the 25th, 50th, and 75th percentiles in the FRA Cost Metrics. The Cost Metrics Comparison Report provides parties that are in negotiations with information on a range of reconfiguration costs for licensees with systems of similar size. The TA anticipates that the report will serve as a baseline to be used during the negotiation and mediation process and will expedite the negotiation of FRAs.

**What inputs are required in a Cost Estimate?**

- Completed subscriber equipment inventory document.
- Completed infrastructure facilities inventory document.
- Interoperability requirements (public safety agencies).
- Proposed frequency assignments sent by the TA.
Firm quotes and bids from service providers who will perform reconfiguration activities. Service provider rates may be on a time and materials or fixed price basis, consistent with the service provider’s normal business practices.

Estimates of the internal labor costs that you will incur in reconfiguration activities.

Contact information and payment instructions for you and your vendors.

Who does this apply to?

This applies to all reconfiguring licensees.

What is the expected outcome?

This step will generate an estimate of planning and implementation costs required to achieve comparable facilities after reconfiguration. Agreed-upon Cost Estimates become a part of your final FRA with Sprint.

If you have negotiated a “subscriber equipment-only” FRA as part of the SED initiative, this step will generate an estimate required for an amendment to that FRA for additional costs agreed to by the licensee and Sprint that are associated with reconfiguration of infrastructure.

How do I complete this activity?

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<th>Step</th>
<th>Description</th>
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</table>
| 1    | Select vendors to assist you with your reconfiguration and obtain firm bids and quotes.  
If you plan to use outside service providers to assist you with your reconfiguration, obtain: |
|      | • Firm quotes and bids of costs from these vendors, |
|      | • Contact information, and |
|      | • Payment instructions (bank information, wiring instructions, payment lock box information). |
|      | To assist municipal licensees, the TA has prepared a standardized bid package that municipal licensees may use when developing solicitations to select vendors to provide reconfiguration services and to obtain firm bids. There is no requirement to use the standardized bid package or bidding procedures. The standardized bid package is available on the TA website (http://www.800ta.org/content/resources/processes.asp#sbp) and includes: |
|      | • Request for Proposals – for use when a licensee has decided to solicit |
competitive proposals in order to select a vendor to provide reconfiguration services.

- Invitation to Submit a Proposal – for use when a licensee has pre-qualified a particular vendor and intends to award a sole source contract for reconfiguration services.
- SOW Template – for use to develop a statement of the specific reconfiguration services that must be performed by the vendor.
- Rebanding Agreement – for use to contract with vendors for reconfiguration services.

By providing a standardized bid package, the TA is neither mandating the use of the package, nor warranting that the package is complete and will perform as intended. In addition, the information contained in the bid package is not intended to be legal advice, and the TA encourages licensees to consult with their legal advisors. Please note that licensees are responsible for selecting qualified vendors to perform the required reconfiguration services, for certifying that the requested reconfiguration funding is the minimum necessary to provide facilities comparable to those presently in use, and for complying with applicable laws. Please also note that State, local, and municipal laws may conflict with provisions of the bid package and that the TA can offer no assurance in this respect.

2 Estimate the internal labor costs that you will incur on reconfiguration activities.

If your own personnel will perform reconfiguration activities, Sprint will reimburse your internal personnel costs based either on a “per unit” or “per hour” rate:

- “Per Unit” Reimbursements: The preferred method for estimating your internal labor cost of performing reconfiguration tasks is to establish a “per unit” price for each such task and estimate the number of times the task will be performed. The cost estimate for each such task will equal the agreed-upon “per unit” price multiplied by the agreed-upon estimate of the number of times the task will be performed.

- “Per Hour” Reimbursements: When it is not practicable to use a “per unit” price to estimate your internal labor cost of performing reconfiguration tasks, the cost estimate for each such task will equal an agreed-upon “per hour” rate multiplied by an agreed-upon estimate of the total number hours that will be required to perform all instances of the task.

Use of “per unit” reimbursement normally is appropriate either when there is an established market-based internal “per unit” price for the reconfiguration task or when you and Sprint can agree upon a reasonable and supportable estimate of the time typically required to perform such task. When it is not practicable to use “per unit” reimbursement for certain reconfiguration tasks, your internal labor costs will be estimated on a “per hour” basis.

When you have no established market-based internal “per unit” price for a
reconfiguration task or your internal labor costs will be estimated on a “per hour” basis, you will need to negotiate with Sprint and agree upon an internal labor rate for each internal labor category that will perform reconfiguration tasks. The TA will approve “per hour” rates that are based upon established market-based internal labor rates or negotiated rates that are fair and reasonable.

- **Market-Based Rates**: If you have established market-based internal labor rates (both regular and overtime rates) that the licensee currently charges for work similar to the reconfiguration tasks to be performed, those rates normally are acceptable to the TA so long as you provide reasonable support for those rates.

- **Negotiated Rates**: When established market-based rates either are not available or cannot be substantiated, reimbursement of internal labor incurred to perform reconfiguration tasks will be based on the rates (both regular and overtime rates) that you and Sprint negotiate so long as those rates are fair and reasonable for the work to be performed, taking into consideration the nature of the work and the qualifications of the employees required to perform the work.

For further details, see Section VII: Funding Guidelines, or the complete Incumbent Labor Reimbursement Policy available on the TA website [http://www.800ta.org/content/resources/tapolicies.asp](http://www.800ta.org/content/resources/tapolicies.asp).

### 3 Prepare a SOW for complex systems.

For many smaller systems, such as single-site conventional or trunked systems, the SOW may not be required, and a Cost Estimate will suffice. This SOW is separate from any SOW prepared in support of a RFPF or PFA. For complex systems,

- The specific tasks and level of detail required for the SOW will depend on the size and scope of your system.

- Outside consulting or vendor assistance may be required to define the system design work, plan system cutover, plan subscriber and infrastructure reprogramming, and develop the plan for coverage benchmarking, if required.

- The SOW should include the scope and description of planned activities, schedule, milestones and deliverables, and required resources.

Sample SOWs are available in the RFPF Form and in the standardized bid package. The RFPF Form and instructions can be found on the TA website [http://www.800ta.org/content/resources/forms.asp](http://www.800ta.org/content/resources/forms.asp). The standardized bid package can also be found on the TA website [http://www.800ta.org/content/resources/processes.asp#sbp](http://www.800ta.org/content/resources/processes.asp#sbp). If funding is required to prepare the SOW, you must submit a RFPF and obtain approval from Sprint and the TA, prior to incurring costs.
Vendor charges associated with responding to requests for proposals or providing bids and quotes are not reimbursable costs.

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<th>4</th>
<th><strong>Prepare a Cost Estimate.</strong></th>
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<tr>
<td>Prepare a Cost Estimate for your reconfiguration with both outside service provider costs and internal costs.</td>
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</table>

The first step is to identify all of the tasks required to accomplish the reconfiguration. After obtaining cost estimates from any vendors and assembling your internal costs, categorize and itemize your costs according to the guidance found in the Guidelines for Preparing a Cost Estimate. Enter this data into the Cost Estimate and use it in your discussions and negotiations with Sprint.

For each reconfiguration task and subtask with associated costs, the TA requests cost detail to include:

- A clear description of goods and services
- Level of effort by type of resource (typically person hours, e.g., 1 person for 4 hours per site)
- Labor rate by type of resource (typically dollars per hour)
- Per unit costs, if appropriate (typically dollars per radio retuned)
- Payee (incumbent or vendor name)

Sections of the Cost Estimate include:

1. **System Description** – Describe your 800 MHz radio system including manufacturer(s) and type of infrastructure. Describe any aspects of the system or operating environment that require special rebanding techniques. In addition, summarize the major system elements.

2. **Reconfiguration Milestones** – Identify the anticipated start date of the overall reconfiguration of your system (Project Start). Then, for each major reconfiguration milestone listed, provide (1) the anticipated number of days after project start date required to begin execution of the task identified, and (2) the estimated duration in number of days required to complete the task identified. If your system is large or complex, requiring reconfiguration in phases, you are encouraged to submit a more detailed schedule or Gantt chart.

As an FRA is negotiated, it is not always possible to know an actual start date for specific reconfiguration tasks. In such a case, it is acceptable to forecast an estimated start date from execution of the FRA (i.e., “contract execution + xx days”) and estimate the duration of each task.
3. **Implementation Plan** (if necessary) – If a PFA was entered into with Sprint, attach the Implementation Plan and associated deliverables that describe the reconfiguration implementation plan resulting from funds expended under the PFA. If you did not enter into a PFA, this information is not required.

4. **Cost Estimate** – There are several categories of tasks for which licensees may want to include costs in the Cost Estimate: Subscriber Equipment Reconfiguration, Infrastructure Equipment Reconfiguration, Engineering and Verification, Contracts and Legal, and Other Costs. Licensees may include planning costs in the FRA instead of negotiating a separate PFA with Sprint. Detailed information about each of these categories is available in the Guidelines for Preparing a Cost Estimate. Because these tasks are not applicable to all reconfigurations, licensees are not likely to have costs for all categories of tasks in the Cost Estimate. The costs proposed in the Cost Estimate must be negotiated with Sprint.

If certain reconfiguration tasks are subject to substantial uncertainty, the licensee may request and negotiate contingency funding with Sprint. If contingency funding is agreed upon, the amount of the contingency should be identified as a line-item and the potential uncertainty associated with the contingency funding should be described on the Schedule C. In order to receive payment of contingency funds, the licensee will need to submit appropriate supporting documentation to Sprint.

Guidelines for Preparing a Cost Estimate and a Cost Estimate template can be found at [http://www.800ta.org/content/resources/Cost_Estimate_Guidelines.pdf](http://www.800ta.org/content/resources/Cost_Estimate_Guidelines.pdf).

5. **Submit the Cost Estimate and SOW (if prepared) to Sprint and Negotiate an FRA.**

Once you have completed the Cost Estimate (and SOW for complex systems), send the documents to Sprint via email to 800MHz@Sprint.com or by fax to 678-405-8252. For U.S.-Mexico Border Region licensees preparing Cost Estimates, the Cost Estimate is to be provided to both Sprint and the TA Mediator. Within four business days of its receipt, Sprint shall make an evaluation of the Cost Estimate and inform the TA Mediator whether it concludes that the proposed Cost Estimate is sufficient for the parties to commence negotiation of an FRA. If Sprint finds that the Cost Estimate is sufficient, the TA Mediator shall issue a Notice of Commencement of Negotiations to the parties by the next business day. If, alternatively, Sprint concludes that the Cost Estimate is insufficient, the TA Mediator will have one business day to determine whether Sprint’s conclusion is reasonable. If the TA Mediator agrees with Sprint that the Cost Estimate is insufficient, the TA Mediator shall issue an order to submit a revised Cost Estimate. This order specifies the deficiencies in the Cost Estimate and the date by which the licensee must provide the revised Cost Estimate. If, alternatively, the TA finds that the Cost Estimate is sufficient, the TA Mediator shall issue a Notice of Commencement of Negotiations to the parties. When the TA Mediator issues a Notice of Commencement of Negotiations, the parties will begin 30 calendar days of direct negotiations under the monitoring of a TA Mediator, followed by 20 working days of mediation if an agreement has not been reached during the 30-day negotiation period.

Negotiate an FRA with Sprint governing the terms of your reconfiguration and payment. At
this time you will be required to certify that the total cost estimated is the minimum cost required to obtain comparable facilities. For more information, reference the sections entitled “Negotiate Frequency Reconfiguration Agreement with Sprint” and “Funding Guidelines.”

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<th>6</th>
<th><strong>Execute the FRA authorizing funding for your reconfiguration.</strong></th>
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<td>After reaching agreement on the terms of the FRA, execute the FRA and return it to Sprint, which will then forward the FRA to the TA for review and approval. For each reconfiguration task and associated cost, the TA will review the details provided to determine whether the tasks identified and the associated costs are reasonable and prudent expenses directly related to the retuning of an 800 MHz system.</td>
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<td>The TA will then approve, reject, or issue an RFI (Request for Information) for the FRA. If the FRA is either rejected or an RFI is issued, it will be returned to Sprint for further handling. At that time, Sprint may request additional information from the licensee. If approved, the TA will return the FRA to Sprint for execution.</td>
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<tr>
<td>Maintain documentation to support the costs you incur for your reconfiguration (vendor invoices, statements of work, contracts, employee timesheets, or equivalent documentation). The nature of the reconciliation documentation for internal labor costs will depend upon whether your internal labor costs are being reimbursed on a “per unit” or “per hour” basis. Licensees are responsible for retaining all information related to reimbursable costs for reconfiguration. This material should be stored for a minimum of 18 months after the Completion Certification. Applicable records include books, documents, accounting procedures and practices, and other data of all types (e.g., written, electronic, or other). For more information regarding reconciliation documentation for internal labor costs, please refer to the Incumbent Labor Reimbursement Policy available on the TA website (<a href="http://www.800ta.org/content/resources/tapolicies.asp">http://www.800ta.org/content/resources/tapolicies.asp</a>).</td>
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**Q&A**

**Am I required to submit a Cost Estimate?**

- Yes. To obtain funding for your system reconfiguration, you must submit a Cost Estimate to Sprint as soon as possible and certify that the costs are the minimum necessary to provide facilities comparable to those presently in use.

**What happens if I underestimate the costs of my reconfiguration when I submit the Cost Estimate to Sprint?**

- If at any point in time you determine that you underestimated the amount of costs required to plan for or implement your reconfiguration, you should promptly submit a written Change Notice in accordance with the applicable “Changes” provision of your PFA or FRA, the FCC’s September 12, 2008 Public Notice and the TA’s policy. You will then negotiate the Change Notice with Sprint.
and submit either the Change Notice or an amendment to the TA for review and approval. The Change Notice Process and forms are available on the TA website (http://www.800ta.org/content/resources/processes.asp#changenoticeprocess). Licensees should be aware that the FCC noted that the Change Notice process should not be used to recover costs that were reasonably foreseeable during planning or FRA negotiations and were not raised or were considered and rejected.

What if I am unable to complete planning within the timeframe specified by the FCC?

- If you cannot complete your planning activities within the timeframe specified by the FCC, you should submit a request for additional time for the completion of planning to the PSHSB via email to PSHSB800@fcc.gov and copy the TA at TAMediation@squiresanders.com and Sprint at 800mhz@sprint.com.

Can I perform upgrades to my system as part of the reconfiguration process, or apply the costs of reconfiguration toward the purchase of new equipment?

- The TA discourages upgrades during reconfiguration, out of concern that system upgrades or replacements may jeopardize the 36-month schedule set forth by the FCC in the R&O. However, it is possible that some licensees may have already planned for the implementation of certain system upgrades prior to adoption of the R&O.

- Any U.S.-Mexico Border Region licensee seeking a system upgrade should notify the TA and Sprint, in writing, no later than the due date for submission of its Cost Estimate. The notice must describe the nature of the proposed upgrade, the cost, the source of funds, and the implementation schedule. The upgrade proposal is subject to TA approval and the TA will review the proposal pursuant to the TA’s upgrade policy, giving close scrutiny to determine that the upgrade will not lengthen the licensee’s rebanding schedule and that any incremental funding needed to accomplish the upgrade is demonstrably available.

- The TA will review upgrade proposals on an individual basis subject to the following considerations:

  1. Licensees must submit an implementation schedule for reconfiguration that is absent of any upgrades or replacements not required for reconfiguration, and demonstrate to the TA’s satisfaction that the proposed upgrades will not lengthen this schedule.

  2. Licensees will be responsible for any costs that exceed the costs of reconfiguring the existing system. Funding from Sprint is limited to the lesser of:
     - The cost of reconfiguring the existing system, or
     - The cost of the upgrade.

For comparison purposes, licensees must therefore:

- Submit a Cost Estimate for the full reconfiguration of the existing system, absent of any upgrades or replacements not required for reconfiguration, and certify that the costs in this Cost Estimate are the “minimum necessary” to provide facilities
comparable to those presently in use. The TA will evaluate and approve costs only on the basis of this Cost Estimate. To the extent the licensee plans to upgrade a portion of its system and retune a portion of its system, the Cost Estimate provided in the FRA should clearly delineate which activities and costs are related to the retune that will be performed and which activities are related to costs the licensee proposes to apply to an upgrade.

- Disclose to the TA a description of the planned upgrade along with a Cost Estimate for the upgrade.

3. Licensees must demonstrate to the TA, and include as a clause in the FRA, that any incremental funding needed to accomplish the upgrade will be approved and available prior to commencement of physical reconfiguration.

4. Licensees must demonstrate to the TA, and include as a clause in the FRA, that all vendors involved in the upgrade have committed necessary resources to accomplishing the upgrade in a timely manner and can deliver all necessary hardware and software in a timely manner. Licensees must:
   - Clearly stipulate within the terms of the FRA with Sprint the intended “Use of Proceeds” (upgrade purpose for which the funding will be used).
   - Represent at Closing that the funds were used consistently with the agreed “Use of Proceeds”.

5. Prior to Closing of the FRA, licensees are required to:
   - Submit to Sprint documentation of actual upgrade costs incurred.
   - Refund to Sprint any amounts paid by Sprint that exceed the actual cost of the upgrade.

6. Licensees that upgrade either frequency-dependent infrastructure or end user devices must certify that the upgraded facilities will be comparable.
   - Licensees are required to return to Sprint equipment for which the Licensee will receive replacement equipment under the FRA. This equipment should be accounted for in Schedule D of the FRA.

Licensees should also note that any upgrade that requires a change in licensing parameters that subsequently alters a coverage contour, such as moving a site or increasing antennae height, cannot be filed as part of a reconfiguration application. Such changes would require the filing of a modification application with the FCC, which application should be filed and preferably granted prior to the start of reconfiguration. Because the MO&O generally prohibits changes in licensing parameters during reconfiguration, a modification application filed during the application freeze would need to be accompanied by a request for waiver of the FCC’s rules.

Information regarding system upgrade policies, as well as a system upgrade fact sheet, is available on the TA website (http://www.800TA.org/content/resources/factsheets.asp).

The TA has advised licensees of the following:

1. When should a licensee seeking an upgrade have made a decision to upgrade its network (e.g., at the time of the R&O, upon the commencement of planning, upon the submission
of a Cost Estimate, at the time an FRA is agreed between the parties, or some other time)? And must that decision be irrevocable?

- The TA upgrade policy requires, among other things, that the licensee demonstrate to the TA’s satisfaction that the proposed upgrade would not lengthen the licensee’s implementation schedule past that which it would have been if an upgrade were not implemented. At this stage of the reconfiguration program, with the June 26, 2008 program completion deadline passed and non-border licensees currently conducting reconfiguration pursuant to an FCC waiver of that deadline, the TA will presume that additionally proposed upgrades that were not incorporated in the implementation timeline in the licensee’s request for waiver filed with the FCC would contribute to a delay in the licensee’s reconfiguration. The licensee would have a heavy burden to overcome to demonstrate to the TA’s satisfaction that the proposed upgrade would not lengthen its implementation schedule. The proposed upgrade also cannot delay the reconfigurations of neighboring licensees. Even if a licensee has incorporated the proposed upgrade into the timeline in its request for waiver, the TA will still need to evaluate the impact of the proposed upgrade on the licensee’s schedule and on the timeline of adjacent licensees.

- Furthermore, the upgrade policy specifically discourages upgrades during reconfiguration, even though it recognizes that some licensees may have already planned for the implementation of certain system upgrades prior to adoption of the R&O. As such, evidence that the licensee’s proposed upgrade was in the planning phase prior to the adoption of the R&O would be relevant to the TA’s decision to approve an upgrade as part of the reconfiguration program.

2. When would a licensee seeking an upgrade need a valid, binding quote from the upgrade vendor: on or before the submission of a Cost Estimate to Sprint, at the time the FRA is agreed between the parties (or if the parties do not reach agreement at the time an RR (addressing some or all issues in dispute) is submitted to the FCC), at the time of execution of the FRA, or some other time? Would an indicative/non-binding quote from the upgrade vendor suffice or some other evidence of price suffice? Must the quote/bid contain a definitive implementation timeline?

- As stated above, the licensee must demonstrate that the proposed upgrade would not lengthen the licensee’s implementation schedule. Specifically, the licensee should submit a valid, binding quote from the upgrade vendor when it submits a Cost Estimate; otherwise it is presumed that the licensee cannot meet the requirement that the proposed upgrade would not lengthen its implementation schedule. The licensee would have a heavy burden to overcome this presumption that the proposed upgrade would lengthen its implementation schedule.

- An indicative/non-binding quote from the upgrade vendor would not meet the licensee’s burden because absent a valid, binding quote, including implementation schedule, the TA would not have sufficient facts to determine whether the upgrade would take more time or not. Furthermore, the upgrade policy requires licensees
that upgrade either frequency-dependent infrastructure or end user devices to certify that the upgraded facilities will be comparable. Without a definitive agreement, it would not be possible for the licensee to make such a certification.

- As explained above, the quote/bid should contain a definitive implementation timeline.

3. When should a licensee seeking an upgrade have the financing committed to fund the upgrade: on or before the submission of a Cost Estimate to Sprint, at the time the FRA is agreed between the parties (or if the parties do not reach agreement at the time an RR (addressing some or all issues in dispute) is submitted to the FCC), at the time of execution of the FRA, or some other time? What type of commitment to funding is required, e.g., must a licensee demonstrate that funds have been appropriated, is a certification that funds will be available sufficient?

- The TA's upgrade policy requires, among other things, that licensees demonstrate to the TA, and include as a clause in the FRA, that any incremental funding needed to accomplish the upgrade will be approved and available prior to commencement of physical reconfiguration.
I. Negotiate the Frequency Reconfiguration Agreement with Sprint

Negotiating and successfully completing an FRA is a critical step in the reconfiguration process. You may have previously entered into a PFA with Sprint regarding costs and activities required to perform reconfiguration planning based on an RFPF. These planning activities that 800 MHz licensees conduct in preparation for reconfiguration (e.g., inventories, frequency evaluation, development of Cost Estimates, etc.) are used as important inputs to the actual FRA to be negotiated with Sprint.

In its September 12, 2007 Public Notice, the FCC established time limits to expedite negotiation of FRAs by non-border NPSPAC licensees (and Expansion Band licensees reconfiguring in Stage 2) who have engaged in planning prior to FRA negotiations and Sprint. The FCC adopted similar timelines for Canadian border licensees. Once the Cost Estimate is submitted to Sprint and it has been determined by the TA Mediator that a licensee’s Cost Estimate for reconfiguration is sufficient, the parties have 30 days to negotiate an FRA. Negotiations shall be subject to monitoring by a TA Mediator, but the TA Mediator is not required to participate in negotiations. The 30-day negotiation period will commence upon the issuance of a Notice of Commencement of Negotiations by the TA Mediator.

If the parties are unable to complete negotiation of an FRA within 30 calendar days, they will then participate in mediation for 20 days, during which time they may be required to file Proposed Resolution Memoranda on disputed issues. If no agreement is reached by the close of the 20-day mediation period, the TA will refer any remaining disputed issues to the PSHSB within ten days.

For Puerto Rico licensees that must be reconfigured from the 816.5-821/861.5-866 MHz portion of the band, if the licensee and Sprint did not submit an FRA to the TA by the end of the negotiation period on December 20, 2010, they participated in mediation for 30 working days. If no agreement was reached during the mediation period, the TA Mediator was to refer any remaining disputed issues to the PSHSB within ten days of the close of the mediation period.

For U.S.-Mexico Border Region licensees, once the Cost Estimate is submitted and determined to be sufficient, the licensee and Sprint will have 30 calendar days to negotiate an FRA, subject to monitoring by the TA Mediator. If no agreement is reached during the negotiation period, they will participate in mediation for 20 working days, during which time they may be required to file Proposed Resolution Memoranda on disputed issues. If no agreement is reached by the close of the mediation period, the TA will refer any remaining disputed issues to the PSHSB within ten days.

The FCC in its March 31, 2010 Order relating to Requests for Waiver of the June 26, 2008 deadline provided that non-border licensees without a fully executed FRA are not eligible to apply for vacated channels in the Interleaved Band.

Examples of activities related to negotiating FRAs include:

- Establishing and maintaining communications channels with Sprint.
- Participating in negotiations.
- Obtaining the assistance of legal counsel to help with FRA negotiations and review (if desired).
- Obtaining TA assistance by requesting mediation of the disputes preventing the negotiation of an FRA by completing a Request for Mediation Form (if necessary). The Form is available on the TA website (http://www.800ta.org/content/resources/Mediation_Request_Form.pdf). If you cannot reach agreement with Sprint without outside assistance, the TA may provide mediation assistance. More detail regarding mediation assistance is available in this Handbook in Section III: Overview of Reconfiguration Prioritization Plan.

**What inputs are required?**

- Completed and approved RFPF Form (if necessary).
- Agreement on the Cost Estimate (and SOW for complex systems) between you and Sprint, with TA approval (if negotiating an FRA).
- Your POC and/or legal counsel.
- Completed SED FRA or other documentation (if necessary).
- Completed Request for Mediation Form, available on the TA website (if necessary).

**Who does this apply to?**

This applies to all reconfiguring licensees.

**What is the expected outcome?**

This step will generate an approved FRA between you and Sprint enabling the physical reconfiguration to begin.

If you have negotiated a "subscriber equipment-only" FRA as part of the SED initiative, this step will generate an amendment to that FRA for additional costs agreed to by the licensee and Sprint that are associated with reconfiguration of infrastructure.

**How do I complete this activity?**

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<tr>
<th>Step</th>
<th>Description</th>
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<tr>
<td>1</td>
<td><strong>Enter into FRA negotiations with Sprint.</strong>&lt;br&gt;Where non-border NPSPAC licensees or border licensees engaged in planning prior to negotiation of an FRA, the licensee will submit a Cost Estimate for reconfiguration (and SOW for complex systems) to Sprint. After the Cost Estimate is determined to be sufficient and the TA Mediator issues a Notice of Commencement of Negotiations to the parties, the parties have 30 calendar days to negotiate an FRA. Negotiations are subject to the monitoring of a TA Mediator; the TA Mediator is not required to participate in the</td>
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negotiations.

If the parties are unable to complete negotiation of an FRA within 30 calendar days, they will be required to participate in mediation. The mediation period for U.S.-Mexico border licensees is 20 working days. If no agreement is reached by the close of the mediation period, the TA will refer any remaining disputed issues to the PSHSB within ten days.

- If you cannot reach agreement with Sprint without outside assistance, the TA may provide mediation assistance.
- Licensees may seek assistance from legal counsel with FRA negotiation and review.

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<th>2</th>
<th><strong>Reach agreement on key terms and conditions.</strong></th>
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<td>Upon determination that the licensee’s Cost Estimate is sufficiently complete to allow for meaningful negotiations between the parties, Sprint and the licensee will negotiate the terms and conditions and the costs of the reconfiguration.</td>
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Key terms and conditions to be negotiated include:

- Agreement on the reconfiguring licensee’s new frequencies *(i.e., that they are comparable)*;
- The overall costs and timetable for physical reconfiguration;
- A Cost Estimate (and SOW for complex systems);
- Transactional costs, such as fees for attorneys and fees for consultants (for more information, see Section VII: Funding Guidelines);
- Payment terms; and
- Who will prepare and file FCC applications.

Some of the provisions in FRAs are required by the FCC’s R&O or have been prescribed by the TA and may not be altered by the parties without the TA’s consent.

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<th>3</th>
<th><strong>Provide required certifications.</strong></th>
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<td>The FCC’s R&amp;O requires a reconfiguring licensee to certify that the funds requested for reconfiguration are the “minimum necessary to provide facilities comparable to those presently in use.” The licensee must also certify, to the best of its knowledge, that any vendor costs listed in the Cost Estimate are comparable to costs that the vendor previously charged the licensee for similar work. Your FRA will contain certifications to address these requirements.</td>
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Upon completion of your reconfiguration, the R&O also requires a reconfiguring licensee and Sprint to certify that all necessary reconfiguration work has been completed and that Sprint and the licensee agree on the sum paid for such work. More information on the Completion Certification is available in this Handbook in Section IX: Closing Phase.
|   | **Submit the FRA to the TA for review.**  
|   | Once an agreement is reached on the terms of the FRA, sign the FRA and return it to Sprint, which will submit the FRA to the TA for review and approval prior to execution. (If the parties choose to negotiate a PFA earlier in the process, the final version of that agreement also would be submitted to the TA for review and approval prior to execution.) |
|   | **Receive TA feedback or approval.**  
|   | Upon receipt, the TA will review the transaction summary, and the FRA in a timely manner.  
|   | The TA’s primary goals are to ensure that the Cost Estimates cover reasonable and prudent expenses directly related to the retuning of an 800 MHz system and that the FRA is consistent with the FCC’s R&O. More information on reimbursable expenses is available in this Handbook in Section VII: Funding Guidelines.  
|   | The TA then will either:  
|   | • Approve the agreement,  
|   | • Request additional information for further review and analysis, or  
|   | • Reject the agreement and provide an explanation and/or recommended corrections.  
|   | If the FRA is either rejected or is issued an RFI, it will be returned to Sprint for further handling. At that time, Sprint may reach out to the licensee for additional information. Parties should comply with the TA’s instructions in an effort to obtain approval.  
|   | **Execute approved FRA.**  
|   | Once the TA approves the FRA, the TA will return the document to Sprint for execution. The parties may then commence reconfiguration planning or actual reconfiguration, as the case may be and pursuant to the terms of the agreement. Sprint will provide a copy of the signed FRA, and any related documents, when executed, to the TA. All executed FRAs will always be treated as Protected Confidential Information as outlined in the TA Confidentiality Policy.  
|   | Licensees must negotiate with Sprint to amend their FRA with Sprint before incurring new or additional expenses beyond the Cost Estimate, or when any additional changes are contemplated to the Agreement. These amendments must be reviewed and approved by the TA. Change Notice Forms and Procedures can be found on the TA website (http://www.80ta.org/content/resources/processes.asp#changenoticeprocess).  

More detail regarding the voluntary and mandatory negotiation periods is available in this Handbook in Section III: Overview of Reconfiguration Prioritization Plan, or on the TA website (www.800TA.org).

Parties negotiating PFAs or FRAs can also request that the TA initiate mediation to assist in resolving disagreements or disputes. In such cases, interested parties should complete a Request for Mediation.
Form (available on the TA website at http://www.800ta.org/content/resources/Mediation_Request_Form.pdf) and submit it to the TA as soon as possible.

For all U.S.-Mexico Border Region licensees, if the parties fail to negotiate an FRA by the end of the 30 calendar day negotiation period, they will be required to participate in a 20 working day mediation process designed to help the parties successfully negotiate an FRA. A TA Mediator will conduct the mediation. If this mediation does not result in an FRA, the TA will refer the matter to the FCC for resolution.

Reasonable and prudent expenses incurred in the negotiation of FRAs and the mediation of disputes are reimbursable, with the exception of expenses for participation in expedited, non-binding arbitration, or expenses for seeking FCC resolution of disputes. However, licensees found not to be acting in good faith during negotiations or mediation may not be able to recover their expenses. Additional details regarding TA mediation and the ADR Plan are available in this Handbook in Section III: Overview of the Reconfiguration Prioritization Plan. The complete ADR Plan is available on the TA website (http://www.800ta.org/content/resources/tapolicies.asp).

Q&A

Can the TA negotiate with Sprint for me?

- No. Although the TA is available to aid in the exchange of information necessary to enable meaningful FRA negotiations between the parties, the TA cannot negotiate with Sprint on behalf of a reconfiguring licensee or serve as your agent, attorney, or in any other representative capacity. The TA cannot unilaterally bind Sprint or any incumbent licensee to any obligation associated with reconfiguration. Use of TA assistance with communications should not be considered a substitute for legal or other expert subject matter representation in negotiations. The TA strongly encourages direct negotiations between the parties as the fastest and most effective and efficient method for reaching agreements. You may obtain the assistance of legal counsel for your negotiations as a reimbursable reconfiguration cost.
J. Change Notice Process

As your planning and reconfiguration activities proceed in accordance with the work described in your PFA or FRA, there may be a need for changes to the scope of such work. These changes may occur at any point in the planning and reconfiguration process between the time that you execute your TA-approved PFA or FRA with Sprint and the time that you reconcile your costs with Sprint prior to the contract closing. Whenever a change to your PFA or FRA scope of work is required, you will need to submit a Change Notice in accordance with the applicable “Changes” provisions of your PFA or FRA. Change Notices are to be submitted concurrently to Sprint and the TA. Thereafter, you will need to negotiate the change with Sprint and submit the Change Notice or an amendment to the applicable PFA or FRA to the TA for review and approval.

The FCC has advised that licensees should not use the Change Notice process to recover costs that were reasonably foreseeable during planning or FRA negotiations that were not raised in negotiations, or were considered but rejected. A Change Notice applies to costs and other circumstances not known to the licensee at the time the PFA or FRA is executed. The FCC clarified that Change Notices are subject to the FCC’s May 2007 Rebanding Cost Clarification Order, and the negotiation of Change Notice requests should take into account the overall goals of the rebanding proceeding, not just the issue of minimum cost.

Information on the Change Notice Process is available on the TA website (http://www.800ta.org/content/resources/processes.asp#changenoticeprocess)

What inputs are required?

- Change Notice Form, available on the TA website (http://www.800ta.org/content/resources/Change_Notice_Form.doc)

Who does this apply to?

This applies to all licensees who believe that a change to the work contemplated by their PFA or FRA is needed.

What is the expected outcome?

A Change Notice may result in an amendment to your PFA or FRA that reflects the change in cost and/or schedule required as a result of the change in the scope of the work described in the original TA-approved PFA or FRA.
**How do I complete this activity?**

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<tr>
<th>Step</th>
<th>Description</th>
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<tr>
<td>1</td>
<td><strong>Complete Change Notice Form.</strong> &lt;br&gt; When you believe that a change to the scope of work in a TA-approved PFA or FRA is required, you should promptly submit a written Change Notice in accordance with the applicable “Changes” provision of your PFA or FRA. &lt;br&gt; Your Change Notice should (i) describe the scope of the change in the work contemplated by the TA-approved PFA or FRA, (ii) explain the need for the change, and (iii) estimate any increase or decrease in the Cost Estimate and in the time required to complete your planning or reconfiguration. &lt;br&gt; Although neither your PFA nor FRA mandates the form in which your Change Notice should be submitted, the TA recommends the use of the TA’s Change Notice Form and corresponding PFA and/or FRA appendix, available at <a href="http://www.800TA.org/content/resources/Change_Notice_Form.doc">http://www.800TA.org/content/resources/Change_Notice_Form.doc</a>.</td>
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<td><strong>Submit Change Notice Form to Sprint &amp; Transition Administrator.</strong> &lt;br&gt; You should submit your Change Notice via fax to 866-221-6990, or 703-935-5377. Your Change Notice will be received concurrently by both Sprint and the TA. The TA will monitor the progress of the Change Notice.</td>
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<tr>
<td>3</td>
<td><strong>Negotiate with Sprint.</strong> &lt;br&gt; Sprint will respond to your Change Notice within ten working days of receipt. You and Sprint may negotiate the Change Notice for 20 working days following the submittal of the Change Notice (this time period includes the ten working days for Sprint to respond). &lt;br&gt; To facilitate your negotiations with Sprint, please be prepared to provide documentation and other reasonable support for the scope and need for the change and your estimate of the impact of the change on your TA-approved Cost Estimate and on the time required to complete your planning or reconfiguration.</td>
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<tr>
<td>4</td>
<td><strong>Request for Mediation, if necessary.</strong> &lt;br&gt; During the 20 working day negotiation period, you and/or Sprint may request mediation by filing a “Request for Mediation Form,” available on the TA website at <a href="http://www.800ta.org/content/resources/Mediation_Request_Form.pdf">http://www.800ta.org/content/resources/Mediation_Request_Form.pdf</a>. There will be a 15 working day mediation period, with any remaining disputes referred to the PSHSB.</td>
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</table>
5 **Mediation, if no agreement.**

If you do not reach agreement within 20 working days of submitting your Change Notice to Sprint, the TA will assign a TA Mediator, who will work with you and Sprint to assist you in reaching an agreement. As described in Section 9 of the TA’s ADR Plan, formal mediation of the Change Notice will last 15 working days, and any remaining disputes will be referred to the PSHSB.

6 **TA to review the Change Notice or Amendment.**

After you have completed negotiations and reached agreement with Sprint, the TA will review either the Change Notice or the amendment within ten working days from the date it is submitted for TA review. For TA-approved changes that relate to costs, payment will occur in accordance with the payment terms in your PFA or FRA.

**Q&A**

**What is the difference between a Change Notice and an amendment?**

- A Change Notice is the first step in notifying Sprint and the TA of a change in the scope and/or cost of your reconfiguration activities. Certain Change Notices need to be documented with a formal amendment to the FRA or PFA. Sprint will inform you if an amendment is necessary.

**When should I submit a Change Notice?**

- A Change Notice should be submitted as soon as you recognize that there will be a change in project costs or scope. Specifically, the terms of your PFA or FRA require that you submit a written Change Notice when an “unforeseeable” change to the work contemplated by your PFA or FRA is needed. Change Notices should generally be submitted prior to incurring additional costs beyond your PFA or FRA, otherwise you will bear the risk that the costs may not be approved by Sprint.

**What costs are considered to be "foreseeable" and what types of costs are NOT recoverable under the Change Notice process?**

- As stated in the FCC's September 12, 2007 Public Notice (FCC 07-168), the Change Notice process is designed to address unanticipated changes in cost, scope or schedule that occur during implementation or in the case of an emergency. You may not use the Change Notice process to recover costs that were reasonably foreseeable during PFA or FRA negotiations but were not raised in negotiations, or that were considered and rejected.

**Does the TA expect transactional costs to be included in my Change Notice request?**

- Transactional costs, including those for legal review, associated with an Amendment or Change Notice should be included in the same Amendment or Change Notice.

For more information about Change Notices, refer to http://www.800ta.org/content/resources/faqs.asp# changenoticefaqs.
VI. PAYMENT PROCESS

The FCC charged Sprint with funding the reconfiguration costs of affected licensees. To ensure that sufficient funding is available for the reconfiguration, the FCC required Sprint to obtain irrevocable Letters of Credit in the amount of $2.5 billion as security for payment of affected licensees’ reconfiguration costs. The FCC has gradually reduced the required amount of the Letters of Credit as Sprint has paid financial obligations during the reconfiguration period.

In order to obtain funding for reconfiguration or related planning activities, licensees must enter into an FRA or PFA with Sprint, and these agreements must be approved by the TA. Licensees are required to submit estimates of the cost of their reconfiguration or planning activities defining the scope and cost of the work as soon as possible, together with instructions to Sprint to pay the licensee, its vendors or both. Licensees are free to use their own personnel or vendors to perform reconfiguration and related planning activities.

When vendors will perform some or all reconfiguration or related planning activities, licensees will contract directly with vendors for that work. Licensees and vendors are free to negotiate the scope of work, pricing arrangement and payment terms (such as firm fixed price, milestone-based billing, time-and-materials up to a “not-to-exceed” amount, etc.), subject to the approval by Sprint and the TA of the licensee’s Cost Estimate for its reconfiguration and related planning activities. The licensee/vendor agreements also should specify whether the vendor will be paid by the licensee or by Sprint.

By accepting payment from funds provided by Sprint for the reconfiguration or related planning services, each vendor shall be deemed to have agreed to comply with certain vendor terms and conditions. These terms and conditions shall apply to vendors receiving payments for performing reconfiguration services made on or after March 1, 2006.

Sprint will make the following types of payments:

- Direct payments to vendors who provide goods and services to licensees for their reconfigurations and associated planning activities as agreed to with licensees.

- Payments directly to licensees for:
  - Costs incurred by licensee personnel in performing reconfiguration or planning activities.
  - Vendor costs paid directly by the licensee.

The TA will monitor the payment process to ensure that Sprint pays licensees and vendors according to the agreed payment terms in the TA-approved FRA or PFA. If Sprint fails to pay either the licensee or its vendors within 30 days of the applicable Payment Obligation Date and fails to show good cause for such non-payment, the TA will issue a draw on the Letters of Credit to make such payment. In the event of a payment dispute, mediation before the TA may be available.
Payment Process Overview

Following is an outline of steps that licensees should follow in the Payment Process. Several of these steps are described in more detail within this Handbook. In those cases, references are made to the relevant sections within the Handbook.

<table>
<thead>
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<th>Step</th>
<th>Description</th>
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<tr>
<td>1</td>
<td><strong>Receive payment from Sprint</strong></td>
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Upon the TA’s approval of your FRA (or PFA), Sprint will initiate payment in accordance with the contractually agreed terms.

Licensees will be paid in accordance with contractually agreed milestones by Sprint. When vendors are not paid directly by licensees, Sprint will pay vendors by the vendor payment obligation date, which will be within 30 days of the later of:

- Sprint’s receipt of a vendor invoice.
- Licensee approval of a vendor invoice and acknowledgement of acceptance of goods/services or achievement of a contractual milestone.

Note that both the vendor invoice and licensee approval of the vendor invoice are required before Sprint will initiate payment to vendors. Licensee signed vendor invoices will constitute approval and proof of receipt of goods and services or achievement of a contractual milestone. You will receive more details from Sprint on this process after your FRA is complete.

The TA will actively monitor the payment process to ensure that Sprint fulfills its payment obligations to licensees and vendors. In the event Sprint fails to pay a licensee or vendor within 30 days of the relevant Payment Obligation Date, the TA will contact Sprint to determine why payment was not made. If Sprint fails to demonstrate “good cause” for non-payment within 40 days of the Payment Obligation Date, the TA will instruct a trustee to draw on the Letters of Credit to remit payment to the licensee or vendor. The burden of proof for non-payment is on Sprint (although licensees and vendors must provide sufficient documentation to show that payment is due). Licensees and vendors must refund the full amount of any erroneous payment made to them by Sprint in connection with reconfiguration services.

Licensees and vendors paid by Sprint may report past due payments to the TA via phone (888-800-8220), or via email (Comments@800TA.org).
| 2 | **True-up payments at conclusion of your system reconfiguration when the licensee was paid based on a Cost Estimate** |

You are required to maintain documentation of the costs incurred to reconfigure your system. Sprint is only required to make payments for reasonable and prudent expenses directly related to the retuning of an 800 MHz system. You will be required to submit documentation to Sprint no later than the closing of your reconfiguration. You may also be requested to provide your documentation to the TA, upon audit. The nature of the reconciliation documentation that you will need to submit with respect to your internal labor costs will depend upon whether your internal labor costs are being reimbursed on a “per unit” or a “per hour” basis. For more information regarding reconciliation documentation for internal labor costs, please refer to the Incumbent Labor Reimbursement Policy available on the TA website ([http://www.800ta.org/content/resources/Incumbent_Labor_Reimbursement_Policy.pdf](http://www.800ta.org/content/resources/Incumbent_Labor_Reimbursement_Policy.pdf)).

At the conclusion of your reconfiguration, payments made to you based on your Cost Estimate will be reconciled to the documentation evidencing actual cost.

- If your actual costs exceed the value of your approved Cost Estimates, you must obtain approval from Sprint and the TA for these excess costs before you can be reimbursed. You should promptly submit a written Change Notice in accordance with the applicable “Changes” provision of your PFA or FRA. You will then negotiate this change with Sprint, and also submit the Change Notice for TA review and approval. The Change Notice Form is available on the TA’s website ([http://www.800TA.org/content/resources/Change_Notice_Form.doc](http://www.800TA.org/content/resources/Change_Notice_Form.doc)).
- If you were overpaid, refunds for overpayments will be due to Sprint.
- Licensees and vendors will be required to refund the full amount of any erroneous payment made to them by Sprint in connection with reconfiguration services.

All reconfiguring licensees will be required to submit documentation to Sprint evidencing the costs incurred prior to contract closing. A true-up payment for any underpayments by Sprint or a refund for excess payments to a licensee will be made based on the results of the reconciliation. After all payments are made (including any final true-up payments or refunds), you and Sprint must certify that reconfiguration is complete and that both parties agree upon the payments made.

The TA may audit the amounts expended. If documentation is incomplete or if the audit generates questions about payments made, the TA will contact you and Sprint and request reconciliation to the satisfaction of the TA.

Licensees are responsible for retaining all information related to reimbursable costs for reconfiguration. This material should be stored for a minimum of 24 months after the closing of a PFA or 18 months after the closing of an FRA. Applicable records include books, documents, accounting procedures and practices, and other data of all types (e.g., written, electronic, or other).
As discussed above, the TA-approved FRA or PFA will specify whether Sprint will pay vendors directly or will pay licensees who will use those funds to cover their internal reconfiguration and related planning costs and to pay their vendors. The following paragraphs discuss these two payment mechanisms.

**Sprint Pays Vendors**

According to this payment mechanism, the TA-approved FRA or PFA will identify the vendor, will specify that Sprint will pay the vendor directly and will set forth a “not-to-exceed” amount that Sprint will pay. After the TA has approved an FRA or PFA that provides for direct vendor payment by Sprint, Sprint will send each vendor that will receive such direct payments a Vendor Information Package. Each Vendor Information Package will specify the not-to-exceed amount approved for payment to the vendor, provide invoicing instructions and specify the assigned “Deal Number” that will be used by both Sprint and the TA to track the progress of the reconfiguration and the payments made pursuant to the applicable FRA or PFA.

Two types of documentation must be provided to Sprint before it is obligated to pay the vendor: (i) a properly completed invoice, and (ii) the licensee’s acknowledgement that the goods or services covered by the invoice were delivered or performed or that any contractual milestone covered by the invoice has been achieved. Sprint is obligated to pay the vendor within 30 days after both of these documents have been received (the later of the dates of Sprint’s receipt of these two documents is the relevant Payment Obligation Date). Licensee-signed invoices also may constitute approval for payment. As discussed herein, the TA will monitor whether Sprint pays vendors in a timely fashion.

**Sprint Pays Licensees**

According to this payment mechanism, the licensee receives funds from Sprint to cover the licensee’s estimated cost of reconfiguration or related planning activities set forth in the TA-approved FRA or PFA, whether those costs are incurred internally by the licensee’s own staff or its vendors. Sprint will reimburse the actual costs incurred by the licensee and its vendors in the performance of reconfiguration services.

Upon completion of the licensee’s reconfiguration, payments made to the licensee based on the TA-approved estimated cost will be reconciled against the actual costs incurred. The licensee is required to submit to Sprint documentation of the actual costs incurred. Sprint will review the documentation and resolve any questions with the licensee. Upon the parties’ satisfaction with the payment documentation, Sprint will prepare and forward to the licensee a Reconciliation Statement reflecting the parties’ agreement on actual costs. If the Reconciliation Statement is acceptable to the licensee, the licensee and Sprint will execute closing documents certifying that reconfiguration is complete and the parties have agreed upon the reconfiguration costs. (The closing documents are provided to the TA.) Any underpayment will be paid by Sprint, and any overpayments will be refunded to Sprint. Licensees are encouraged to complete the Reconciliation Statement and closing documents as quickly as possible as the final Payment Obligation Date will not be established until Sprint receives these documents from the licensee.

In addition, according to this payment mechanism, the licensee will pay its vendors out of funds received from Sprint pursuant to the TA-approved FRA or PFA. The vendor’s right to payment and the applicable
payment terms will be set forth in the vendor’s agreement with the licensee but will not be referenced in the FRA or PFA. Because the licensee’s agreements with its vendors are not reviewed or approved by the TA, the TA will not monitor whether the licensee timely pays its vendors.

Sprint is required to pay the licensee within 30 days of the applicable Payment Obligation Date, which may be: (i) specifically defined calendar dates, (ii) the dates that contractual milestones are achieved, or (iii) the date of receipt by Sprint of a licensee invoice for goods/services received or performed. As discussed above, the TA will monitor whether Sprint timely pays the licensee.

Vendor Terms and Conditions

By accepting payment from funds provided by Sprint for the reconfiguration or related planning services, each vendor shall be deemed to have agreed to comply with the following terms and conditions, as may be amended from time to time. Licensees should include these provisions in their contracts with vendors providing reconfiguration or related planning services.

1. **Erroneous Payments.** Vendor agrees to refund the full amount of any erroneous payment or overpayment made in connection with any reconfiguration services performed by Vendor within thirty (30) days of receipt of a written demand therefor.

2. **Liens.** Vendor agrees to look solely to the Letters of Credit as security for payment of any amounts not paid by Sprint when due, and Vendor hereby waives its rights of lien, and agrees not to file any liens, arising out of the performance of reconfiguration services against a Licensee’s premises or property. Nothing contained in this section shall be deemed to limit any other remedies available to Vendor at law or equity. Vendor shall at all times promptly pay for all services, materials, equipment, and labor used or furnished by Vendor in the performance of reconfiguration services for a Licensee and shall, to the fullest extent allowed by law, keep such Licensee’s premises and property free and clear of any and all liens and rights of lien arising out of services, labor, equipment or materials furnished by Vendor or its employees, suppliers, vendors, or subcontractors to such licensee in connection with the reconfiguration services performed by Vendor for such Licensee.

3. **Gratuities.** Vendor and its employees shall not, with the intent to influence the recipients in the conduct of their official duties, extend any gratuity or special favor of monetary value to any officer, employee or other representative of a Licensee.

4. **Prohibited Agreements.** Vendor agrees not to enter into any agreement or arrangement with a Licensee for which Vendor is performing reconfiguration services: (i) pursuant to which Vendor agrees, in exchange or as consideration for such Licensee’s selection of Vendor to perform such reconfiguration services, to pay or convey to such Licensee or any third party a kickback or anything else of value or to provide to such Licensee any services or equipment not required as part of or directly related to the reconfiguration services at non-commercial rates or at no charge; or (ii) which includes artificially inflated prices or, Vendor knows or has reason to know, is based upon false statements of work, inaccurate inventory counts or incorrect descriptions of the reconfiguration services, including, but not limited to, the equipment or locations to be reconfigured.

5. **Covenant Against Contingent Fees.** Vendor agrees not to employ, retain, or pay a commission, percentage, brokerage or contingent fee to, any person or selling agency, other
than a bona fide employee or selling agency of the Vendor, to solicit or secure any agreement with a Licensee for reconfiguration services. In the event Vendor violates this covenant, the affected Licensee shall have the right to either annul such agreement without liability to such Licensee, or deduct from payments due to Vendor, or otherwise recover from Vendor, the full amount of such commission, percentage, brokerage, or contingent fee.

6. **Recordkeeping.** For each Licensee for which Vendor performs reconfiguration services, Vendor shall retain, and make available to such Licensee upon request, all documents directly related to Vendor’s performance of such reconfiguration services for a period of 24 months following the completion of such reconfiguration services.

These terms and conditions shall apply to vendors receiving payments for performing reconfiguration services made on or after March 1, 2006.

**Program Safeguards Afforded Licensees and Their Vendors**

Licensees and their vendors are afforded the following program safeguards:

- **Sprint is obligated to pay all costs associated with reconfiguring affected licensees in the 800 MHz Band.** The FCC initially required Sprint to post Letters of Credit for $2.5 billion as security to ensure that sufficient funds are available to accomplish this task. The FCC has gradually reduced the required amount of the Letters of Credit during the transition period as Sprint has paid its reconfiguration financial obligations to licensees and others.

- **Sprint is obligated to pay reconfiguring licensees and their vendor(s), fixed and determinable amounts for the scope of work at agreed prices as specified in TA-approved FRAs or PFAs between the licensee and Sprint.**

- **TA monitoring of the payment process provides an additional safeguard that is atypical of standard commercial contracts.** In the event Sprint fails to pay a licensee or vendor within 30 days of the relevant Payment Obligation Date and fails to demonstrate good cause for non-payment within 40 days of the Payment Obligation Date, the TA will instruct the trustee to draw on the Letters of Credit and remit payment to the licensee or vendor as appropriate. Licensees and their vendors who elect to be paid by Sprint have the direct protection of the Letters of Credit. Vendors paid by the licensee have access to the Letters of Credit only through the licensee.

- **In the event of a dispute regarding non-payment by Sprint, the matter may be referred to the TA for mediation, with recourse to the FCC.**

Consistent with the FCC’s requirements, the payment process established by the TA will ensure that licensees and their vendors are paid in a timely manner consistent with the payment terms set forth in TA-approved FRAs or PFAs. If Sprint fails to make payment as required without good cause for doing so, the TA will instruct the trustee to draw on the Letters of Credit to remit payment.
Q&A

Will the TA monitor payments from licensees to vendors?

- The TA will only monitor payments agreed upon in FRAs and PFAs. Because a licensee’s agreements with its vendors are not reviewed or approved by the TA, the TA will not monitor whether the licensee timely pays its vendors. Vendors who elect to be paid directly by Sprint have the direct protection of the Letters of Credit. Vendors paid by the licensee have access to the Letters of Credit only through the licensee. The TA will only monitor payments to vendors when vendors are paid directly by Sprint.

What type of documentation should I maintain to support the costs incurred for planning activities?

- You should maintain any related vendor invoices, proof of receipt of goods/services, contracts, and SOWs (if prepared). This information will need to be provided to Sprint, unless Sprint pays the vendors directly in which case you will only need to provide proof of receipt of goods/services. The TA encourages you to request Sprint to pay your vendors directly. When advance funding is provided to the licensee, you will be required to submit this documentation to Sprint to reconcile the costs incurred with the estimated costs. The costs you incur and payments made to you by Sprint will be subject to audit by the TA. The nature of the reconciliation documentation that you will need to submit with respect to your internal labor costs will depend upon whether your internal labor costs are being reimbursed on a “per unit” or a “per hour” basis. Additional details regarding reimbursable costs are available in this Handbook in Section VII: Funding Guidelines. For more information regarding reconciliation documentation for internal labor costs, please refer to the Incumbent Labor Reimbursement Policy available on the TA website (http://www.800ta.org/content/resources/Incumbent_Labor_Reimbursement_Policy.pdf).

- All supporting planning and reconfiguration documentation is subject to audit by the TA and should be retained by the licensee for a minimum of 24 months from the closing as defined in the PFA and 18 months after the closing of an FRA. Applicable records include books, documents, accounting procedures and practices, and other data of all types (e.g., written, electronic, or other).

What kind of representations will I be required to make?

- When you submit a RFPF or Cost Estimate you are required to certify that the costs estimated are the minimum required to obtain facilities comparable to those presently in use. If you do not make this certification, you will not receive funding for your planning activities or system reconfiguration. Additionally, at the completion of your system reconfiguration, you are required to certify that your system reconfiguration is complete and that you agree upon the payments made. The TA reminds licensees that representations made to the TA are held to the same requirement of truth and candor as representations made to the FCC.
What constitutes “good cause” for Sprint’s non-payment to a licensee or vendor?

- What constitutes “good cause” for Sprint’s non-payment to a licensee or vendor is consistent with normal commercial practices and may include, but is not limited to, the following examples:
  - Licensee or vendor fails to provide adequate payment instructions to Sprint;
  - Licensee or vendor fails to perform the agreed scope of work at the agreed prices or charges for goods and services outside the agreed scope of work;
  - Licensee or vendor fails to submit a valid invoice (valid invoices should include payee, remit to address, representative’s name and contact information, licensee’s name, Deal Number, detailed list of goods and services or milestones covered by the invoice, applicable sales tax, invoice number, date, and amount due);
  - Licensee acknowledgement of receipt of goods/services or achievement of contractual milestone not provided to Sprint-Nextel;
  - Licensee fails to provide documentation supporting actual costs incurred upon conclusion of its reconfiguration (applicable to payments to licensees only); or
  - There is evidence of fraud, waste, abuse, or other illegality.

What happens if I have a dispute with Sprint regarding a payment?

- As required by the FCC, the TA has established an ADR Plan to resolve disputes between stakeholders during the 800 MHz Band reconfiguration. The ADR Plan, (available on the TA website at http://www.800ta.org/content/resources/ADR_Plan.pdf), sets forth the procedures to be followed by the TA in carrying out its dispute resolution functions. As described in the ADR Plan, the TA may mediate disputes between Sprint and licensees or other stakeholders that arise during the course of reconfiguration, including the mediation of payment disputes.

- Disputes between Licensee and Sprint over Non-Payment to Licensee. The FCC’s Orders, as well as the TA-approved FRAs and PFAs, contractually obligate Sprint to pay the licensee for the cost of reconfiguring its system and the associated planning costs. Pursuant to the ADR Plan, a licensee may initiate mediation of payment disputes with Sprint before the TA, with recourse to the FCC.

- Disputes between Vendor and Sprint over Non-Payment to Vendor. Pursuant to the FCC’s Orders and the TA-approved FRAs and PFAs, Sprint is contractually obligated to pay on behalf of the licensee those vendors that are named in such agreements. Although the vendor may not be a party to an agreement with Sprint, the licensee may, on behalf of any vendor, initiate mediation of any payment dispute between the vendor and Sprint pursuant to the TA’s ADR Plan, with recourse to the FCC. Vendors that are to be paid directly by Sprint may want to consider including a provision in their licensee/vendor agreement that requires the licensee to initiate mediation in instances of Sprint’s non-payment. Alternatively, a vendor may request that the licensee complete an Authorized Request for Mediation Form, a copy of which is available on the TA website (http://www.800ta.org/content/resources/Mediation_Authorized_Request_Form.pdf), which authorizes the vendor to initiate, and participate in, TA mediation on the licensee’s behalf.
A vendor may also request the TA to mediate a payment dispute with Sprint; however, Sprint must agree to such mediation.
VII. FUNDING GUIDELINES

Following are general guidelines about the types of costs that will be funded.

Reimbursable Costs

Licensees are required to agree with Sprint on the costs associated with their reconfiguration. In general, the TA will approve reasonable and prudent expenses directly related to the retuning of an 800 MHz system for reimbursement. Funding will be available to assist a licensee with valid planning activities as well as for the licensee’s actual system reconfiguration. All 800 MHz reconfiguration costs will be classified into two basic categories: hard costs and transactional costs. The Cost Classification Policy, available on the TA website (http://www.800ta.org/content/resources/tapolicies.asp), clarifies the difference between hard costs and transactional costs, and the treatment of these costs.

All licensee reconfiguration costs must be included in a RFPF or a Cost Estimate and must be approved by both Sprint and the TA. Licensees will be required to certify that the costs are the “minimum necessary” to provide facilities comparable to those presently in use. The FCC clarified that this means the minimum cost possible to accomplish rebanding in a manner that is reasonable, prudent and timely. While all system reconfigurations are unique, the Cost Estimate must take into account the overall goals of the program to complete rebanding in an efficient manner and to minimize the burden on public safety licensees and their ability to continue operations during rebanding.

Many consultants and vendors are advising licensees to undertake certain planning and reconfiguration activities and to enter into contracts with them in advance of obtaining approval for those costs from Sprint and the TA. Licensees are reminded that any planning or reconfiguration activities undertaken that have not been approved by both Sprint and the TA are at risk for non-payment/reimbursement if both Sprint and the TA do not subsequently approve the related costs when the licensee submits a RFPF or a Cost Estimate. Licensees are therefore encouraged to obtain approval from both Sprint and the TA prior to incurring costs for planning or reconfiguration activities in order to ensure that they are reimbursable. In addition, prior to submitting Cost Estimates to Sprint, licensees should fully vet bids and quotes submitted by potential service providers to ensure that the activities are reasonable and prudent expenses directly related to the retuning of an 800 MHz system and that the costs are not excessive or unreasonable.

Costs for the following types of activities may be reimbursable:

- Inventorying your subscriber equipment and infrastructure facilities.
- Evaluating proposed frequencies (including use of Frequency Consultants).
- Defining the interoperability environment.
- Equipment costs required for reconfiguration, including retuning, reprogramming, and replacement (where necessary).
- Filing FCC applications.
• Installation, testing, and engineering associated with reconfiguration.
• Legal fees associated with negotiating your FRA with Sprint.
• Preparing a Cost Estimate (and SOW if necessary) for your reconfiguration implementation.
• Activities of licensee personnel performing reconfiguration and associated planning activities.
• Educational events associated with reconfiguration, as outlined in the TA’s Educational Reimbursement Policy.

Non-Reimbursable Activities and Costs

Any costs that are not directly related to the retuning of an 800 MHz system are not reimbursable. Costs for the following types of activities are specifically non-reimbursable:

• Inventorying systems and equipment that are not directly affected by 800 MHz reconfiguration.
• Consulting or legal fees not related to 800 MHz reconfiguration.
• Vendor charges associated with responding to requests for proposals or providing bids and quotes.
• Overtime incurred by licensee personnel if the licensee does not pay its employees overtime.
• Costs which were not actually incurred or are not sufficiently supported by required documentation (invoices, receiving reports, documentation of internal costs).

Hard Costs

Hard costs are defined by the FCC as the actual costs associated with providing a replacement system, such as equipment and engineering expenses. Hard costs include, but are not limited to, the following items:

• Equipment – e.g., test equipment, spare equipment, back-up power equipment, and disposal of old equipment.
• Engineering costs – e.g., installation and system testing.
• Project management – e.g., implementation planning.
• Training – e.g., instruction and training associated with providing new equipment or a replacement system.
• FCC filing costs.
• New towers and/or tower modifications.
• Site costs – e.g., site acquisition, civil works, zoning costs, and site lease negotiation.
• Seamless transition expenses – e.g., costs to simultaneously operate incumbent licensee’s old system and new system.
• System inventory.
• System design.

**Transactional Costs**

Expenses that are associated with relocation, but that do not fit within the definition of hard costs, fall within the category of transactional costs. Transactional costs include, but are not limited to, the following items:

• Fees for attorneys.
• Fees for consultants – In some situations, fees for consultants may be classified as hard costs, such as when the consulting activities are associated with a hard cost item or service. When evaluating whether fees for consultants are a hard cost or a transactional cost, the TA will focus on the nature of the work performed, rather than who performed the work.
• Negotiation of agreements and analysis of “comparable facilities” proposals (including, but not limited to, fees for attorneys and consultants) – e.g., any legal or other work associated with developing and negotiating agreements, and fees or labor for analysis of agreements, proposals, and proposed frequencies.
• Licensee costs associated with the bid process – Vendor charges associated with responding to requests for proposals or providing bids and quotes are not reimbursable costs.
• Education – e.g., licensee costs to attend educational symposiums or seminars and conferences or association meetings. More detailed information about the specific types of education costs for which a licensee may receive reimbursement can be found in the TA’s Educational Reimbursement Policy ([http://www.800ta.org/content/resources/Educational_Reimbursement_Policy.pdf](http://www.800ta.org/content/resources/Educational_Reimbursement_Policy.pdf)).
• For relocation of EA licenses of non-ESMR EA licensees that elect to relocate to the ESMR band (i.e., 817-824 MHz/862-869 MHz) – engineering and legal fees directly related to determination of comparable spectrum, such as determining channel assignments or “white area.” Non-ESMR EA licensees must pay all hard costs and transactional costs associated with relocating site-based stations to the ESMR Band.
The classification of taxes, e.g., sales taxes and taxes related to travel and lodging of contractors and vendors (including, but not limited to, hotel, restaurant, airline, taxi, and parking taxes) will be based upon the type of item or service being taxed. When a tax is associated with a hard cost item or service, the tax will be considered a hard cost. For example, sales taxes on equipment purchases will be considered hard costs. When a tax is associated with a transactional cost item or service, the tax will be considered a transactional cost.

Application of “Hard Look” Requirement

Transactional costs must not be excessive or unreasonable. The FCC has tasked the TA with taking a particularly hard look at transactional costs that exceed two percent of the hard costs involved in a reconfiguration. In carrying out the “hard look” required by the FCC, the TA will require any party requesting payment or reimbursement of transactional costs that exceed two percent of hard costs to articulate its request with clarity in a Cost Estimate and to be able to provide documentation and supporting data to justify the request. The Cost Estimate submitted must clearly delineate whether each cost or activity listed is a hard cost or transactional cost based upon the categorizations in the Cost Classification Policy. The TA will review requests for payment or reimbursement of transactional costs that exceed two percent of hard costs during the TA’s review of FRAs. If the TA’s review indicates the need for additional support or justification, or that a Cost Estimate is otherwise deficient, the licensee will be so informed and will be required to furnish additional supporting documentation and data as well as a revised Cost Estimate. If the TA denies all or a portion of a request for payment or reimbursement of transactional costs, the TA will issue a letter to the applicant stating with clarity and precision its findings and the reasons for its decision.

The TA recognizes that compliance with the two percent transaction cost threshold may be difficult for certain small reconfigurations where basic transactional costs will be proportionally greater than in larger reconfigurations. The TA acknowledges that licensees are entitled to compensation for transactional costs such as basic legal advice, negotiation of agreements, and analysis of “comparable facilities” proposals. When the TA takes a hard look at transactional costs exceeding two percent during its review of FRAs, the TA will take into account that transactional costs in small reconfigurations may be disproportionate. The TA may request additional supporting documentation and data or justification from a licensee during the TA’s review of the FRA or when the TA conducts an audit of the amount expended at the conclusion of system reconfiguration.

The complete Cost Classification Policy is available on the TA website (http://www.800ta.org/content/resources/tapolicies.asp).

Education Costs

Costs associated with 800 MHz reconfiguration educational events meet the TA’s criteria as reasonable and prudent education costs, subject to specific criteria described below.

- To be eligible for reimbursement for attendance at a previously scheduled event (e.g., conference or association meeting), you must demonstrate that the attendee(s) would not attend the event “but for” the 800 MHz reconfiguration and the associated educational component.
As with all reconfiguration costs, the licensee and Sprint must agree to a Cost Estimate and/or actual costs and include such costs in a PFA or FRA. Failure to obtain pre-approval places reimbursement of the incurred costs at risk.

When an approved event is less than 100% devoted to 800 MHz reconfiguration program education, then no more than 50% of the expenses (e.g., travel and meals, registration fees) incurred are eligible for reimbursement.

If the portion of an event dedicated to 800 MHz reconfiguration program education is less than 50% of the total event program, expenses will not be eligible for reimbursement.

Only actual costs are reimbursable. If funding is received in advance, there will be a true-up mechanism once actual costs are known.

The TA may review the amount of educational costs attributed to any single person within the licensee’s organization or the number of individuals within an organization for which the organization is seeking reimbursement.

All licensee reconfiguration costs must be included in a RFPF (as part of a PFA) or a Cost Estimate (as part of an FRA) and must be approved by both Sprint and the TA.

The complete Educational Reimbursement Policy is available on the TA website (http://www.800ta.org/content/resources/tapolicies.asp).

Internal Labor and Outside Vendors

The licensee is free to choose its internal personnel or outside vendors to perform its reconfiguration and associated planning activities. Any personnel, whether internal or external, utilized during reconfiguration must be qualified and competent to perform the tasks that they are charged with completing.

Costs incurred in utilizing non-qualified personnel, or costs associated with correcting substandard work performed by non-qualified personnel, will not be recoverable. It is the licensee’s responsibility to ascertain that the personnel and vendors they utilize for reconfiguration are qualified and competent.

Following are guidelines related to the use of internal labor and outside vendors.

Internal Labor: For internal labor costs to be reimbursable, they must be incremental to the licensee, i.e., the costs would not have been incurred “but for” the FCC mandate to reconfigure the 800 MHz systems, and they must be the minimum necessary to obtain facilities comparable to those presently in use. Sprint will reimburse internal labor costs either on a “per unit” or a “per hour” basis:

- “Per Unit” Reimbursements: The preferred method for estimating a licensee’s internal labor cost of performing planning and reconfiguration tasks is to establish a “per unit” price for each such task and estimate the total number of times such task will be performed during planning or reconfiguration. The cost estimate for each such task will equal the agreed-upon “per unit” price multiplied by the agreed-upon estimate of the number of times the task will be performed.
• "Per Hour" Reimbursements. It may not be practicable to use a "per unit" basis to estimate the licensee’s internal labor cost of performing certain planning or reconfiguration tasks. For example, "per unit" reimbursement may not be appropriate for tasks such as project management, engineering, and legal that do not involve reconfiguring equipment.

Use of "per unit" reimbursement normally is appropriate either when there is an established market-based internal "per unit" price for the task or when the licensee and Sprint can agree upon a reasonable and supportable estimate of the time typically required to perform such task. When it is not practicable to use "per unit" reimbursement for certain planning and reconfiguration tasks, the licensee’s internal labor costs will be estimated on a "per hour" basis.

When there is no established market-based internal "per unit" price or the internal labor costs for a planning or reconfiguration task will be estimated on a "per hour" basis, Sprint and the licensee must negotiate and agree upon an internal labor rate for each internal labor category that will perform planning and reconfiguration tasks. The TA will approve "per hour" rates that are based upon established market-based internal labor rates or negotiated rates that are fair and reasonable.

• Market-Based Rates: If a licensee has established market-based internal labor rates (both regular and overtime rates) that the licensee currently charges for work similar to the planning or reconfiguration tasks to be performed, those rates normally are acceptable to the TA so long as the licensee can provide reasonable support for the established rates to Sprint during its negotiations or, upon request, to the TA during its review of the Cost Estimate included in the PFA or FRA. Examples of such market-based rates include intra-agency rates or rates charged to external entities.

• Negotiated Rates: When established market-based rates either are not available or cannot be substantiated, reimbursement of internal labor incurred to perform planning or reconfiguration tasks will be based on the rates (both regular and overtime rates) that Sprint and the licensee negotiate so long as those rates are fair and reasonable for the work to be performed, taking into consideration the nature of the work and the qualifications of the employees required to perform the work.

Fair and reasonable rates may be supported using any reasonable basis that the licensee and Sprint mutually agree is appropriate for the work to be performed and that is approved by the TA. When such rates are based on an estimate of the licensee’s internal labor costs, such support may include reasonable and supported estimates of the direct labor cost and allocable overhead of the internal labor that the licensee will use to perform the planning and reconfiguration tasks. When such rates are not based on an estimate of the licensee’s internal labor costs, the licensee should be prepared to support the reasonableness of the proposed rate in light of the nature of the work, the qualifications of the employees performing the work and/or prevailing industry, geographic or market conditions.

The complete Incumbent Labor Reimbursement Policy is available on the TA website (http://www.800ta.org/content/resources/tapolicies.asp).

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1 Support for base internal labor costs is typically derived from salary information contained in payroll and human resource records, with separate calculations or formulas for allocating overhead costs.
Outside Vendors: Outside vendors may include 800 MHz system vendors, established radio service shops, and experienced land mobile system consultants. The TA or Sprint will not attempt to qualify, certify, or otherwise determine what constitutes a qualified resource. However, the TA encourages licensees to evaluate resources selected for reconfiguration work based on proven experience performing similar tasks and to carefully consider the competency of resources with limited historical experience.

The licensee will be required to certify that the costs of its reconfiguration and associated planning activities are the minimum necessary to provide facilities comparable to those presently in use. The licensee must also certify, to the best of its knowledge, that any vendor costs listed in the Cost Estimate are comparable to costs that the vendor previously charged the licensee for similar work. When using outside vendors, the licensee, based on their specific circumstances, should consider obtaining multiple quotes for the work to be performed.

Licensees, Sprint, and outside vendors (third party contractors) are free to negotiate most of the terms and conditions of their agreements. However, for third party contractors to receive payment, they must agree to certain terms and conditions required by the FCC and the TA. More information about vendor terms and conditions is available in this Handbook in Section VI: Payment Process.

Documentation Requirements

You will be required to submit to Sprint documentation evidencing the costs incurred, including invoices, receipts, statements of work, and vendor contracts. Signed vendor invoices constitute proof of receipt of goods and services. The nature of the reconciliation documentation that you will need to submit with respect to your internal labor costs will depend upon whether your internal labor costs are being reimbursed on a “per unit” or a “per hour” basis. For more information regarding reconciliation documentation for internal labor costs, please refer to the Incumbent Labor Reimbursement Policy available on the TA website (http://www.800ta.org/content/resources/tapolicies.asp).

At the conclusion of your system reconfiguration, the payments made to you and your vendors will be reconciled against your Requests for Planning Funding and Cost Estimates and your supporting documentation. Any amounts expended for your system reconfiguration are subject to TA audit and you will be required to comply with TA audit requests.

Licensees are responsible for retaining all information related to reimbursable costs for reconfiguration. This material should be stored for a minimum of 18 months after the Completion Certification. Applicable records include books, documents, accounting procedures and practices, and other data of all types (e.g., written, electronic, or other).

Disputes with Sprint

If you have disputes with Sprint regarding the funding of your reconfiguration or associated planning activities that you are unable to resolve, you may request the TA to mediate the resolution of the dispute. Additional details regarding TA mediation and dispute resolution are available in this Handbook in Section III: Overview of Reconfiguration Prioritization Plan and Section VI: Payment Process.
VIII. RECONFIGURATION IMPLEMENTATION PHASE

This section describes the activities that occur during the Reconfiguration Implementation Phase. This section discusses the administrative aspects of completing the reconfiguration and does not go into technical details, nor does it constitute advice to licensees regarding the engineering aspects of the process.

After licensees execute an FRA with Sprint at the end of the Planning and Negotiation Phase, the Reconfiguration Implementation Phase begins. Reconfiguration implementation, or physical retuning, consists of: (1) replacement and retuning of subscriber equipment; (2) retuning of base stations to the licensee’s new channel assignments and commencement of system operations on the new channels (sometimes referred to as the system “cutover”); and (3) additional post-cutover system modifications (e.g., disposal of temporary or legacy equipment, removal of pre-rebanding channels from subscriber units, where appropriate).

NPSPAC licensees should initiate specific tasks and activities associated with these implementation steps as early in the rebanding process as possible. Some of these tasks can be initiated prior to the conclusion of FRA negotiations, including reconfiguration of subscriber equipment under the SED program, and licensees should be prepared to proceed rapidly with implementation once the FRA is finalized. In order to expedite implementation, NPSPAC licensees are encouraged to complete certain steps early, including:

- Finalize contracts with vendors and consultants to ensure that equipment will be delivered and implementation work will be completed within the FRA schedule and FCC requirements;
- Create and distribute lists of key licensee personnel and contacts, as well as contacts for vendors, consultants, Sprint and the TA, including designating an internal or vendor contact who will respond to requests from the TA for status updates on implementation;
- Maintain an inventory of all subscriber and infrastructure equipment affected by reconfiguration, and verify receipt of all loaner and replacement equipment;
• Coordinate efforts to ensure continuity of mutual aid interoperability arrangements with neighboring licensees; and

• Notify the TA if an issue affecting implementation is identified that vendors, consultants or Sprint cannot quickly resolve or that materially affects the implementation schedule.

Licensees are encouraged to commence implementation activities that are not dependent on having cleared replacement frequencies after their FRAs are executed and should not wait until an Implementation Planning Session (IPS) before beginning implementation activities. In fact, many licensees can and should immediately begin SED activities under the SED program prior to execution of an FRA. When licensees are ready to begin implementation, they should indicate their readiness and contact Sprint to discuss the schedule for Sprint to clear their replacement frequencies.

Implementation Planning Sessions (IPS)

As part of implementation preparation, the TA is conducting a series of IPS for NPSPAC and related Expansion Band licensees on a regional or statewide basis. Attendees include licensees, Sprint, vendors, consultants, and the TA. Licensees participating in these sessions are grouped by region, according to key dependencies and interoperability issues. The purpose of the sessions is to develop a comprehensive reconfiguration implementation schedule for NPSPAC and related Expansion Band licensees in that region, including proper identification of issues, risks, dependencies, and next steps. As described in the FCC’s September 12, 2007 Public Notice, NPSPAC licensees are expected to participate in the IPS for their area, regardless of whether they have executed an FRA with Sprint.

The sessions provide an opportunity to:

• Outline a preliminary reconfiguration implementation schedule for Public Safety licensees in a given region;

• Identify mutual aid and interoperability dependencies that affect scheduling;

• Discuss potential issues and risks affecting implementation;

• Allow for coordination and facilitation of action items and next steps; and

• Provide a forum for licensees to discuss and ask questions to the TA, vendors, and Sprint regarding their specific reconfiguration and the steps for reconfiguration implementation.

IPS have facilitated a number of positive outcomes, including:

• Building a common view among all stakeholders of licensee interdependencies and scheduling needs;

• Assisting licensees in understanding the specific steps they must take and factors to consider during implementation;
• Enabling parties to reach agreement on the timing of clearing and surrendering frequencies for those licensees that are ready to transition to the new channels; and

• Developing a common understanding of the dependencies and constraints between and among the parties (licensees, vendors, and Sprint).

Licensees should come to the IPS prepared to discuss their overall timelines and implementation plans for reconfiguration, as well as interoperability, vendor commitments, other dependencies, key assumptions and open issues. Multiple licensees that are proposing to reconfigure as a single coordinated group are encouraged to present a common integrated timeline and plan (even if they have separate FRAs). If you are attending a session, please utilize the IPS Preparation Worksheet that can be found on the TA website (http://www.800TA.org/content/resources/forms.asp). Items on the worksheet will be discussed at length during the IPS. Licensees that have completed the worksheet in advance of their IPS have felt more prepared and benefited more from the session.

The TA actively monitors, tracks, and reports licensees’ implementation progress. The TA contacts a licensee’s Point of Contact and/or Implementation Point of Contact on record to request progress reports of the licensee’s implementation efforts. Licensees should diligently provide status updates to the TA as requested. Further information on these progress reports and the information requested by the TA can be found in the Licensee Progress Reports Fact Sheet at http://www.800ta.org/content/resources/Progress_Reporting_Fact_Sheet.pdf

Reconfiguration Implementation for Licensees in Canadian Border Regions

On October 1, 2008, the TA submitted to the FCC the Implementation Plan and Timeline for the Reconfiguration of the 800 MHz Band in the U.S.-Canada Border Region. It incorporates the guidance, band plans, and reconfiguration sequencing set forth in the FCC’s May 9, 2008 Second R&O. Details regarding the reconfiguration of the U.S.-Canada Border Region can be found on the TA website (http://www.800TA.org/content/resources/canadaborder.asp).

Reconfiguration Implementation for Licensees in Mexico Border Regions

On April 1, 2013, the FCC released a Fifth R&O with reconfiguration sequencing for the U.S.-Mexico Border Region. On August 6, 2013, the TA submitted to the FCC the Reconfiguration Timetable for the Reconfiguration of the 800 MHz Band in the Sharing Zone and Affected NPSPAC Regions Along the U.S.-Mexico Border. Details regarding the reconfiguration of the U.S.-Mexico Border Region can be found on the TA website (http://www.800ta.org/content/resources/mexicoborder.asp).

Steps in the Reconfiguration Implementation Phase

Key activities for the Reconfiguration Implementation Phase include:

1. File FCC Applications for License Modifications

The first step in the Reconfiguration Implementation Phase is to prepare and file the appropriate FCC applications to add the new frequencies to your existing license. As noted in the Planning and Negotiation Phase, the TA sends out proposed frequencies to those licensees requiring them, but
licensees are responsible for filing the necessary applications with the FCC. As discussed in the section entitled “Negotiate Frequency Reconfiguration Agreement with Sprint,” you and Sprint must agree and specify in your FRA who will prepare and file these documents within a specified time frame. You should also negotiate and agree on the process and cost of filing required construction certifications with the FCC following the commencement of operations on the new frequencies. Your options include:

- You may prepare and file your own applications and certifications directly with the FCC.
- You may engage an FCC-certified Frequency Coordinator or other competent and experienced consultant to prepare and file the applications and certifications. Such services are reimbursable.
- You may request that Sprint prepare and file the application(s) and certification(s) on your behalf. If you prefer this option, you will need to provide additional ULS-related information to Sprint.
- Applications should only include the addition of your new frequencies. As the FCC clarified in the MO&O, any change or correction to system parameters that would modify the coverage contour, such as changing location, height or power, must be filed and granted prior to reconfiguration applications being filed.
- A modification application that would expand or move a coverage contour, if filed during the period of the application freeze, will require an FCC waiver. If a licensee is filing for a waiver, they may file a copy of the waiver request and accompanying application with the TA for informational purposes.

2. FCC Grants License Modifications

Note that the activation of the new frequencies in your system cannot commence until the FCC grants these applications.

3. Sprint Clears Frequencies

Once the requisite FCC applications have been granted, the next step is for Sprint to clear the new frequencies. This will make the new frequencies for your system available. The detailed schedule for clearing for Sprint may be arranged as part of the FRA or in a Retuning Schedule Letter (RSL). Sprint will notify both you and the TA when it has cleared the new frequencies (by discontinuing operations), usually within five days of completing the clearing.

Sprint is required to vacate Channels 1-120 (806-809/851-854 MHz) to accommodate relocation by NPSPAC licensees (821-824/866-869 MHz). In its September 2007 Third MO&O, the FCC specified that if a NPSPAC licensee requests access to spectrum in the new NPSPAC band for testing purposes or to commence operations, Sprint must clear the necessary channels within 60 days of the request. If a request was made prior to January 1, 2008, the FCC specified that Sprint must have cleared the necessary spectrum within 90 days of the request. In the Third MO&O, the FCC affirmed that Sprint is obligated to vacate all of its Channels 1-120 frequencies, other than in the deferred Wave 4 border areas, by the end of the 36 month rebanding program, June 26, 2008, and regardless of whether all NPSPAC licensees in a given region are ready to relocate their frequencies by that date. However, if the
FCC grants any NPSPAC licensee a waiver that allows the licensee to relocate after June 26, 2008, Sprint may petition to remain temporarily on the 1-120 channels.

On June 19, 2008, the FCC granted Sprint’s blanket waiver request in which it had sought to remain on Channels 1-120 until NPSPAC licensees that have sought waivers of the June 26, 2008 deadline are ready to retune their systems, subject to certain limitations. First, Sprint must vacate any channel to a NPSPAC licensee on 60 days notice. Second, if a Channel 1-120 channel is not needed to relocate a NPSPAC licensee, Sprint must vacate the channel if "(1) the corresponding spectrum 15 MHz higher in the 821-824/866-869 MHz band is clear in the region and is therefore available for use by Sprint, or (2) the channel is licensed for new post-rebanding NPSPAC facilities."

Licensees should request a channel clearing date consistent with their schedule for reconfiguring their system infrastructure or, in the case of mobile-only channels, the need to start operating on those channels. Licensees ready to begin the reconfiguration of their system infrastructure should have generally met the following criteria:

- Completed the replacement, reprogramming, or retuning of subscriber units required to begin using the new channels, both for the licensee and interoperating users;
- Have all vendor support in place and ready to start the infrastructure retune;
- Have any necessary hardware delivered and ready for installation;
- Internal resources should be confirmed and in place for support of the infrastructure retune; and
- Completed any necessary training of personnel.

In addition, licensees should ensure that they are prepared to use the cleared channels upon their release by Sprint. Licensees are required to modify their FCC license(s) to add their new frequencies prior to implementing the new channels. Licensees are also advised that they may submit to Sprint a channel clearing request requiring more than 60 days before the channels are needed. However, if a request is submitted and the date by which the new channels are needed is less than 60 days from the submission date, Sprint still has 60 days from the date of the submission of the request to clear the channels.

In some cases, other licensees will have to clear your replacement frequencies first. In such a case, Sprint, working in conjunction with the TA, will advise you when your frequencies have been cleared by other licensees and are available for your use.

According to the PSHSB’s August 16, 2013 Public Notice, licensees in the U.S.-Mexico border Sharing Zone may need to monitor their replacement frequencies prior to infrastructure retuning to ensure there is no harmful interference from users that have not properly cleared on the replacement frequencies. Sprint, working in conjunction with the TA and the FCC, will notify licensees when their replacement frequencies in the Sharing Zone in the U.S. have been reported as clear and ready for their use. Licensees should not monitor ahead of this notification as they may detect signals from licensees, both in
Mexico and the U.S., that are still in the process of reconfiguring and erroneously report them as interference. Licensees should include monitoring expenses, if necessary, in their Cost Estimates.

Finally, to assist with the channel clearing process, the TA has developed a Channel Clearing Request Form for use by licensees, which is available on the TA website (http://www.800ta.org/content/resources/Channel_Clearing_Request_Form.doc). Although encouraged to do so, use of the form is optional and left to the discretion of licensees. Sprint is to respond to channel clearing requests from licensees within 15 working days with a schedule for making the new NPSPAC channels available to the licensee.

Licensees do not need to use the Channel Clearing Request Form if:

- The licensee has attended an IPS during which the licensee provided its implementation schedule dates;
- After being contacted by the TA, the licensee has provided to the TA a written communication with the date by which the licensee requests that the channels be cleared. The TA will forward this information to Sprint; or
- The licensee’s FRA already includes its channel clearing dates.

For more information on the channel clearing process, licensees may refer to the Channel Clearing Process section of the TA website at http://www.800ta.org/content/resources/processes.asp#implementation.

4. Complete Pre-Reconfiguration Prep Work

Concurrent with Sprint clearing frequencies, complete any tasks that can be performed in advance of physical reconfiguration. The specific activities included in this step will vary significantly depending on the complexity of your system. Prep work may include facility preparation, retuning subscriber equipment, system baseline testing (if required), or other activities outlined in your reconfiguration plan.

5. Reconfigure Infrastructure and Subscriber Equipment

Activities that may occur during actual infrastructure reconfiguration include site retunes, subscriber equipment retunes, and other tasks necessary to operate on the new frequencies while minimizing disruption to the existing operations. Again, specific activities completed as part of this step will vary depending on the complexity of your system.

During the course of your reconfiguration, Sprint will remit payments either to you or directly to your vendor(s) in accordance with the arrangements and schedule in your FRA. More information is available in the Payment Process and Funding Guidelines sections of this Handbook.

6. System Cutover

The system cutover milestone is reached when all reconfiguration tasks are complete. At this point all infrastructure and subscriber equipment is verified to be operational on the new frequencies.
7. Complete Acceptance Testing (if required)

If required, acceptance testing ensures the reconfigured system is comparable to the pre-reconfiguration system parameters.

In certain circumstances, larger public safety and CII systems may seek to conclude the retuning process with a formal acceptance test of the system to validate operations on the new frequencies (validation of the retuning process for most conventional systems, by contrast, should be a simple exercise). Such a test would serve as the primary basis for certifying completion of your reconfiguration; you and/or your vendor would develop a structured test plan and schedule, with acceptance criteria that your personnel would validate have been met at each step in the test. It is expected that the scope of such a test would vary considerably depending upon the size and complexity of the system. Interoperability across agencies and Mutual Aid functions should also be built into the test where appropriate.

If you and Sprint agree on an acceptance test of your system, it must be included in the agreed upon Cost Estimate (and SOW for complex systems) that will be part of your FRA. The scope, level of effort and cost of the test must be specified and agreed to during FRA negotiations.

For some systems, testing to validate coverage may also be necessary. The following describes TA guidelines for three methods for testing, and provides descriptions of when the use of each method may be appropriate. The guidelines are designed to allow licensees flexibility, but to provide guidelines that must be considered when a licensee is determining if testing is necessary and, if so, what level is appropriate. The appropriate method is the one that requires the minimum cost to determine comparability.

It is important to note that the coverage testing for reconfiguration has a different objective than the testing necessary for acceptance of a new system. For a new system the objective is to verify the vendor has delivered to specification in all parts of the coverage area promised. New system acceptance may require an extensive drive test using a grid with thousands of data points and is quite different from comparing coverage before and after reconfiguration.

For reconfiguration, the testing must verify that coverage is comparable immediately before and after reconfiguration to new frequencies. To be valid, these measurements must be performed as close together in time as the reconfiguration will allow in order to minimize the effect of seasonal changes and other potential environmental differences.

In many cases measurements performed at repeater sites are sufficient. In cases where drive testing is appropriate, the test grid should be designed to use the minimum number of grids to be statistically valid for comparison. There may be specific conditions or system designs that cause some licensees to believe these methodologies will not determine comparable coverage in their system. For those cases the licensee must describe why they need to use a different methodology to show comparable coverage and specifics of the methodology they propose. The focus of any testing must be on showing if comparable coverage is achieved. The three methodologies are general guidelines, and licensees should develop a specific Method of Procedure (MOP) for their test environment to include specific pass/fail criteria.
These guidelines will be considered when the TA reviews FRAs. Licensees are advised that pursuant to the FCC’s R&O, all costs related to reconfiguration, including those regarding system testing, must be agreed with Sprint.

Method 1: Repeater Site Measurements

This method is appropriate for sites where reconfiguration does not require substantial changes to the antenna or coax feed line. This method can be used if other transmission elements (such as transmitter combiners or filtering devices) change, and if those changes do not result in a change to the transmit power into the feed line. For those systems where the transmit power to the feed line does not change, it is sufficient to make a series of measurements at the repeater site. This method assumes all existing equipment is specified to operate with comparable losses for the new channels compared to the existing channels. If the antenna bandwidth specifications include the new channels, then the radiated pattern and signal strength should not change, assuming that equivalent transmit power is delivered to the antenna.

Prior to reconfiguring the site, measured losses for each component are recorded including the transmit power entering the transmission line. The measurements should include the return loss of the transmission line and antenna. After reconfiguration, the same measurements are made and compared to the prior measurements. If the two sets of measurements are comparable, then coverage will be comparable.

As an example, assume the site is configured with a base station transmitter feeding a transmit combiner and then a duplexer that feeds the coax line and antenna. The base station receiver receives signals from a receiver multi-coupler that connects to the duplexer and the common antenna.

The transmit power will be checked and recorded at the output of the base station, at the output of the combiner, and at the output of the duplexer before any frequency changes are made. In a similar manner the effective receiver sensitivity (12 dB SINAD or other appropriate test) is measured and recorded at the receiver input, multi-coupler input, and the duplexer input. The antenna feed line and antenna return loss or other appropriate measurements are then made and recorded to determine that those components are functioning correctly.

After the frequency change, the above measurements are then repeated and compared to the first set of measurements. If the two sets of measurements are comparable, then the system coverage is comparable.

Method 2: Line-of-Sight Measurements

This method is appropriate for many systems or sites with a change in the antenna configuration. The measurement accuracy of this method is generally better than a drive test as the multi-path variability is minimized and accurate signal strength changes can be determined by using good quality measuring equipment. This method begins with the measurements in Method 1. Start with making and recording all the pre-reconfiguration measurements specified in Method 1. Then a series of static line-of-sight measurements are made before and after reconfiguration to verify comparability of the new antenna.
pattern. Typically this method employs eight locations evenly spaced around the site (assuming an omni directional antenna).

Each location should have a line-of-sight path to the radio site. Measure the signal strength from the site, using a narrow beam-width directional antenna and a calibrated measuring device before reconfiguring the site. Next, make and record the measurements in Method 1 after the frequency change and repeat the signal strength measurements at each measuring location. If the measurements are comparable, the antenna patterns and gain match and the coverage will be comparable. If a directional and/or a down-tilt antenna is used at the radio site, the locations should be modified as appropriate for the antenna pattern.

Method 3: Drive Test

This is the most complex and expensive method for determining comparable coverage. Typically, it is only appropriate for complex systems, such as those using simulcast technology, or where extensive changes are made to the antenna and other transmission subsystem elements. Before deciding this method is required, consider the extent of changes to determine if Method 2 is more appropriate and provides better measurement accuracy.

The drive test must be set up to be repeatable and based on a statistically valid method of measurement that minimizes the number of grids to be measured. As with the previous methods, testing should be performed immediately prior to and after rebanding to ensure location variability is minimized. The test need not include building penetration tests if the measurement grids are designed to show the signal strength around the buildings. If the signal levels are comparable in a statistically valid random number of grid areas throughout the coverage area, then signal levels should be comparable in areas not measured.

To be valid, this test should employ automated signal strength measuring equipment and employ the following characteristics:

1. The measuring equipment should average measurements over 40 wavelengths with 50 samples per average.
2. The measuring equipment should include appropriate filters and high quality receivers.
3. The service area to be measured should be divided into uniform grids. The number of grids should be the minimum required to verify coverage and be statically valid.
4. The baseline measurements should be collected immediately prior to reconfiguration and the post-reconfiguration measurements collected immediately after reconfiguration. This will ensure comparable testing.
5. This only compares existing service coverage to post-reconfiguration coverage. If a service hole existed prior to reconfiguration, it will exist after reconfiguration. All coverage comparisons should have a statistically valid basis.
6. Before and after rebanding, field audio or bit error rate (BER) checks – to verify simulcast overlap distortion is unchanged – are acceptable. These checks should be conducted while collecting the signal strength data.
The TA recognizes that 800 MHz licensees face a wide range of system configurations and circumstances. If a licensee believes more extensive testing is required than indicated above, they should submit an explanation of their particular circumstances and detailed Method of Procedure (MOP) with their Cost Estimate. Licensees are especially advised to question proposals to conduct drive testing for simpler system configurations.

For additional information on verifying comparable coverage for reconfiguration, please consult your system vendor. For more information regarding coverage testing, please refer to: http://www.pericle.com/papers/index.html, Guidelines for Conducting Drive Test Surveys for 800 MHz Rebanding (with a further bibliography) and also TIA TSB-88 (latest revision) Section 7.
IX. CLOSING PHASE

This section discusses the activities that occur during the Closing Phase and addresses the administrative aspects of completing 800 MHz Band reconfiguration. Figure 13 shows the different steps involved in the Closing Phase.

![Figure 13: Closing Phase](image)

1. Complete FCC Surrender Applications and Other Filings

Once you have completed retuning of your system, including any acceptance testing, you will be required pursuant to the terms of the FRA to notify Sprint that the retuning is completed. At this time, you and/or your authorized representative and/or Sprint, depending upon the terms of your FRA, will file additional applications with the FCC to modify your license to delete or “surrender” the old frequencies. This is an important step, as the TA and the FCC cannot verify that the reconfiguration is complete until the FCC has granted these applications. At this time, if necessary, Sprint will also file applications to delete your new channels from their licenses surrounding your locations.

In addition, there are two other FCC filings that are not conditions to closing, but must be made in conjunction with reconfiguration:

- The FCC requires that licensees file a Certification of Construction when new frequencies are granted and placed into operation. Frequencies provided to the licensee through reconfiguration trigger this requirement. Although the filing of the Certificate of Construction is not a condition to closing, the Certification of Construction must be filed within one year of the grant of the new frequencies and should be filed within 15 days of the licensee's commencement of operations on the new frequencies. A failure to file the construction certification may result in the cancellation of your license. It is the licensee's responsibility to file the certification either directly or through an authorized representative. The TA recommends that this process and any associated cost be included in the FRA with Sprint.

- If frequencies were assigned to Sprint for use as part of the transaction, following the closing of the transaction, Sprint will file a Notice of Consummation with the FCC.
2. Licensee and Sprint Complete True Up

The reconfiguration ends with a “closing” process, in which both you and Sprint verify that all obligations have been met. The closing process includes the “true-up” or Actual Cost Reconciliation (ACR) Process, whereby your cost support documentation will be matched up against the amounts paid or to be paid by Sprint for reconfiguration costs. The ACR process is performed after you have completed your physical reconfiguration or activities and prior to signing your contract closing documents. Sprint initiates the ACR process after receiving notice from you that your physical reconfiguration has been completed.

The steps for completion are:

1. Provide Sprint with supporting documentation of the actual costs incurred for your reconfiguration (invoices, timesheets, receipts, etc.).
   - Licensees are encouraged to submit their cost support information via fax to Sprint at 1-866-221-9660 within 30 days of receipt of the ACR notice from Sprint for FRAs.
   - During the ACR process, Sprint validates the costs incurred and performs a true-up of the costs incurred to the estimated costs. Advance Change Notices are needed if Cost Estimate overruns are expected.
   - Once you submit the necessary cost documentation, Sprint will prepare and send to you an ACR Statement that reconciles your Cost Estimate with the cost documentation provided to Sprint. If you agree with the ACR Statement, it should be signed and returned to Sprint within 15 days of receipt.
   - The ACR process includes a reconciliation of any replacement and/or loaner equipment included in your FRA. In the event that you do not return all of the equipment that should be returned, the ACR Statement will include an adjustment for the amount of the missing equipment.

2. Perform true-up between payments made and actual costs incurred (refer to the Funding Guidelines section of this Handbook for details):
   a. If additional payments are due to you or your vendor(s), Sprint will make a final true-up payment(s). Licensees must negotiate with Sprint to amend their FRA with Sprint before incurring new or additional expenses beyond the Cost Estimate. These amendments must be reviewed and approved by the TA. If at any point in time you determine that you underestimated the amount of costs required to implement your reconfiguration, you should promptly submit a written Change Notice in accordance with the applicable “Changes” provision of your FRA. You will then negotiate the change with Sprint.
   b. If you and/or your vendor were overpaid, refunds will be due to Sprint.

Licensees that have both a PFA and an FRA will go through a separate ACR process with respect to each agreement. Licensees are encouraged to complete the ACR and Closing processes for their PFA
at or before the closing of their FRA. For an FRA, licensees that have more than one significant milestone during reconfiguration, such as multiple touches to their subscriber units, are encouraged to go through the ACR process if there is an anticipated delay of greater than 12 months between the milestones. For licensees that have more than one significant milestone during reconfiguration who elect to go through the ACR process in between milestones, a subsequent ACR would be required to recoup any additional expenses incurred pursuant to the FRA Cost Estimate at the completion of reconfiguration.

Upon the completion of physical reconfiguration, licensees should move quickly to submit the necessary cost documentation. Accurate and complete collection of cost support during the physical reconfiguration process will ease and speed the ACR process. By not providing the sufficient cost support to Sprint in a timely manner, licensees could significantly delay the ACR process.

A fact sheet providing details regarding the ACR and Closing processes, timelines, and requirements can be found here: [http://www.800ta.org/content/resources/ACR_Fact_Sheet.pdf](http://www.800ta.org/content/resources/ACR_Fact_Sheet.pdf).

### 3. Licensee and Sprint Certify Completion

Once the ACR process is complete for an FRA, Sprint will send you a package of closing documents, all of which are required by the program. Included in this package are the following certifications:

- Closing Certification for the licensee and Sprint;
- Mutual Assignment of FCC Licensees/Reconfiguration Certifications; and
- 800 MHz Reconfiguration Completion Certification.

You are reminded that the execution and delivery of the closing documents are requirements under your FRA, and are important last steps to complete reconfiguration. Accordingly, licensees are encouraged to execute and return the closing documents within 30 days of receipt.

You must provide a Completion Certification that certifies to the TA:

1. That you have relinquished your original 800 MHz frequencies and reconfigured your facilities to operate on the replacement frequencies;
2. That all work required to reconfigure your facilities to operate on the replacement frequencies has been satisfactorily completed; and
3. That you and Sprint have agreed to the sum paid by Sprint for such work.

A licensee’s reconfiguration is not complete until the Completion Certification has been executed and delivered by the licensee.

Sprint will forward all closing documentation to the TA for review, and the TA will register the reconfiguration as complete.
4. Maintain Records and Documentation

Licensees are responsible for retaining all information related to reimbursable costs for reconfiguration. This material should be stored for a minimum of 24 months after the closing of a PFA or 18 months after the closing of a FRA, and longer if you typically retain records for longer. Applicable records include books, documents, accounting procedures and practices, and other data of all types (e.g., written, electronic, or other).

Supporting documents should be submitted to Sprint as part of reconciliation and to the TA upon request. The TA has the right to request documents beyond the time listed above in cases where there are indications of potential fraud, waste, or abuse.

For a complete checklist of reconfiguration activities that need to be completed in order for your rebanding to be complete, please refer to http://www.800ta.org/content/resources/reconfiguration_completion_checklist.pdf

**Fraud, Waste, and Abuse**

It is incumbent on all program participants to implement measures to deter and detect potential fraud, waste, abuse, or other illegality in the 800 MHz reconfiguration program. More information about safeguards and other actions required of program participants to combat fraud and other potential illegalities in the reconfiguration program appears in this Handbook in Section XI – Fraud, Waste, and Abuse.
X. REQUESTS FOR WAIVER OF THE REBANDING COMPLETION DEADLINE

Pursuant to the FCC’s 800 MHz R&O, the 800 MHz reconfiguration program was scheduled to end on June 26, 2008. Licensees whose reconfiguration would extend beyond June 26, 2008 were required to request a waiver of the June 26, 2008 program completion date. Wave 4 licensees in the international border areas with Canada and Mexico and licensees in Puerto Rico and the U.S. Virgin Islands were not subject to the June 26, 2008 deadline and were not required to request a waiver at that time. Licensees that completed physical reconfiguration by June 26, 2008 were deemed to have met the deadline and did not require a waiver.

The FCC's January 17, 2008 Public Notice (FCC 08-23) stated that any 800 MHz non-border licensee that has not completed rebanding by the June 26, 2008 program deadline should request a waiver of the deadline from the PSHSB.

The PSHSB addressed requests for waiver of the rebanding completion deadline and supplemental waiver requests filed by non-border licensees in Orders released on June 17, 2008, June 30, 2008, July 14, 2008, June 9, 2009, March 31, 2010, December 30, 2010, October 3, 2011, and August 9, 2012. Licensees that have not completed rebanding of their system by the waiver grant date should file a supplemental request for waiver.

Licensees in Puerto Rico and the U.S. Virgin Islands whose reconfiguration extended beyond the respective deadlines of March 19, 2011 and March 20, 2011 were required to request a waiver of the completion date. The PBHSB addressed the Puerto Rico requests for waiver of the rebanding completion deadline in an Order released on August 9, 2012. Puerto Rico licensees that have not completed rebanding of their system by the waiver grant date should file a supplemental request for waiver.

Licensees in the U.S.-Canada Border Region were required to complete reconfiguration by April 14, 2011 or file a request for waiver of the completion date. In a Public Notice dated April 8, 2011, the FCC provided guidance for licensees that had not completed reconfiguration by April 14, 2011. The FCC tolled the deadline for 12 months for certain licensees whose FRAs were not yet approved by the TA, pending resolution of frequency conflicts with Canada, after which time they would need to file a request for waiver of the completion date if they had not completed reconfiguration by that time. The remaining licensees who had not completed reconfiguration by April 14, 2011 were directed to submit their requests for waiver by May 31, 2011. In Orders released on December 5, 2011 and August 9, 2012, the FCC addressed the requests for waiver and supplemental requests for waiver. U.S.-Canada Border Region licensees that have not completed rebanding by the waiver grant date should file a supplemental request for waiver.

The scheduled date for licensees to complete reconfiguration in the U.S.-Mexico Border Region is February 23, 2016 and no requests for waiver of the completion date are required before that date.

All licensees requesting waivers of the completion date are required to provide the FCC with milestone dates for their implementation. Licensees are also required to continue updating their filings if those dates change in the course of the reconfiguration.
To determine whether rebanding is complete for purposes of filing a waiver request, licensees should assess whether they have:

- completed subscriber unit deployment (i.e., retuning, reflashing, and/or replacing subscriber equipment),
- retuned base stations to their new channel assignments,
- commenced system operations on their new channels, and
- completed post-cutover system modifications, including disposing of temporary or legacy equipment and, in the proper case, removing pre-rebanding channels from subscriber units.

A licensee does not need to file a request for waiver for time needed to conclude the administrative tasks of rebanding, including modifying licenses to delete frequencies and conducting the financial reconciliation with Sprint.

If rebanding has been completed as described above, a licensee should send a letter or an email to the TA indicating that the licensee has completed the reconfiguration of its system and noting the completion date. The letter or email may be emailed to comments@800TA.org or faxed to 888-701-4380. If the licensee continues to operate infrastructure that supports the five nationwide mutual aid channels in the old NPSPAC band, the licensee should note that in the letter or email.

The TA has developed a template Request for Waiver, which includes a Waiver Request Information Form, for licensees to use that outlines the estimated implementation milestones that the PSHSB has directed licensees to provide. The TA's Request for Waiver template is available in PDF or Word version on the TA's website (http://www.800ta.org/content/resources/sitemap.asp#w).

Licensees should file requests for waiver with the PSHSB via email to PSHSB800@fcc.gov. Licensees should send copies of the requests to the TA (Waivers@800TA.org) and Sprint (800MHz@Sprint.com). The PSHSB will review and rule on the requests for waiver.

Licensees filing a "supplemental" request for waiver should use the TA's Request for Waiver template. The FCC strongly encourages licensees to use the TA’s Request for Waiver template for supplemental waiver requests. Providing the information requested in the TA's template is generally sufficient to address the information that the FCC recommends that licensees address in their supplemental request for waiver.

Licensees are advised that the FCC has stated that requests for waiver are subject to a high level of scrutiny. Licensees submitting a request for waiver must be able to demonstrate that they have worked diligently and in good faith to complete rebanding expeditiously, and that the additional time requested is no more than reasonably necessary to complete the rebanding process.
Requests for waiver received by the TA are posted on the TA's website at
http://tatools.800ta.org/PublicTaTools/(4arivj4504c3lfmrhdlyi55)/WaiverProfileStatus.aspx?UrlRequest=ListAll,
but information for which confidentiality is sought under Section 0.459 of the FCC's Rules will not
be posted. The Request for Waiver template includes a provision for the licensee to seek confidential
treatment of the Waiver Request Information Form. Licensees who elect to submit requests for waiver
not conforming to the TA's template should carefully consider the nature of the information they are
providing and consult Section 0.459 of the FCC's Rules (47 C.F.R. § 0.459) regarding requests for
confidential treatment.

Licensees are assured of continuing funding by Sprint in the event that their rebanding activities extend
past the completion deadlines established for reconfiguration of their respective regions. Sprint is
required to pay all licensee rebanding expenses that are reasonable, prudent, and necessary regardless
of when such costs are incurred. The TA has been directed to approve FRAs that provide for recovery of
rebanding costs after June 26, 2008, as long as the costs are otherwise recoverable under the TA's
standards. However, this assurance of continued funding after the applicable completion deadline may
not apply to a licensee found not to have been acting in good faith.

Q&A

How do I submit a supplemental request for waiver?

- Licensees may file supplemental requests for waiver with the PSHSB via e-mail to
  PSHSB800@fcc.gov. Licensees must provide copies of the requests to the TA at
  Waivers@800TA.org and to Sprint at 800MHz@sprint.com.

I am a U.S.-Mexico Border Region licensee. Do I need to file a request for waiver?

- Licensees in the U.S.-Mexico Border Region are not subject to the June 26, 2008 deadline for
  completion of rebanding. Therefore, no request for waiver is required at this time. The U.S.-
  Mexico Border Region reconfiguration started on August 23, 2013, and these licensees are
  required to complete rebanding by February 23, 2016.

When is a licensee's rebanding "complete" for purposes of submitting waiver requests?

- For purposes of waiver requests, a licensee has completed physical reconfiguration of its system
  when it has completed subscriber unit deployment (i.e., retuning, reflashing, and/or replacing
  subscriber equipment), retuned its base stations to its new channel assignments, commenced
  system operations on its new channels, and completed post-cutover system modifications,
  including disposing of temporary or legacy equipment and, in the proper case, removing pre-
  rebanding channels from subscriber units. A licensee that has completed physical
  reconfiguration does not need a waiver for the time needed to conclude the administrative tasks
  of rebanding, including modifying licenses to delete frequencies and conducting the financial
  reconciliation with Sprint.

- If a licensee's FRA provides for multiple touches to its subscriber units, and the licensee has not
  completed its second (or subsequent) touch to remove the pre-rebanding channels from its

...
subscriber units, the licensee has not yet completed physical reconfiguration and should file a supplemental request for waiver. A licensee does not need to file a supplemental request for waiver if its second (or subsequent) touch is **solely** to remove the pre-rebanding nationwide NPSPAC mutual aid channels from its subscriber units.

**What documentation should I provide to the TA to show I have completed reconfiguration?**

- You should send a letter or an email to the TA indicating you have completed the reconfiguration of your system and noting the completion date. The letter or email may be emailed to comments@800TA.org or faxed to 888-701-4380. If you continue to operate infrastructure that supports the five nationwide mutual aid channels in the old NPSPAC band, you should note that in the letter or email.

**Do I need to file a Request for Waiver with the PSHSB if I have agreed with Sprint on a schedule for Sprint to clear my replacement frequencies and I have received a Retuning Schedule Letter (RSL) from Sprint memorializing that agreement?**

- Yes. Even if you have agreed with Sprint - either in an FRA or in a RSL - on a channel clearing date that is after your waiver date granted by the PSHSB, you are not relieved of your regulatory obligation to comply with the rebanding completion deadline. Even if the channel clearing date is before your waiver date granted by the PSHSB, but you will be unable to complete reconfiguration until after that date, you must file a Request for Waiver.

**The FCC encourages licensees who are part of a regional coordination plan or who are otherwise coordinating their rebanding efforts to file coordinated Requests for Waiver. The FCC's January 17, 2008 Public Notice (FCC 08-23) states that coordinating licensees may designate a "lead" licensee to file a Request for Waiver on their behalf, but that each licensee that is part of the requesting group should separately provide certain information. What information do the non-lead licensees need to provide?**

- If, for example, you are part of a regional coordination plan or are a party to a multi-agency FRA, the "lead" agency may file a single Request for Waiver for all licensees who are part of the regional coordination effort or FRA. However, you and each non-lead licensee that is part of the regional coordination plan must provide the information regarding its system described in the Public Notice (http://www.800TA.org/content/fccguidance/) and set forth in the TA's Waiver Request Information Form, which is part of the Request for Waiver template. Specifically, you and all non-lead licensees should complete and submit Section 1 (Licensee Information), Section 2 (System size and complexity), and Section 3 (Interoperability with other systems), as well as reference the lead licensee's Request for Waiver. (If there are special circumstances associated with your system or you propose a different timeline than the lead agencies, this information may also be included on your Waiver Request Information Form).
Is it correct that a licensee’s request for waiver does not need to have been granted by the FCC in order for that licensee to be assured of continued funding?

- Yes. This assurance of continued funding, however, may not apply to a licensee found not to have been acting in good faith.

For more information about requests for waiver, refer to http://www.800ta.org/content/resources/faqs.asp#waiverfaqs.
XI. FRAUD, WASTE, AND ABUSE

Overview

The TA is committed to aggressively deterring fraud, waste, abuse, or other illegality in the 800 MHz reconfiguration program. The TA may, in its discretion, provide any report of alleged fraud, waste, abuse or other illegality to the FCC. Parties that engage in the commission of fraud, fraudulent acts, or other illegalities associated with the program may be subject to civil and/or criminal liability and possible FCC action, including exclusion from further participation in the program.

The TA will be vigilant in monitoring the progress of each system’s reconfiguration to ensure that the submitted Cost Estimates contain reasonable and prudent expenses directly related to the retuning of an 800 MHz system and that the funds expended are the minimum necessary to provide facilities comparable to those presently in use. Licensees and vendors are reminded that “good cause” for Sprint’s non-payment of a reconfiguration expense includes credible evidence of fraud, waste, abuse, or other illegality associated with that expense.

The TA has implemented several safeguards to deter potential fraud or other illegality, including the following Obligations and Prohibitions required of all program participants, as may be amended from time to time.

Obligations

All program participants must:

- Report any fraud, waste, abuse, or other illegality in the program to the TA.
- Implement internal safeguards and procedures to detect and deter potential fraud, waste, abuse, or other illegality.
- Prepare and submit Cost Estimates that contain reasonable and prudent expenses directly related to the retuning of an 800 MHz system.
- Certify that Cost Estimates include only costs that are the minimum necessary to provide facilities comparable to those presently in use.
- Upon the completion of a system reconfiguration, certify to the TA that the reconfiguration is complete and the total actual cost of the reconfiguration.
- Return any fraudulent payment received in connection with any reconfiguration services.
- Licensees must maintain records and other supporting evidence associated with reconfiguration services paid for by Sprint for 18 months after the Completion Certification, and provide access to these records to the TA or any auditor appointed by the TA.
- For each licensee for which a vendor performs reconfiguration services, the vendor shall retain, and make available to such licensee upon request, all documents directly related to the vendor’s performance of such reconfiguration services for a period of 24 months following the completion of such reconfiguration services.
**Prohibitions**

All program participants **must not**:

- Extend, accept, or demand any gratuity or special favor for the purpose of influencing a decision or action of the recipient(s).
- Enter into any agreement that includes a “kickback” of funds or anything else of value in exchange for or as consideration for the award of a contract for reconfiguration services.
- Enter into any agreement that includes any artificially inflated prices, false statements of work, inaccurate inventory counts, incorrect descriptions of the reconfiguration services, or “goldplating” of the reconfigured facilities.
- Employ, retain, or pay a contingent fee or commission to solicit or win the award of a contract for reconfiguration services, except to a bona fide employee or selling agency of the program participant.

**TA's Safeguards**

For its part, the TA has implemented the following safeguards designed to detect and deter fraud, waste, abuse, or other illegality in the reconfiguration program:

- The TA will review and approve Requests for Planning Funding and Cost Estimates as a prerequisite for a licensee to expend funds for any system reconfiguration or related planning activities.
- The TA may audit completed reconfigurations to ensure that actual funds expended are consistent with the approved Cost Estimates.
- The FRA requires the incumbent licensee to certify that the funds requested are the minimum necessary to provide facilities comparable to those presently in use and that, to the best of its knowledge, any vendor costs listed in the Cost Estimate are comparable to costs that the vendor previously charged the incumbent licensee for similar work.
- The TA will track and review costs and rates on a vendor-by-vendor basis.

**Representations to the TA**

Program participants are further reminded that all representations made to the TA are held to the same requirement of truth and candor as representations made to the FCC. Any representations to the TA found not to be true will be treated by the TA as a false statement and may become the subject of further investigation or other action, as appropriate.
XII. CONTACTS

800 MHz Transition Administrator, LLC (TA)

- Website: [www.800TA.org](http://www.800TA.org)
- Email: Comments@800TA.org
- Phone: 888-800-8220
- Fax: 888-701-4380
- Address: 800 MHz Transition Administrator, LLC
c/o Squire Sanders (US) LLP
8000 Towers Crescent Drive, 14th Floor
Tysons Corner, VA 22182

Sprint

- Email: [800MHz@Sprint.com](mailto:800MHz@Sprint.com)
- Fax: 678-405-8252

FCC’s 800 MHz Band Reconfiguration Website