



Transition
Administrator

The Official Reconfiguration Manager

800 MHz Reconfiguration: System Upgrades

The TA discourages upgrades during reconfiguration, out of concern that system upgrades or replacements will delay reconfiguration. However, it is possible that some licensees may have already planned for the implementation of certain system upgrades prior to adoption of the Report and Order (R&O). The TA will, therefore, review such plans on an individual basis, as they are put forth during the Frequency Reconfiguration Agreement (FRA) negotiation process with Sprint Nextel, subject to specifications outlined below.

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
 - 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 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.
 - 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. Licensees will be responsible for any costs that exceed the costs of reconfiguring the existing system. Funding from Sprint Nextel 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.

October 7, 2008– V 1.0

- The Licensee should disclose to the TA a description of the planned upgrade along with a Cost Estimate for the upgrade and submit a valid, binding quote from the upgrade vendor at the same time it submits the cost estimate; otherwise it is presumed that the licensee cannot meet the requirement that the proposed upgrade would not lengthen its implementation schedule. The upgrade bid/quote should contain a definitive implementation timeline. 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.
3. Licensees should 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 should demonstrate to the TA, and include as a clause in the FRA, that all vendors involved in the upgrade have committed necessary resources to accomplish the upgrade in a timely manner and can deliver all necessary hardware and software in a timely manner. Licensees should:
 - Stipulate within the terms of the FRA 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 Nextel documentation of actual upgrade costs incurred
 - Refund to Sprint Nextel any amounts paid by Sprint Nextel 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 Nextel 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 should be filed and preferably granted prior to the start of reconfiguration. Because the Memorandum Opinion and Order 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.

For additional information and TA-guidance System Upgrades, please refer to the TA Handbook on the TA's website <http://www.800TA.org>.

 **Transition Administrator**
The Official Reconfiguration Manager

phone: 888.800.8220
fax: 888.701.4380
e-mail: comments@800ta.org
www.800TA.org

About the 800 MHz Transition Administrator

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