

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Improving Public Safety Communications	)	WT Docket No. 02-55
in the 800 MHz Band	)	Miami-Dade County
	)	Call Signs WPGD547, <i>et al.</i>
	)	

**PETITION FOR RECONSIDERATION**

Sprint Corporation (“Sprint”) submits this petition for reconsideration of certain timing-related aspects of the Bureau’s Order addressing the wrap up of the Miami Dade County (“MDC”) 800 MHz rebanding process.<sup>1</sup> As the Bureau is aware, rather than rebanding its 800 MHz system, MDC proposed instead to upgrade its system as part of rebanding. There was a fundamental disagreement between Sprint and MDC as to whether an upgrade within the context of rebanding could be justified. Rather than take the matter through the full Alternative Dispute Resolution process, the parties ultimately were able to reach a settlement reflected in the 2010 Frequency Reconfiguration and Settlement Agreement (FRSA) between MDC and Sprint. Under this settlement agreement, Sprint provided a very substantial number of new radios to MDC to support its upgrade plans.

While the physical upgrade within rebanding has been completed for some time, MDC appears to have experienced delays in one or more of the administrative aspects of completing

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<sup>1</sup> See *In the Matter of Improving Public Safety Communications in the 800 MHz Band*, Order, Public Safety and Homeland Security Bureau, WT Docket No. 02-55 (July 2, 2018) (“Order”).

the tasks necessary to close out the FRSA. As a result, MDC in December of 2017 sought a one year extension of time to complete from the Bureau, which the Bureau denied on July 2, 2018.

Without taking a position on the specific reasoning of the Bureau for denying MDC's extension of time request, Sprint seeks a limited reconsideration for itself from a portion of the Order. Specifically, the Order directs Sprint, along with MDC, to "fulfil[] all of their remaining rebanding obligations and execute all closing documents, including certification of completion, no later than 90 days following the release date of this *Order*."<sup>22</sup> The Ordering Clauses similarly direct both Sprint and MDC to take steps to complete MDC's process within 90 days. While Sprint is supportive of all Commission efforts to speed the completion of rebanding, there are reasons in this particular case, given the unique circumstances, where MDC may need additional time to complete its process. Of necessity then, Sprint will not be in a position unilaterally to force the closing of the FRSA within 90 days. Sprint seeks limited reconsideration of this aspect of the Order and as to its own obligations.

Since December of 2017 when MDC filed for an extension of time to complete 800 MHz rebanding and Sprint provided its comments, the parties have been in productive discussions, including through the use of an 800 MHz TA Mediator, to arrive at a mutually-agreeable disposition of remaining obligations. The parties have established a framework for working together to address the remaining issues associated with this project in a manner that allows for full settlement of outstanding matters that have prevented the closing of the contract thus far. For example, the parties have arrived at an agreed-upon total of the number of radios that are outstanding and subject to potential repayment obligations. The parties continue to collaborate

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<sup>22</sup> Order at para. 6.

to hammer out additional issues. The Bureau's Order has served as an important baseline to support this process.

However, due to the complexity of the issues and the framework agreed to with Sprint, MDC is attempting to sell the excess radio inventory to its interoperable partners, and Sprint does not expect that that process can be complete within the 90-day post-release date contained in the Order. While MDC may file an extension request on this issue, Sprint respectfully requests that the Bureau revise its Order to extend the dates for Sprint to complete all processes to close the FRSA with MDC consistent with the additional time the Bureau may provide to MDC. To the extent MDC does not file an extension request or request for reconsideration, Sprint asks that it be given until April 1, 2019 to conclude the FRSA by settlement. Sprint would also support continued oversight of this matter by the Bureau or by the TA Mediator, or periodic reporting to the Bureau by the parties, so that it is plain that the parties are making progress towards completion.

Sprint submits that its Petition satisfies the relevant standards for reconsideration.<sup>3</sup> First, the facts on which the Bureau relied in arriving at the 90-day deadline have materially changed. Specifically, the parties have made and continue to make breakthroughs in addressing the outstanding obligations under the FRSA. Through these efforts, the remaining complicated challenges relating to the disposition of the radios together with the extinguishment of any other

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<sup>3</sup> Section 1.429 of the rules provides that: A petition for reconsideration which relies on facts or arguments which have not previously been presented to the Commission will be granted only under the following circumstances: (1) The facts or arguments relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters to the Commission; (2) The facts or arguments relied on were unknown to petitioner until after his last opportunity to present them to the Commission, and he could not through the exercise of ordinary diligence have learned of the facts or arguments in question prior to such opportunity; or (3) The Commission determines that consideration of the facts or arguments relied on is required in the public interest.

obligations should be achievable; however, a 90-day timeframe is not likely to be a sufficient amount of time to complete this process.

Sprint submits that it is in the public interest to allow for an extension of the deadline as the parties develop solutions workable for Sprint and MDC to complete an orderly rebanding process. Such a resolution would serve the public by minimizing disruption and remove barriers to MDC's full transition to its upgraded radio system.

### ***Conclusion***

For the foregoing reasons, Sprint respectfully requests that the Bureau clarify or extend its 90 day deadline as applied to Sprint for concluding all matters relating to the MDC reconfiguration contract with Sprint. To the extent that the Bureau sets new more extended deadlines for MDC, which in this unique case Sprint would not oppose, at least through April 1, 2019, then Sprint requests that its timetable for FRSA closing run concurrent with revised MDC timelines. Sprint also respectfully suggests that the Bureau or the TA Mediator continue to provide oversight and require periodic reporting so that progress can be monitored. In any case, Sprint requests that the Bureau recognize that Sprint cannot unilaterally force the closing of the FRSA contract if MDC has not completed the tasks required to reach a full settlement of open issues.

August 1, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of August 2018, a true copy of the foregoing Sprint Petition for Reconsideration and attachments were served electronically upon:

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