

November 12, 2014

David L. Furth  
Deputy Chief  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Improving Public Safety Communications in the 800 MHz Band  
WT Docket No. 02-55  
Recommendation to Further Postpone 800 MHz Rebanding Financial True-Up

Dear Mr. Furth:

In its June 27, 2014 *True-Up Deferral Order*, the Federal Communications Commission's ("Commission's") Public Safety and Homeland Security Bureau ("Bureau") deferred the June 30, 2014 date for the true-up of the expenditures incurred by Sprint in the reconfiguration of the 800 MHz band until December 31, 2014.<sup>1</sup> The Bureau noted that at that time the Commission had made no determination with respect to Sprint Nextel Corporation's ("Sprint's") Petition for Declaratory Ruling ("Petition") requesting to conduct the true-up based on currently available information. In light of the 800 MHz Transition Administrator, LLC's ("TA's") recommendation, the Bureau concluded that conducting a true-up of Sprint's rebanding expenditures as of June 30, 2014 would be premature. The Bureau required the TA to file a report by November 15, 2014, with its recommendation on whether the true-up date should occur on December 31, 2014, or be further postponed.

In its *Memorandum Opinion and Order and Order of Proposed Modification* addressing Sprint's Petition, the Commission noted that as December 31, 2013 the TA had documented approximately \$1.157 billion in creditable 800 MHz rebanding expenses from closed transactions and as of the date of the MO&O Sprint had incurred an additional \$500.35 million in creditable expenses for clearing the 1.9 GHz spectrum of Broadcast Auxiliary Service ("BAS") incumbents.<sup>2</sup> As a result, the Commission found that Sprint must document an additional \$1.143 billion in creditable expenses in order to demonstrate that it is not liable for an anti-windfall payment ("Required Additional Creditable Expenses").<sup>3</sup> The Commission directed the TA, upon a determination that Sprint has provided sufficient evidence of the Required Additional Creditable Expenses, to conduct the anti-windfall true-up calculation and issue an audited true-up report within six months.

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<sup>1</sup> See *Improving Public Safety Communications in the 800 MHz Band*, WT Docket No. 02-55, *Order*, 29 FCC Rcd 7605 ¶ 1 (2014).

<sup>2</sup> See *Sprint Nextel Corporation, Petition for Declaratory Ruling*, WT Docket No. 02-55, *Memorandum Opinion and Order and Order of Proposed Modification*, 29 FCC Rcd 11549, 11555 ¶ 17 (2014) ("MO&O").

<sup>3</sup> See *id.*

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Since the Bureau released its *True-Up Deferral Order*, the 800 MHz band reconfiguration expenditures paid by Sprint have increased. A substantial number of licensees, however, have yet to complete reconfiguration, and a true-up as of December 31, 2014 would be incomplete because it would not reflect a complete accounting of all of Sprint's reconfiguration expenditures that may be assessed as creditable towards any anti-windfall payment otherwise due. As such, the TA recommends that the Bureau extend the financial "true-up" date from December 31, 2014 until the earlier of June 30, 2015, or such date as may be determined by the TA in accordance with the MO&O.

Please let me know if you have any questions.

Sincerely,



Brett S. Haan  
800 MHz Transition Administrator, LLC