



LAND MOBILE COMMUNICATIONS COUNCIL

January 12, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: WT Docket No. 02-55
RM-11719
Request for Postponement of the Pre-Coordination and Application Filing
Deadlines for Expansion Band and Guard Band Channels

Dear Ms. Dortch:

On December 30, 2014, the FCC released a Public Notice in the above-referenced matter announcing the release of 800 MHz Sprint-vacated spectrum, as well as Expansion Band and Guard Band channels, in NPSPAC regions where the 800 MHz Band Reconfiguration process rebanding has been completed.¹

As stated in the Public Notice, the Sprint-vacated spectrum is reserved for public safety entities for a period of three (3) years, and, for an additional two (2) years, the channels are reserved for public safety and critical infrastructure industry entities. After this five (5)-year period, any remaining channels revert to their original frequency pools and may be applied for by any eligible Part 90 entity. All such applications require prior coordination by an appropriate certified frequency advisory committee ("FAC"). These FACs are required to resolve potentially conflicting applications through a "pre-coordination" notification process in which all participate.² Because this process is governed by a Memorandum of Agreement ("MOA") among the FACs that have chosen to process applications for Sprint-vacated spectrum, instances of mutually exclusive applications being submitted to the FCC have been rare and, when identified, quickly resolved.

¹ Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions and the Availability of Additional Sprint Vacated Channels, *Public Notice*, WT Docket No. 02-55, DA 14-1904 (rel. Dec. 30, 2014) ("Public Notice").

² Public Notice at 8.

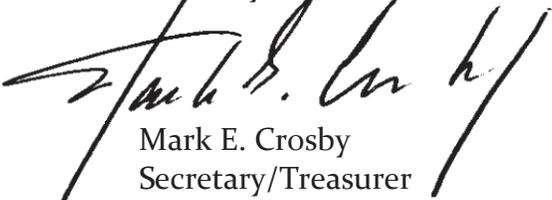
Conversely, however, as the FCC is aware, there is no comparable MOA establishing a pre-coordination notification process for Expansion Band and Guard Band spectrum.³ The FACs determined that different procedures would be required since, unlike the Sprint-vacated channels, Expansion Band and Guard Band spectrum is not reserved for any specific class of licensee, but is available for Business/Industrial/Land Transportation, CII, public safety and commercial entities alike. The opportunity for mutually exclusive applications is high, absent an MOA designed specifically for these bands that also ensures that the spectrum is made available in a clearly defined, equitable, and publicly beneficial manner.

The FACs had begun work on an MOA for Expansion Band and Guard Band applications. However, as explained to the FCC,⁴ that effort was postponed in light of the LMCC Petition for Rulemaking regarding interim eligibility for Expansion Band and Guard Band channels which remains pending before the FCC.⁵

Consequently, the LMCC requests that the January 13, 2015, “Pre-Coordination” date, and the February 10, 2015, “FCC Application Filing” dates for the Expansion Band and Guard Band spectrum be extended 120 days to May 13, 2015, and June 10, 2015, respectively, to allow the FACs sufficient time to negotiate and implement an MOA for the coordination of Expansion Band and Guard Band channels⁶.

Please contact the undersigned should there be any questions or comments regarding this request.

Sincerely,



Mark E. Crosby
Secretary/Treasurer

³ See Letter dated Aug. 14, 2014 from Gregory Kunkle, President, LMCC, to Marlene H. Dortch, Secretary, FCC, RM-11719.

⁴ *Id.*

⁵ Land Mobile Communications Council, Petition for Rulemaking Regarding Interim Eligibility for the 800 MHz Expansion Band (860-861/815-816 MHz) and Guard Band (861-862/816/817 MHz) (filed March 27, 2014).

⁶ PCIA does not support this LMCC request to extend the “Pre-Coordination” and the “FCC Application Filing” dates.