Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Improving Public Safety Communications in the 800 MHz Band	)	WT Docket No. 02-55
	)	
	)	
Supplemental Requests for Waiver of June 26, 2008 Rebanding Deadline for Non-Border Regions, March 19, 2012 Rebanding Deadline for Puerto Rico and April 15, 2013 Rebanding Deadline for U.S.-Canada Border Regions	)	

ORDER

Adopted: January 15, 2015 **Released: January 16, 2015**

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION AND BACKGROUND

1. On August 9, 2012, the Public Safety and Homeland Security Bureau (Bureau) released an order (*August 2012 Order*) addressing requests for further extension of the June 26, 2008 deadline for non-border region licensees to complete 800 MHz rebanding.[1] Also on August 9, 2012, the Bureau released an *Order* (*August CBR Order*) addressing requests for extension of the April 15, 2013[2] deadline to complete rebanding along the U.S.-Canada border regions.[3] In this *Order*, we address supplemental waiver requests filed pursuant to the *August 2012 Orders*.

2. Licensees affected by or located in the U.S./Mexico border regions that did not receive frequency assignments from the Transition Administrator (TA) prior to June 26, 2008 are not subject to the June 26, 2008 deadline and are not subject to the requirements of this *Order*. The Bureau has established separate rebanding timelines for the Mexican border regions.[4]

---

[1] *See* Improving Public Safety Communications in the 800 MHz Band, *Order*, WT Docket 02-55, 27 FCC Rcd 9237 (PSHSB 2012) (*August 2012 Order*). The Bureau also addressed waiver requests for extension of the March 19, 2012 deadline for Puerto Rico licensees to complete 800 MHz rebanding. *Id*. *See also* Public Safety and Homeland Security Bureau Announces that the 18-Month Transition Period for 800 MHz Band Reconfiguration in Puerto Rico (Region 47) Will Commence on September 20, 2010, WT Docket No. 02-55, *Public Notice*, 25 FCC Rcd 13110 (PSHSB 2010).

[2] *See* Public Safety and Homeland Security Bureau (Bureau) announces that the 30-month transition period for 800 MHz reconfiguration in regions along the U.S.-Canada border will commence on October 14, 2008, WT Docket 02-55, *Public Notice*, 23 FCC Rcd 14877 n.2 (2008) (*Canada Border Kick-Off PN*).

[3] *See* Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Order*, 27 FCC Rcd 9251 (PSHSB 2012) (*August CBR Order*).

[4] *See* Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Fifth Report and Order*, 28 FCC Rcd 4085 (PSHSB 2013).

II. DISCUSSION

3. As a general matter, the Commission has stated that requests for waiver to extend the June 26, 2008 rebanding deadline are "subject to a high level of scrutiny."[5] With some licensees continuing to submit requests for further extensions of time well after the deadline, even greater scrutiny is now appropriate to ensure that "the amount of additional time requested is no more than is reasonably necessary to complete the rebanding process."[6]

4. The Bureau has also applied a high level of scrutiny to requests for extension of the U.S./Canada border region (CBR) rebanding deadline to ensure that licensees "demonstrate that they have worked diligently and in good faith to complete rebanding expeditiously, and that the amount of additional time requested is no more than is reasonably necessary to complete the rebanding process."[7] With this in mind, we make the following decisions on licensees seeking waiver of the deadlines for completing band reconfiguration in the (1) non-border regions, including Puerto Rico and (2) the regions along the US-Canada border.

A. Extension Requests

5. *Licensees Requesting Extensions to Complete Rebanding on or Before March 31, 2015.* We first address waiver requests of those licensees that have executed Frequency Reconfiguration Agreements (FRA) with Sprint Corporation (Sprint) and propose to complete their rebanding on or before March 31, 2015.[8] After reviewing these requests, we find that each of these licensees has made substantial progress toward completing rebanding and has demonstrated a level of diligence and good faith sufficient to warrant the requested extension. We thus grant the waiver dates requested by these licensees.

6. *Licensees Requesting Extensions or Proposing Milestone Dates to Complete Rebanding after March 31, 2015*. With respect to those licensees that have executed FRAs but have filed requests for extension to complete their rebanding projects after March 31, 2015, we grant partial waivers until March 31, 2015, to either complete rebanding or submit a further request for waiver seeking additional time.[9] Any further request for waiver must detail the licensee's progress to date and propose milestone dates for each major rebanding step, *e.g.,* subscriber unit deployment, system cut-over, and post-cutover modifications,[10] that have not yet been completed. In addition, licensees with timetables that are dependent on rebanding by adjacent or overlapping systems must identify such interdependencies.

---

[5] FCC Announces Supplemental Procedures and Provides Guidance for Completion of 800 MHz Rebanding, WT Docket 02-55, *Public Notice*, 22 FCC Rcd 17227, 17232 (2007).

[6] *Id*.

[7] On April 8, 2011, the Public Safety and Homeland Security Bureau (Bureau) released a public notice (*CBR Guidance PN*) providing guidance to licensees in the Canadian Border Region (CBR) that must request an extension of the April 14, 2011 deadline. *See* Public Safety and Homeland Security Bureau Provides Guidance for Submission of Requests for Waiver of the April 14, 2011 Deadline for Completion of 800 MHz Rebanding in Regions Along the U.S.-Canada Border, WT Docket 02-55, *Public Notice*, 26 FCC Rcd 5179 (PSHSB 2011) (*CBR Guidance PN*).

[8] We list these licensees in Appendix A-1 of this *Order*.

[9] We list these licensees in Appendix A-2 of this *Order*.

[10] As defined in prior orders, subscriber unit deployment involves retuning, reflashing, and/or replacing subscriber equipment. The second milestone, system cutover, involves retuning the base stations to the licensee's new channel assignments and beginning system operations on the new channels. Finally, post-cutover system modifications include disposing of temporary or legacy equipment and, in the proper case, removing pre-rebanding channels from subscriber units. *See August 2012 Order*, 27 FCC Rcd at 9239 n. 9.

7. Some CBR licensees may still be blocked by "downstream" licensees. We direct that any additional request for time should detail whether a "downstream" licensee is continuing to block their replacement channels and, if so, what non-frequency specific progress the licensee has made, *e.g.,* re-flashing of mobile and portable units, etc.

8. *Licensees With FRAs That Have Not Requested Extensions or Have Requested Extension Dates That Have Passed*. We next address those licensees that have not yet completed physical reconfiguration of their systems and have either not filed an extension request, or have filed a request in which the requested extension date has passed.[11] We direct each such licensee, within 30 days of release of this *Order*, to provide the TA with documentation showing it has completed reconfiguration or to file a supplemental waiver request with the Bureau requesting additional time for such completion in accordance with the *Waiver Guidance Notice*.[12]

9. Some CBR licensees have failed to address their rebanding status or request additional time. While some of these licensees may be blocked by "downstream" licensees, we direct these CBR licensees to within 30 days of release of this Order, to provide the TA with documentation showing they have completed reconfiguration or to file a supplemental waiver request with the Bureau requesting additional time.[13] Any request for additional time should detail whether a "downstream" licensee is continuing to block their replacement channels and, if so, what non-frequency specific progress the licensee has made, *e.g.,* re-flashing of mobile and portable units, etc.

B. Licensee "True-Up" Process

10. *Actual Cost Reconciliation Process and Closing Certifications.* We note that some licensees have notified the TA that they have completed physical reconfiguration activities, but have not executed their closing documents. We remind licensees that closing activities – including return of equipment, completion of actual cost reconciliation (ACR) for an FRA or Planning Funding Agreement (PFA), and execution and delivery of the closing documents – are requirements of the reconfiguration program and are specifically provided for in each PFA and FRA.[14] Delays in the completion of closing requirements will result in the delay of any final payments due to the licensee and may delay the availability of additional spectrum in the licensee's area. If a licensee has not complied with its requirements to return equipment, it will be responsible for paying the costs of the replacement equipment it received. In addition, licensees must provide sufficient documentation evidencing their costs incurred to reconfigure their system. We encourage licensees to review the "Actual Cost Reconciliation Fact Sheet" on the TA's website at http://www.800ta.org/content/resources/ACR_Fact_Sheet.pdf for additional information on cost support documentation.

---

[11] We list these licensees in Appendix A-3 of this *Order.*

[12] *See Waiver Guidance Notice*, 23 FCC Rcd 664. Licensees are directed to the TA's website for the template form and instructions for filing the supplemental waiver requests: http://www.800ta.org/content/resources/nonborder.asp#supplementalwaiver.

[13] *CBR Guidance PN*, 26 FCC Rcd at 5179. Licensees are also directed to the TA's website for the template form and instructions for filing the supplemental waiver requests: http://www.800ta.org/content/resources/nonborder.asp#supplementalwaiver.

[14] "Licensees that have completed physical reconfiguration of their systems by June 26, 2008 will be deemed to have met the deadline. Such licensees remain responsible after the deadline for promptly submitting final rebanding cost documentation to Sprint and/or the TA and modifying their licenses to delete pre-rebanding channels." *See Waiver Guidance Notice*, 23 FCC Rcd at note 3. Similarly, CBR licensees that have completed physical rebanding will be deemed to have met their deadlines and should promptly execute any remaining closing documents.

III. CONCLUSION AND ORDERING CLAUSE

11. We note that failure to comply with the requirements of this *Order*, including, but not limited to, the requirement to file timely extension requests, without good cause shown, may result in further action by the Commission, including consideration of whether the licensee's continued rebanding costs should be deemed not recoverable from Sprint.

12. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 0.191, 0.392, and 1.925 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392, 1.925, IT IS ORDERED that the requests for waiver of the June 26, 2008 and March 19, 2012 deadlines submitted by the licensees listed in Appendix A of this order are GRANTED, GRANTED IN PART, OR HELD IN ABEYANCE, to the extent discussed herein.

FEDERAL COMMUNICATIONS COMMISSION

David G. Simpson, Rear Admiral (Ret.), USN
Chief, Public Safety and Homeland Security Bureau

Appendix A[15]

Appendix A-1 – Licensees Requesting Extensions to Complete Rebanding on or Before March 31, 2015.

Relief Granted: Extension to Complete Rebanding on or Before the Date Requested (indicated in parentheses).

Region 1 (Alabama)
Mobile, City of, AL [1838] (Mar. 31, 2015)
Mobile, County of, AL [1835] (Mar. 31, 2015)

Region 9 (Florida)
Pasco, County of, FL [1407] (Jan. 31, 2015)

Region 42 (Virginia)
Henrico, County of, VA [1713] (Mar. 27, 2015)

Region 47 (Puerto Rico)
Bayamon, Municipal Government of, PR [1486] (Feb. 28, 2015)
Puerto Rico, Admin of Courts, PR [1487] (Feb. 28, 2015)

Appendix A-2 – Licensees Requesting Extension Dates Beyond March 31, 2015

Relief Granted: Extension Until March 31, 2015, to Either Complete Rebanding or Submit a Further Request for Waiver Seeking Additional Time.

Region 31 (North Carolina)
Durham, City of, NC [1833]
North Carolina State Highway Patrol, NC [1683]
Wake, County of, NC [1647]

Region 34 (Oklahoma)
Oklahoma, State of [1872]

Region 42 (Virginia)
Richmond, City of, VA [1712]

Region 43 (Washington)
Eastside Public Safety Communications Agency, WA [2014]
King, County of, WA [2016]
Puyallup, City of, WA [2019]
Port of Seattle [1921]
Seattle, WA [2015]
Valley Communications Center, WA [2013]

[15] The number listed in the brackets is the TA Waiver Reference Number which may be found at: http://tatools.800ta.org/PublicTaTools/WaiverProfileStatus.aspx.

Appendix A-3 – Licensees That Have Not Requested Extensions or Have Requested Extension Dates That Have Expired.

Further Action Required: Within 30 Days, Provide the Transition Administrator (TA) with Documentation That the Licensee Has Completed Rebanding or Submit a Supplemental Waiver Request for Additional Time.

Region 4 (Arkansas)
Arkansas, State of [1658]

Region 6 (Northern California)
California, State of [1513]
Delasaux, Thomas
Oakland, City of, CA [1250]

Region 8 (New York Metropolitan Area)
Essex, County of, NJ [1595]
Norwalk, City of, CT [1663]

Region 9 (Florida)
Broward, Board of County Commissioners, FL [1026][16]
Florida, State of [1779]
Liberty Communications, Inc. [1104]
Pinellas, County of, FL [1640]

Region 10 (Georgia)
Metropolitan Atlanta Rapid Transit Authority [1903]

Region 12 (Idaho)
Radio Service Company [1928]

Region 14 (Indiana)
Delaware, County of, IN [1546]
State of Indiana (IPSC) [1745]

Region 18 (Louisiana)
Kenner, City of, LA [1481]
New Orleans, Port of, LA [1484]
Rapides, Parish of, LA [1851]

Region 19 (New England)
Boston, City of, MA – Police Department [1182]
Boston, City of, MA - Public Health Commission [1746]
Cambridge, City of, MA [1750]

Region 20 (Maryland, Washington D.C., Northern Virginia)
Calvert, County of, MD [1706]

[16] We note that Broward County claims to have completed physical rebanding; the request for waiver includes the School Board of Broward County.

Charles, County of, MD [1763]
Montgomery, County of, MD [1762]
Somerset, County of, MD [1566]
Worcester, County of, MD [1611]

Region 21 (Michigan)
Ann Arbor, City of, MI [1940]
Ann Arbor Transportation Authority, MI [1907]
Detroit, City of, MI [2007]
Garden City, City of, MI
Livonia, City of, MI [1938]
Michigan, State of [1941]
Oakland, County of, MI [1958]
Warren, City of, MI [2011]
Wayne, County of, MI [1976]

Region 23 (Mississippi)
Hinds, County of, MS [1606]
Jackson, City of, MS PH II [1755]

Region 28 (New Jersey, Pennsylvania, Delaware)
Montgomery, County of, PA [1012]

Region 29 (New Mexico)
Santa Fe, City of, NM [1501]

Region 30 (New York – Albany)
Clinton, County of, NY [1939]

Region 31 (North Carolina)
Fayetteville, City of – Public Works Communication Division, NC [1667]
Jacksonville, City of, NC [1383]
Mecklenburg, County of, NC [1637]
New Hanover, County of, NC [1681]
Onslow, County of, NC [1385]
Winston-Salem, City of/Forsyth, County of, NC [1661]

Region 33 (Ohio)
Brook Park, City of, OH [2018]
Continental Airlines, Inc. [1768]
Green, City of, OH [1990]
Lucas County / Toledo, OH [2008]
Summit, County of, OH [1947]

Region 34 (Oklahoma)
Edmond, City of, OK [1578]

Region 37 (South Carolina)
York, County of, SC [1790]

Region 39 (Tennessee)
Obion, County of, TN [1806]

Region 42 (Virginia)
Chesterfield, County of, VA [1714]
Suffolk, City of, VA [1223]
Virginia, Commonwealth of, State Police [1794]
York, County of, VA [1863]

Region 43 (Washington)
American Medical Response, Inc.
Bellingham, City of, WA [1978]
Island County Public Transportation Benefit Area, WA [2009]
Kitsap County Transit [1963]
Skagit, County of, WA [1962]
Skagit Transit Systems
Snohomish County Emergency Radio System, WA [1964]
Tacoma, City of, WA [1982]
The Boeing Company [2004]
Washington, State of [1949]
Wiztronics, Inc. [2010]

Region 47 (Puerto Rico)
Centro de Communicaciones de Puerto Rico [1993]
Communications Leasing Corp. [1994]
Guaynabo, Municipality of, PR [1488]
Puerto Rico, State Police [1857]

Region 49 (Austin/Central Texas)
Lee, County of, TX [1135]

Region 51 (Houston Texas)
Houston Independent School District [1641]

Region 53 (San Antonio)
San Antonio, City of, TX [1730]

Region 54 (Chicago Metropolitan Area)
Chicago, City of, IL [1985]
Chicago, City of - Department of Aviation, IL [1749]
Ozaukee, County of, WI [1146]

Region 55 (New York-Albany)
Orleans, County of, NY [2017]

Region 63 (Guam)
L.P. Ganacias Enterprises/Radio Com Saipan, MP [1832]