



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU EXTENDS MANDATORY NEGOTIATION PERIOD FOR THE RELOCATION OF INCUMBENT LICENSEES IN THE 800 MHz BAND UNTIL MARCH 5, 2001

PR Docket 93-144

Pursuant to Sections 0.331 and 1.925 of the Commission's Rules, 47 C.F.R. §§ 0.331, 1.925, the Wireless Telecommunications Bureau (Bureau) hereby extends, for an additional 90 days, the mandatory negotiation period for the relocation of incumbent licensees in the upper 200 channels of the 800 MHz band. Accordingly, the December 4, 2000 expiration date for the mandatory negotiation period will be extended until March 5, 2001.¹

On October 24, 2000, Nextel Communications, Inc. (Nextel), on behalf of its wholly owned subsidiary, Nextel License Acquisition Corp. (NLAC), an Economic Area (EA) licensee in the 800 MHz band, requested an extension of the one-year mandatory negotiation period for relocation of incumbents.² Nextel states that during the pendency of the auctions for the General Category channels of the 800 MHz band (Auction No. 34) and the Lower 80 channels of the 800 MHz band (Auction No. 36), EA licensees and incumbents who were participants in the auctions have refrained from initiating or continuing ongoing relocation negotiations, because such negotiations among bidders could be construed as violating the Commission's anti-collusion rules. Nextel states that as a result, EA licensees and incumbents participating in the auctions have lost negotiating time and may be unable to complete negotiations by the December 4, 2000 expiration date of the mandatory negotiation period. Nextel requests that the Bureau extend the mandatory negotiation period for a period that equals the time that parties could not negotiate due to these auctions or, at a minimum, 90 days.

By this Public Notice, we grant a 90-day extension of the mandatory negotiation period from December 4, 2000 to March 5, 2001. We are taking this action in order to give EA licensees and incumbents who have suspended

¹ The one-year mandatory negotiation period follows the one-year voluntary negotiation period, which began on December 4, 1998. See 47 C.F.R. §§ 90.699(b)(1) & (2); *Public Notice*, "Wireless Telecommunications Bureau Announces the Commencement of the Voluntary Negotiation Period for the Relocation of Incumbent Licensees in the 800 MHz Band," DA 98-2434 (rel. Dec. 4, 1998). Accordingly, the mandatory negotiation period currently runs from December 4, 1999, to December 4, 2000.

² Letter from Lawrence R. Krevor, Nextel Communications, Inc., to Thomas Sugrue, Chief Wireless Telecommunications Bureau, PR Docket 93-144, dated October 24, 2000.

relocation negotiations during the pendency of Auctions 34 and 36 a reasonable opportunity to resume and conclude such negotiations before the mandatory negotiation period expires. Section 1.2105(c) of the Commission's rules prohibits communications among auction applicants between the short form filing deadline and the date that post-auction down payments are due.³ In Auction No. 34, the short form deadline was July 17, 2000, and the post-auction down payments were due on September 20, 2000. In Auction No. 36, which is still in progress, the short form deadline was September 29, 2000, and the post-auction down payment deadline will be set when the auction concludes. Because the anti-collusion rules have effectively prevented relocation negotiations among certain EA licensees and incumbent licensees for a substantial portion of the mandatory negotiation period, we find it in the public interest to extend the mandatory negotiation period until March 5, 2001. Based on this extension, EA licensees may not initiate involuntary relocation procedures pursuant to Section 90.699(c) prior to March 6, 2001.⁴ We believe that this extension will help facilitate the completion of relocation negotiations among incumbent licensees and EA licensees and reduce the number of instances in which EA licensees would need to initiate involuntary relocation procedures.

We remind interested parties that, during the 90-day extension of the mandatory relocation period, incumbents and EA licensees are required to negotiate in good faith.⁵

For further information contact: Richard Arsenault of the Commercial Wireless Division at (202) 418-7240 or rarsenau@fcc.gov.

By the Chief, Wireless Telecommunications Bureau.

³ 47 C.F.R. § 1.2105(c).

⁴ 47 C.F.R. § 90.699(c).

⁵ See 47 C.F.R. § 90.699(b)(2).