

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Improving Public Safety) **WT Docket No. 02-55**
Communications in the 800 MHz Band)
)
Georgia Technology Authority)
Petition for Waiver of)
Reconfiguration Deadline)

To: Chief, Public Safety and Homeland Security Bureau

PETITION FOR WAIVER OF RECONFIGURATION DEADLINE

1. The Georgia Technology Authority (“GTA”) hereby requests a waiver of the June 26, 2008, deadline for completion of rebanding of certain 800 MHz Public Safety radio communications systems operating in and around the areas of Atlanta, Georgia.

2. GTA is an Authority created by the State of Georgia that provides technical services to numerous public safety agencies throughout the State of Georgia and is responsible for the 800 MHz rebanding activities of many of these agencies. GTA is in the process of negotiating with Nextel South Corp., an indirect wholly owned subsidiary of Sprint-Nextel Corporation, to implement rebanding of NPSPAC public safety systems for which GTA provides services.¹ The agencies that GTA serves with respect to NPSPAC rebanding are:

- Georgia Bureau of Investigation
- Georgia Department of Public Safety
- Georgia Emergency Management Agency
- Georgia Office of Homeland Security
- Georgia Department of Nature Resources
- Georgia Department of Transportation
- Georgia Pardons and Parole
- Georgia Building Authority

¹ Georgia is in NSPAC Region 10 and is thus part of Wave 3 of the rebanding process.

University of Georgia
Georgia State University
Metro-Atlanta Urban Area Security Initiative (UASI) consortium

3. Television Station WUPA(TV), FCC Facility ID 6900, broadcasts on TV Channel 69, 800-806 MHz, at Atlanta, Georgia, in the heart of the area where GTA's client agencies operate. In the *Third Memorandum Opinion and Order* in WT Docket No. 02-55, released September 12, 2007, at par. 40 *et seq.* ("*Third MO&O*"), the Commission found that that public safety systems operating in close proximity to the WUPA Channel 69 transmitter would likely experience harmful interference to some of their operations if they retuned to their new NPSPAC replacement channels, which extend down to 806.0125 MHz, before WUPA vacates Channel 69. The Commission then waived the June 26, 2008, retuning deadline for such systems, to the extent of not requiring actual infrastructure retuning to commence until March 1, 2009.²

4. In response to waiver requests filed by other public safety jurisdictions in Georgia, GTA filed comments with the Commission indicating that rebanding delays would increase the cost of the rebanding process, jeopardize interoperability during the transition period, and be disruptive of activities already under way. GTA suggested undertaking a study to determine whether solutions other than delay were available. While the Commission did not support GTA's proposal for interference study,³ GTA's consultant⁴ did undertake a survey of the Atlanta area and concluded that some systems can be retuned before Channel 69 shuts down without undue interference, but other systems could not be protected against interference without the use

² *Third MO&O* at par. 49.

³ *Id.* at par. 46-47.

⁴ GTA's consultant for the 800 MHz rebanding project is ARINC, Inc., an experienced firm that is thoroughly familiar with the rebanding process.

of technology the efficacy of which has not been fully proved. Therefore, GTA now agrees with the Commission that postponement of the cut-over to new NSPAC channels in the Atlanta area must be deferred until after WUPA ceases broadcasting on Channel 69.

5. In the *Third MO&O*, the Commission granted waivers to specified Georgia public safety jurisdictions to commence cut-overs to new channels in March of 2009. GTA requests the same waiver for its client agencies, which are listed on an attachment to this Petition.

6. The waivers granted in the *Third MO&O* did not authorize delaying all rebanding activities, and GTA does not request a complete suspension of activity. Planning is already in progress, and GTA expects to be able to complete that process and submit a cost estimate to Sprint-Nextel by the normal December 15, 2007, deadline.⁵ In addition, GTA has received an FRA template from Sprint-Nextel and expects to submit its comments and requested changes to Sprint-Nextel within the next few days. Having successfully negotiated an FRA with Sprint-Nextel for reconfiguration of systems on Channels 1-120, GTA does not anticipate serious difficulties with the legal language in the NPSAC FRA. If difficulties arise in negotiating specific costs, GTA is familiar with and ready and willing to participate in the Transition Administrator's mediation process, as it has during prior negotiations.

7. In connection with the planning process that is now nearing completion, GTA has identified which radios may be retuned prior to Channel 69 shut-down and which must wait. It is also identifying which radios may have new channels programmed into them in advance, to facilitate a prompt cut-over in 2009, and which units cannot have hands-on work done until existing channels are taken out of service. GTA has staff in place charged carrying out

⁵ GTA's ability to meet the December 15 will depend in part on the cooperation of other jurisdictions with whom GTA's systems must be interoperable but to whom GTA does not provide management services. GTA must include maintaining continuous interoperability with these jurisdictions in its planning process and reconfiguration cost estimates.

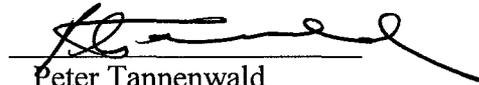
rebanding responsibilities, and these personnel, along with ARINC, will move the process along as promptly as possible, consistent with the most important need, which is to ensure uninterrupted functioning of public safety services throughout the rebanding process.

8. In light of the foregoing, GTA respectfully requests that it be permitted to delay the decommissioning of existing 800 MHz public safety channels in Atlanta and the surrounding area so that the process of converting operations to new NPSPAC channels will commence on March 1, 2009, for those radios where GTA determines that there is a risk of impairment if conversion occurs while Channel 69 continues to broadcast.

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Respectfully submitted,



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