

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	WT Docket No. 02-55
)	
Improving Public Safety)	Licensee Name City of Miami Beach
Communications in the)	Call Sign WNF911
800 MHz Band)	

To: Public Safety and Homeland Security Bureau, Federal Communications Commission

**REQUEST FOR WAIVER
OF THE
JUNE 26, 2008 DEADLINE FOR COMPLETION OF 800 MHZ REBANDING**

Pursuant to Section 1.925 (47 C.F.R. § 1.925) of the rules of the Federal Communications Commission (Commission) and the Commission's *Public Notice*,¹ the above-referenced licensee ("Licensee") requests a waiver of the Commission's requirement for the Licensee to complete its 800 MHz rebanding by June 26, 2008.² The Licensee recognizes that the Commission has noted: "Requests for extension will be subject to a high level of scrutiny. Licensees will be expected to 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."³

¹ Federal Communications Commission Provides Guidance for Submission of Requests for Waiver of June 26, 2008 Deadline for Completion of 800 MHz Rebanding, *Public Notice*, FCC 08-23 (rel. Jan. 17, 2008).

² See Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order*, 19 FCC Rcd 14969 (2004), *Third Memorandum Opinion and Order*, 22 FCC Rcd 17209, 17224 ¶ 48 (2007).

³ See FCC Announces Supplemental Procedures And Provides Guidance For Completion Of 800 MHz Rebanding, *Public Notice*, 22 FCC Rcd 17227, 17232 (2007).

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Specifically, the Licensee requests until June 26, 2009 to complete its 800 MHz rebanding. The public interest would be served by granting the requested waiver because it would allow Licensee to reband its 800 MHz system in a reasonable, prudent and timely manner consistent with the goals of the 800 MHz rebanding program. In support of this Request for Waiver the Licensee provides the attached Waiver Request Information Form and the following explanation of the reason(s) for not completing reconfiguration by June 26, 2008, which is consistent with the assertion that a grant of the waiver would serve the public interest.

Check if additional sheets are attached (See attached article from The Miami Herald).

1. The City of Miami Beach has received a Frequency Reconfiguration Agreements signed by Motorola and a Frequency Reconfiguration Agreement signed by Sprint-Nextel.

2. The City has withheld approval of the agreements based on its belief that the Motorola FRA does not accurately reflect all work and costs required for successful reconfiguration of the City's system.

3. The City's digital radio system has failed four (4) times, locking out police communication. Motorola is aware of the system shut downs but as of this date has failed to identify the defect in the system causing the failures. Motorola should have identified the defect as part of the Planning process. The City can not proceed with reconfiguration of a defective system.

4. Motorola has claimed that the cause of the system failures is the City's microwave system. The City has tested the microwave system and has found this claim to be wrong.

5. As of this date, the City is using only its analog system for police communication because using the digital system is unreliable and places the safety of the public and the police in jeopardy.

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6. Until the defect in the current system is identified and a solution and applicable costs proposed by Motorola, it would not be in the public interest to proceed with Motorola with reconfiguration of a system that does not work.

7. As of this date, Motorola has not provided a plan for moving forward thus, the City is not in a position to provide a date certain by which time the reconfiguration of the City's system will be completed.

Finally, the licensee seeks confidential treatment of the Waiver Request Information Form pursuant to Section 0.459 of the FCC's Rules because the information contained therein is highly sensitive regarding the operations of a public safety organization's communications system. Furthermore, the information contained in the form is not otherwise publicly available. The Licensee consents to the disclosure of the form to the 800

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MHz Transition Administrator (“TA”) and Sprint Nextel and requests that they treat the form as confidential.

Respectfully Submitted,

Signature **Date**

Name and Title

Waiver Request Information Form

Confidential treatment sought pursuant to Section 0.459 of the FCC's Rules.

1 Licensee Information

1A	Licensee/Entity Name	City of Miami Beach
1B	Lead Call Sign	WNFN911
1C	Sprint Nextel Deal ID (if known)	DL

Please designate an 800 MHz call sign that is subject to rebanding to be used for tracking purposes. If possible the selected call sign should include at least one fixed based station. The Licensee Name and Call Sign provided on this form should match the same information in the caption of the Request for Waiver to which this form is attached.

1D	Licensee Contact Person Name	Z. Steve Sawicki
1E	Licensee Contact Title	Radio System Administrator
1F	Contact Address 1	City of Miami Beach
1G	Contact Address 2	1100 Washington Avenue IT Dept 4 th Floor
1H	City	Miami Beach
1I	State	Florida
1J	Zip	33139
1K	Business Phone Number	305-673-7000 ext 3799 alt 305-673-7040
1L	Business Fax Number	786-394-5498
1M	Email Address	ssawicki@miamibeachfl.gov

2 Size and Complexity of System

2A	Equipment Manufacturer(s)	
2B	Type of Radio System (check all that may apply)	<input type="checkbox"/> <input type="checkbox"/> Conventional <input checked="" type="checkbox"/> Trunked <input type="checkbox"/> Simulcast <input type="checkbox"/> Other (e.g., data only) _____
2C	Number of Fixed Repeater	(3) TX/RX (1)RX

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		Sites			
2D	Number of Subscriber Units		Portables	Mobiles	Data
		To be Replaced	0	10	NA
		To be Reflashed	1355	307	
		To be Retuned	1355	307	
		Not Yet Known	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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3 Interoperability

3A Do you interoperate with other 800 MHz systems? Yes

No

If yes (3A), please list these agencies and describe how such interoperability will affect your rebanding schedule. Specifically note if there are agencies that must reband before you will be able to reband.

	Agency Name	Agency Lead Call Sign	Affect on Your Schedule	Must Reband Before
3B	<u>City of Miami</u>		<u>No affect CM will retune after CMB</u>	<input type="checkbox"/>
3C	<u>City of Hialeah</u>		<u>No affect CH will retune after CMB</u>	<input type="checkbox"/>
<i>(additional table space at the end of this form, page 8)</i>				

4 Steps Already Taken to Complete Physical Reconfiguration

Frequency Reconfiguration Agreement (FRA)

Do you have an FRA executed with Sprint Nextel that covers both infrastructure and subscriber units (mobiles and portables)?

4A Yes No

4B If no (4A), when do you anticipate having such an FRA executed? (M / D / Y)

___/___/___

If you do not have an executed FRA covering both infrastructure and subscriber units please provide as much information to the following questions as possible.

Subscriber Equipment Deployment (SED) Program

Did you execute an FRA with Sprint for early reconfiguration of subscriber units?

4C Yes No

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Implementation Planning Session (IPS)

4D NPSPAC Public Safety Region number: ____ [See:

<http://www.800ta.org/content/faqs/rpp.asp>]

4E Have you attended an IPS? Yes No

4F If no (4E), have you RSVPed to attend an IPS? Yes

No

The TA has not scheduled an IPS in every NPSPAC Public Safety Region. IPSs are scheduled as needed based on the interoperability of the licensees in each region. For a schedule of IPSs held to date please see

www.800ta.org.

Vendor Information

4G Are you reconfiguring using solely internal labor? Yes No

No

If no (4G), provide the following:

4H Name of Primary Vendor Performing Reconfiguration Services: Motorola Inc

4I Do you have a signed contract with this vendor? Yes No

No

4J Have you had your vendor kick-off meeting? Yes No

No

4K If no (4J), when is the kick-off meeting scheduled? (M / D / Y)

___/___/___

Channel Clearing Request(s) -- CCR(s)

4L Has Sprint Nextel notified you that they have cleared your new frequencies? Yes No

Yes No

4M If no (4L), have you entered into an agreement with Sprint Nextel that contains a firm date(s) for Sprint Nextel to clear your new frequencies? Yes

No

4N If no (4M), have you requested that Sprint Nextel clear your new frequencies? Yes

No

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Proposed Timetables

If you attended a TA-sponsored IPS the schedule and interoperability information requested below was discussed at the IPS and you would have received from the TA a written confirmation of your proposed schedule. You may use that information to complete sections below; if such information has changed, please provide updates as appropriate:

6 Proposed Timetable Subscriber Units

6A Does the reconfiguration of your subscriber units involve multiple touches to your subscriber units? For example, one touch to put the new channels into the subscriber units and a subsequent touch to remove the old channels from the subscriber units.

X Yes No

If a single touch, with respect to your subscriber units:

6B Estimated/Actual start date: ___/___/___ Estimated/Actual completion date:
___/___/___

If you have a second touch please provide:

6C Estimated/Actual start date: ___/___/___ Estimated/Actual completion date:
___/___/___

If you have more than two touches, including any "clean-up," please *describe* and provide a start date and completion date below:

6D _____

6E Start date (6D): ___/___/___ Completion date (6D): ___/___/___

7 Proposed Timetable Infrastructure Schedule

With respect to infrastructure please provide:

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7A Estimated/Actual start date: ___/___/___ Estimated/Actual completion date:
___/___/___

8 Anticipated Completion

8A When do you anticipate operating on your new frequencies? (M / D / Y)
___/___/___

8B If, different, when do you anticipate vacating your old frequencies? (M / D / Y)
___/___/___

8C When do you anticipate completing the physical rebanding of your system including,
removing old channels from subscriber units, testing and clean-up? (M / D
/ Y) ___/___/___

	Agency Name	Agency Lead Call Sign	Affect on Your Schedule	Must Reband Before
3D	<u>Miami Dade County</u>		<u>No affect IO radios are in CMB count and will be done when CMB executes</u>	<input type="checkbox"/>
3E				<input type="checkbox"/>
3F				<input type="checkbox"/>
3G				<input type="checkbox"/>
3H				<input type="checkbox"/>
3I				<input type="checkbox"/>
3J				<input type="checkbox"/>
3K				<input type="checkbox"/>

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3L				<input type="checkbox"/>
3M				<input type="checkbox"/>
3N				<input type="checkbox"/>
3P				<input type="checkbox"/>
3R				<input type="checkbox"/>
3S				<input type="checkbox"/>
3T				<input type="checkbox"/>

**** END OF FORM TA-13.1 ****

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

We are seeking this information to assist us in evaluating requests for waiver of the Commission's June 2008 deadline for the completion of 800 MHz rebanding. Response to this collection is required to retain a benefit (47 C.F.R. § 90.677). We have estimated that each response to this collection of information will take from 2 to 4 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. You may also seek confidential treatment of the information submitted on this form pursuant to Section 0.459 of the Commission's Rules. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-1114), Washington, DC 20554. Please **DO NOT SEND COMPLETED WAIVER REQUESTS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-1114, which will expire on September 30, 2008.

**THE FOREGOING NOTICE IS REQUIRED BY THE
PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13,
OCTOBER 1, 1995, 44 U.S.C. 3507.**