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

MAILED
APR 29 2009
FCC Mail Room

In the Matter of	)	
Improving Public Safety Communications in the 800 MHz Band	)	WT Docket No. 02-55
Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels	)	
Amendment of Part 2 of the Commission's Rules To Allocate Spectrum Below 3 GHz for Mobile And Fixed Services to Support the Introduction Of New Advanced Wireless Services, Including Third Generation Wireless Systems	)	ET Docket No. 00-258
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service	)	ET Docket No. 95-18

ORDER

Adopted: April 19, 2009 **Released: April 20, 2009**

By the Commission:

1. We extend for an additional forty-five days (*i.e.*, to June 3, 2009), on our own motion, pursuant to 47 C.F.R. § 1.3, our waiver of the deadline by which Sprint Nextel Corporation (Sprint Nextel) is required to complete the transition of the broadcast auxiliary service (BAS) to frequencies above 2025 MHz. This will provide additional time to consider a Supplemental Joint Request Concerning the BAS Relocation (Supplemental Request) of Sprint Nextel Corporation, the Association for Maximum Service Television, Inc. (MSTV), the National Association of Broadcasters (NAB), and the Society of Broadcast Engineers (SBE) (collectively, "the parties") that was filed on February 12, 2009, as well as comments regarding the Supplemental Request.[1] This action is being taken without prejudice relative to the merits of the Supplemental Request.

2. In 2000, 35 megahertz of BAS spectrum was allocated to the Mobile Satellite Service, which was made responsible for BAS relocation (47 C.F.R. §§ 74.690, 78.40).[2] In 2003, a portion of this

[1] On February 27, 2009, the Office of Engineering and Technology issued a Public Notice seeking comment on the Supplemental Request setting a comment date of March 9, 2009 and reply comment date of March 19, 2009. *See Office of Engineering and Technology Declares Sprint Nextel, Inc. Request for a Waiver of the 2.0 GHz BAS Relocation Deadline to be a "Permit-but-Disclose" Proceeding for Ex Parte Purposes*, DA No. 09-468, Public Notice (Feb. 27, 2009).

[2] *See Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile-Satellite Service*, ET Docket No. 95-18, Second Report and Order and Second Memorandum Opinion and Order, 15 FCC Rcd 12315 (2000).

spectrum (5 megahertz) was reallocated for the Fixed and Mobile Services and subsequently, in 2004, assigned to Nextel Communications, Inc. (the predecessor in interest to Sprint Nextel) under the terms of the *800 MHz Order*.[3] Although both Sprint Nextel and MSS licensees have equal obligations to relocate the BAS incumbents, Sprint Nextel committed to the relocation of BAS incumbents in the 1990-2025 MHz band and was to complete the relocation in 2007.[4] The Commission subsequently granted the parties a waiver to provide additional time to complete the BAS relocation by extending the relocation deadline to March 5, 2009, and holding in abeyance the parties' original waiver request, which asked that the relocation deadline be extended to February 7, 2010.[5] By the Supplemental Request, the parties renew their request to extend the BAS relocation deadline to February 7, 2010.

3. We have previously acted to waive the deadline by which Sprint Nextel must complete relocation of the broadcast auxiliary service to frequencies above 2025 MHz to April 19, 2009, so as to provide the Commission with time to consider the issues raised by the Supplemental Request and the comments regarding the Supplemental Request.[6] We again waive this deadline, on our own motion, pursuant to 47 C.F.R. § 1.3 for an additional 45 days for the same purpose (*i.e.*, the new deadline will become June 3, 2009).

4. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) of the Communications Act of 1934, as amended, 47 C.F.R. §§ 154(i) and (j), and Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, that the deadline by which Sprint Nextel must complete relocation of the broadcast auxiliary service to frequencies above 2025 MHz is waived for a period of 45 days.

5. IT IS FURTHER ORDERED that the effective date of this Order is the date upon which this Order is released by the Commission.

FEDERAL COMMUNICATIONS COMMISSION

Marlene Dortch
Secretary

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[3] *See Improving Public Safety Communications in the 800 MHz Band (800 MHz Order)*, WT Docket No. 02-55, ET Docket No. 00-258, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004).

[4] The Commission had initially required that BAS relocation be completed within thirty months after the effective date of the *800 MHz Order*, *i.e.*, May 7, 2007. *Id.* The Commission subsequently extended this deadline to September 7, 2007. *See Commission Seeks Comment on Ex Parte Presentations and Extends Certain Deadlines Regarding the 800 MHz Public Safety Interference Proceeding*, WT Docket No. 02-55, Public Notice (rel. Oct. 22, 2004).

[5] *See Improving Public Safety Communications in the 800 MHz Band*, WT Docket 02-55, ET Docket 00-258, Order, 22 FCC Rcd 17151 (2007); *Improving Public Safety Communications in the 800 MHz Band*, WT Docket 02-55, ET Docket 00-258, Order, 22 FCC Rcd 19730 (2007); *Improving Public Safety Communications in the 800 MHz Band*, WT Docket 02-55, ET Docket 00-258, Order, 23 FCC Rcd 575 (2008); *Improving Public Safety Communications in the 800 MHz Band*, WT Docket 02-55, ET Docket 00-258, Order, 23 FCC Rcd 2423 (2008); *Improving Public Safety Communications in the 800 MHz Band*, WT Docket 02-55, ET Docket 00-258, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 4393 (2008).

[6] *Improving Public Safety Communications in the 800 MHz Band*, Order, WT Docket No. 02-55, ET Docket No. 00-258, FCC 09-13, 24 FCC Rcd 3340 (2009).