

**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
)	
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
)	

To: Chief, Office of Engineering and Technology

JOINT REQUEST CONCERNING THE BAS RELOCATION

SPRINT NEXTEL CORPORATION

Lawrence R. Krevor
Vice President, Spectrum
Trey Hanbury
Director, Government Affairs
900 7th Street, NW
Suite 700
Washington, DC 20001

**ASSOCIATION FOR MAXIMUM
SERVICE TELEVISION, INC.**

David L. Donovan
President
4100 Wisconsin Avenue, NW
Washington, DC 20016

**NATIONAL ASSOCIATION OF
BROADCASTERS**

Jane E. Mago
*Executive Vice President, Legal and
Regulatory Affairs, and General Counsel*
1771 N St., NW
Washington, DC 20036

**SOCIETY OF BROADCAST
ENGINEERS**

Barry Thomas
President
9102 North Meridian Street
Suite 150
Indianapolis, IN 46260

December 31, 2009

Table of Contents

I.	INTRODUCTION AND SUMMARY	1
II.	SPRINT NEXTEL AND THE BROADCAST INDUSTRY HAVE COMPLETED BAS RELOCATION IN A SUBSTANTIAL MAJORITY OF MARKETS	3
III.	ADDITIONAL TIME WILL BE NECESSARY TO COMPLETE RELOCATION IN A SMALL NUMBER OF MARKETS DUE TO COMPLEXITIES BEYOND THE JOINT PARTIES' CONTROL	7
IV.	CONCLUSION	14

**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
)	
)	
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
)	

To: Chief, Office of Engineering and Technology

JOINT REQUEST CONCERNING THE BAS RELOCATION

I. INTRODUCTION AND SUMMARY

Sprint Nextel Corporation (Sprint Nextel) and the television broadcasting community have made substantial progress toward completing the relocation of Broadcast Auxiliary Service (BAS) licensees to the new 2 GHz band. To date, Sprint Nextel and BAS licensees have successfully relocated BAS operations in a total of 171 markets covering 85 percent of the United States population, or more than 260 million Americans.¹ Additional markets should complete the relocation by February 8, 2009, the Commission's current deadline for completing

¹ BAS markets are known as Designated Market Areas (DMAs).

BAS relocation.² Virtually all eligible incumbent licensees have entered into Frequency Relocation Agreements (FRAs) with Sprint Nextel, and nearly all replacement equipment necessary to complete the relocation in all markets has been delivered.

The end is consequently within sight for completing BAS relocation, which has proven to be one of the most complex relocation projects since the Commission adopted its *Emerging Technologies* relocation policies in 1992.³ These complexities continue to present significant obstacles in a number of markets, however, and at least nine of the 213 DMAs involved in the BAS relocation will not relocate by the current February 8, 2010 deadline.

Sprint Nextel, the Association for Maximum Service Television, Inc. (MSTV), the National Association of Broadcasters (NAB), and the Society of Broadcast Engineers (SBE) (collectively, the Joint Parties) respectfully request that the Commission waive the relocation deadline for the nine DMAs until August 9, 2010.⁴ Barring unforeseen circumstances, this waiver will provide Sprint Nextel and BAS licensees the time necessary to address a range of factors beyond their control – from delays caused by winter weather to manufacturer and installer constraints.⁵ This short extension is warranted by the unique circumstances presented

² *Improving Public Safety Communications in the 800 MHz Band*, Report and Order and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd. 7904, ¶ 31 (2009) (*June 2009 Order*).

³ *See Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies*, First Report and Order and Third Notice of Proposed Rulemaking, 7 FCC Rcd. 6886, ¶ 24 (1992).

⁴ *See, infra*, note 15. Between now and February 8, 2010, unexpectedly rapid progress in equipment manufacturing, systems integration, shipping, and installation by third-party operators could enable some of the nine markets to be completed by February 8. Conversely, forces beyond the Joint Parties' control, such as weather hazards, installation delays, manufacturing defects, and other concerns, may cause markets other than the nine DMAs that are listed in this petition to require additional time to transition. To account for both possibilities, the Joint Parties intend to report on any changes to the scope of this request by February 1, 2010.

⁵ Consistent with this extension request, broadcast stations should retain their primary status relative to interference from MSS operations during this period. As noted, *infra* at 4-5, the

by BAS relocation, will not prejudice any party, and will serve the Commission's public interest objectives of completing BAS relocation expeditiously while at the same time avoiding undue disruption to broadcasters' critical electronic newsgathering activities.⁶

II. SPRINT NEXTEL AND THE BROADCAST INDUSTRY HAVE COMPLETED BAS RELOCATION IN A SUBSTANTIAL MAJORITY OF MARKETS

Sprint Nextel has dedicated enormous company resources toward completing the BAS relocation as soon as possible. Dozens of Sprint Nextel employees continue to work full time on BAS relocation, and Sprint Nextel has spent almost three quarters of a billion dollars funding the up-front costs of BAS relocation. More than 900 broadcast stations have also devoted many hours of employee time and undertaken the challenging task of overhauling the BAS systems they depend on every day to gather and deliver news and other programming. As the Joint Parties have previously explained, Sprint Nextel and broadcasters have strong incentives to complete BAS relocation as soon as possible. The sooner relocation is complete, the sooner Sprint Nextel will have nationwide access to the 1.9 GHz spectrum rights it received in exchange

markets already cleared through this process will allow MSS operators to reach 85 percent of the US population, including the largest metropolitan areas in the country. Accordingly, the ability of MSS operators to economically develop and roll out services during this period will not be affected. At the same time, viewers in these relatively few markets still need the ability to receive live local news and emergency information. For example, failing to clear the Portland, Oregon market by February 10, 2010 due to winter conditions will not affect the economic deployment of nationwide MSS services. On the other hand, if news operations in Portland have to terminate because of potential interference to MSS operations, the citizens of Portland may be denied important emergency information, *e.g.*, flood warnings.

⁶ *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd. 14969, ¶ 250 (2004) (*800 MHz R&O*) (“[W]e expect that Nextel and MSS licensees will work together to minimize the disruption BAS licensees will experience in the transition.”); Letter from Honorable John D. Dingell and Honorable Fred Upton to FCC Chairman Powell, at 3 (March 23, 2004) (emphasizing that the Commission's BAS relocation procedures “should not jeopardize the ability of local stations to fulfill their primary role – to provide live local coverage of news events”).

for vacating certain 800 MHz spectrum and undertaking obligations under the *800 MHz R&O*,⁷ and the sooner broadcasters will be able to complete the full conversion of their TV operations to advanced digital technology to meet the public's demand for state-of-the-art TV programming.⁸

As the result of the extensive, good faith efforts by Sprint Nextel and the broadcast industry, completing the nationwide clearing of BAS systems from the 1990-2025 MHz band is only a matter of months away. Broadcasters and Sprint Nextel have completed the difficult and time consuming tasks of compiling and verifying BAS equipment inventories for *all* eligible BAS incumbents. *All* incumbents have now submitted their quote packages to Sprint Nextel for approval, and Sprint Nextel is in the final stages of reviewing the last three incumbent quote packages, which, absent the discovery of any problems, ought to be completed by the first week of January, whereupon final FRA Schedules can then be generated and sent to the incumbents. All but these three out of 966 incumbent licensees have entered into FRAs with Sprint Nextel and submitted purchase orders for their replacement equipment. More than 98 percent of all replacement BAS equipment has been delivered and more than 96 percent of BAS operators have received all of the control systems, mobile and fixed transmitters, connectors, cabling, transmission lines, antennas, decoders, modulators, central receive antennas, and other elements that they need to relocate.

More than 86 percent of BAS incumbents have now installed all of the equipment necessary to implement their relocation, a substantial increase from the approximately 60 percent of incumbents that had installed all of their equipment as of the time the Commission adopted the

⁷ Although Sprint Nextel is funding the up-front costs of clearing BAS facilities from the entire 35 MHz of spectrum at 1990-2025 MHz, it will only be operating in the 1990-1995 MHz portion of this spectrum. *See, e.g., 800 MHz R&O* ¶ 12.

⁸ *See* Supplemental Joint Request Concerning the BAS Relocation of the Joint Parties, WT Docket No. 02-55, at 7 (Feb. 12, 2009) (*February 2009 Joint Request*).

June 2009 Order. Out of a total of 213 markets, 171 markets covering 85 percent of the United States population, or more than 260 million Americans, have completed relocating to the new band plan.⁹ Comparing these results with the June 1, 2009 Status Report, in little more than six months, the number of relocated markets increased by 66 percent (from 103 to 171) and the population covered increased by 88 percent (from 138 million to 260 million). In those six months, numerous major markets completed the BAS transition, including New York; Los Angeles; Boston; San Francisco-Oakland-San Jose; Philadelphia; San Diego; Detroit; and New Orleans. The map attached as Appendix A shows the large, contiguous swaths of the country that have fully transitioned to the new band plan, including the entire Eastern Seaboard, most of the South and the Gulf Coast, all of California, and most of the Southwest, Great Lakes, and Great Plains regions.

Broadcasters in transitioned markets have reported that new BAS equipment has significantly improved their electronic newsgathering capabilities. The new BAS equipment delivers improved picture and sound quality, and can often send stronger signals over greater distances. For example, one Miami station found that it could successfully transmit a signal from downtown Miami to a receive site 16 miles away even operating at minimal output power and without erecting the transmission mast, a significant improvement over its pre-relocation facilities. BAS licensees have also found that their the new digital BAS equipment can operate

⁹ See Letter from Trey Hanbury, Sprint Nextel, to Marlene H. Dortch, FCC Secretary, WT Docket No. 02-55, at 1 (Dec. 1, 2009) (Dec. 1, 2009 Progress Report) (noting completion of 161 markets). Since Sprint Nextel filed its Dec. 1, 2009 Progress Report, ten additional markets have completed the BAS transition: Wheeling, West Virginia – Steubenville, Ohio; Clarksburg-Weston, West Virginia; Charleston-Huntington, West Virginia; Bluefield-Beckley-Oak Hill, West Virginia; Traverse City – Cadillac, Michigan; Springfield, Missouri; Joplin, Missouri – Pittsburg, Kansas; Billings, Montana; Guam; and Roanoke-Lynchburg, Virginia.

in congested markets without harmful interference between systems, and is more effective in capturing and holding a reliable remote transmission than in the past.¹⁰

Sprint Nextel anticipates that most of the 42 markets that remain to be relocated will complete the transition by the February 8, 2010 deadline. Eleven of the remaining markets – or 26 percent of all unrelocated markets – are ready to relocate but for one BAS operator in the same market or the completion of relocation in an adjacent market. In ten of these markets, issues affecting a single BAS operator prevent transition of a market in which every other operator in the market is ready, willing, and able to transition to the new band plan.¹¹ In these cases, either the BAS systems installers have not completed work at the station or the station licensee has not received a modified license from the Commission. One additional market – Lafayette, Indiana – is completely installed and ready to transition, but it is waiting on an adjacent market to relocate to ensure continuous news coverage throughout the region and to prevent harmful interference to the neighboring market.

The Commission's orders in this proceeding require Sprint Nextel to take actions within its reasonable control to complete BAS relocation by February 8, 2010.¹² Sprint Nextel respectfully submits that it has and continues to fulfill this obligation.¹³ The vast majority of

¹⁰ Letter from Trey Hanbury, Sprint Nextel, to Marlene Dortch, FCC Secretary, WT Docket No. 02-55, at 3-4 (Aug. 3, 2009).

¹¹ These ten markets are: Burlington, Vermont-Plattsburgh, New York; Seattle-Tacoma, Washington; Tri-Cities, Tennessee-Virginia; Cincinnati, Ohio; Quincy, Illinois-Hannibal, Missouri-Keokuk, Iowa; Rochester, New York; Duluth-Superior, Wisconsin; Evansville, Indiana; Columbia-Jefferson City, Missouri, and Davenport, Iowa-Rock Island-Moline, Illinois.

¹² *June 2009 Order* ¶ 32 (Sprint Nextel only subject to potential enforcement action if it does not complete the BAS transition by February 10, 2010 “for reasons it could have reasonably avoided”).

¹³ Virtually all incumbents have signed FRAs. Sprint Nextel and television stations continue to promptly amend FRAs where necessary (such as when a change order is required during the installation of a station's replacement equipment) and to help coordinate incumbent relocations.

BAS licensees have also worked in good faith with Sprint Nextel and dedicated extensive resources to complete their relocations as expeditiously as possible. Sprint Nextel estimates that it and the broadcast community have successfully retrofitted more than 1800 central receive sites, 650 fixed links, 2050 mobile units, 150 helicopters, 550 control systems and 2300 portable transmitters, along with hundreds of other pieces of BAS equipment to operate on the new 2 GHz band plan, all without undue disruption to broadcaster news operations. As a result of these efforts, the large majority of the country has transitioned to the new 2 GHz band plan.

III. ADDITIONAL TIME WILL BE NECESSARY TO COMPLETE RELOCATION IN A SMALL NUMBER OF MARKETS DUE TO COMPLEXITIES BEYOND THE JOINT PARTIES' CONTROL

In its *June 2009 Order*, the Commission found that “the BAS relocation process . . . has proven to be a more complex undertaking than any party may have initially anticipated.”¹⁴ For the large majority of BAS licensees, Sprint Nextel and the broadcast community have overcome these complexities and transitioned the incumbent systems to operate on the new band plan. Sprint Nextel and broadcasters, however, continue to face challenges beyond their control in relocating a number of markets. In particular, Sprint Nextel anticipates that at least nine markets will need an additional six months beyond February 8, 2010 to complete relocation.¹⁵ Appendix B summarizes the status of BAS relocation in each of these nine markets. Depending on progress made between now and February 8, there may be other markets that also need

The pace of installation and relocation is primarily controlled by the incumbents, equipment manufacturers and installers, and particularly for the remainder of the winter, is heavily dependent on weather conditions permitting tower climbers and equipment installers to travel to the remaining stations and complete their work. As Appendix A indicates, much of this remaining work is located in the snow belt.

¹⁴ *June 2009 Order* ¶ 29.

¹⁵ These nine markets are: (1) Anchorage, Alaska; (2) Portland, Oregon; (3) Eugene, Oregon; (4) Medford-Klamath Falls, Oregon; (5) Bend, Oregon; (6) Indianapolis, Indiana; (7) Ft. Wayne, Indiana; (8) Lafayette, Indiana; and (9) Albuquerque, New Mexico.

additional time to complete the transition. Sprint Nextel will identify any such additional markets in its February 1, 2010 bimonthly progress report and provide details concerning each of the additional markets to supplement the instant waiver request.

There are almost 1000 incumbent BAS licensees, and each has its own unique system configuration requiring its own unique relocation plan and set of replacement equipment. Each system typically has dozens of pieces of equipment that must be redesigned and retrofitted, with much of this equipment located on mobile trucks, helicopters, and remote camera and central receive sites. There are a limited number of BAS equipment manufacturers, installers and tower climbers. Additionally, relocation must be implemented in a way that avoids disrupting broadcast station operations, be coordinated with other licensees in the market and adjacent markets, and must account for a host of other complexities, from public contracting requirements to bad weather and natural disasters. Although more than 86 percent of all licensees have installed all of their BAS equipment, the same complexities that have hampered prior relocation efforts continue to confront the remaining licensees and warrant an extension of the relocation deadline in a relatively small number of markets until August 9, 2010. The following challenges in particular warrant extending the deadline: (a) winter weather conditions; (b) installer constraints; (c) manufacturer limitations; (d) licensing delays; (e) especially complex and difficult relocations; and (f) the need to avoid undue disruption to broadcast operations.

Weather Conditions. Severe weather can cause significant delays in relocating BAS incumbents. In many of the areas that remain to be transitioned, transmitter sites can be difficult or impossible to reach because of low temperatures, ice, snow, high winds and other extreme conditions. For example, relocation in the four markets in Oregon will be delayed by months because numerous transmitter sites in these markets are located in mountainous regions that are

either completely unreachable during the winter months or too hazardous due to ice and wind conditions for tower crews and installers to do their jobs. The Commission has previously recognized that weather events can hamper relocation and warrant providing the parties additional time to complete relocation.¹⁶

Installer Constraints. The Commission has also previously recognized that “the pace of the BAS transition is constrained by . . . a shortage of qualified equipment installers and tower climbers.”¹⁷ There continues to be a shortage of vendors who are qualified to perform the highly specialized tasks involved in installing and integrating BAS replacement equipment on transmission towers and other BAS facilities. Installation work, particularly tower climbing, is one of the country’s most dangerous professions. To minimize the risks, installers often postpone scheduled work with little or no notice because of hazardous weather or other contingencies. Tower installations typically take place in the middle of the night to avoid disrupting station operations, and are especially hazardous during the winter. The picture below shows what a tower climber faces in replacing BAS equipment during the winter: a long, cold, dangerous climb up a narrow ladder coated with ice in the dark.

¹⁶ *Improving Public Safety Communications in the 800 MHz Band*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd. 4393, ¶ 31 (2008).

¹⁷ *June 2009 Order* ¶ 29.



Moreover, as the Joint Parties previously explained, there are many competing demands on installers and vendors.¹⁸ In the Indianapolis and Fort Wayne, Indiana, markets, for example, relocation will be delayed beyond February 8, 2010 because the vendor retained to install the necessary replacement equipment is backed up with other work. The installation work is now scheduled for the week of February 14, but weather conditions or other circumstances beyond the control of Sprint Nextel and broadcasters may require further postponement. Installer constraints not only delay relocation in the markets where the work is being performed, but can also delay adjacent markets. For instance, the BAS licensees in the Lafayette, Indiana market have fully installed their replacement equipment and are ready to cut-over to the new band plan,

¹⁸ *February 2009 Joint Request* at 13-14.

but must wait until the Indianapolis market has completed the relocation process to prevent interference between these markets.

Manufacturer Limitations. As Sprint Nextel explained in its most recent progress report, now that more than 98 percent of BAS replacement equipment has been delivered, manufacturers have turned their attention to post-relocation business activities.¹⁹ Several of the manufacturers that added employees to accommodate the BAS transition have started to downsize, which is causing delays in delivering final equipment orders and in making revisions, repairs, alterations, changes or other modifications necessary to complete installation and relocation. These delays will affect the four percent of all BAS operators that have not yet received delivery of all of their replacement equipment. The delays will also affect the pace at which manufacturers can fill change orders and correct system compatibility problems and quality control issues. Manufacturer limitations may consequently delay the completion of BAS relocation for a number of incumbent licensees.²⁰

Licensing Delays. Many BAS licensees must file modification or other applications with the Commission to implement their relocations, and some license applications are subject to international coordination. In cases where international coordination is required, no operations on the new frequencies are possible until the coordination process is complete. Even where international coordination is not required, some BAS operators must wait for their application to be granted and a license issued by the Commission. These licensing and coordination issues have delayed transitions in some remaining markets. For example, the relocation of the

¹⁹ Dec. 1, 2009 Progress Report at 4.

²⁰ This explanation is not intended to place blame on the manufacturers; rather, the fact is that the BAS equipment industry is responding to the phase down of the once-in-a-lifetime FCC-mandated BAS relocation transition toward its traditional size and business model.

Anchorage, Alaska market has been delayed in part because of the need for the licensees involved in that relocation to assign certain BAS licenses to a different entity.

System Complexity. The Commission has recognized that “the integrated nature of BAS operations . . . makes isolated, link-by-link relocation infeasible.”²¹ The interdependent relationship among facilities in certain areas can make timely relocation impossible because a challenge with a single device in a single location can prevent the entire BAS cluster from relocating. For example, the State of Oregon, which contains four markets – Portland, Eugene, Medford-Klamath Falls, and Bend – has an elaborate series of interconnected BAS fixed-link microwave systems that connect primary and satellite TV stations, TV translators, low power TV stations and cable head ends across very difficult terrain. Due to the interconnected nature of these facilities, successful installation must occur at every BAS facility throughout the entire state before any one market can relocate. Similarly, although the relocation of the Albuquerque market has been prolonged to date primarily because of delays in executing certain FRAs, that market covers almost all of the State of New Mexico. Like Oregon, TV service to the residents of the Albuquerque market is provided by extraordinarily elaborate transmission systems covering vast geographic expanses and difficult terrain. After execution of the last FRAs, relocation of the Albuquerque market will still face considerable technical challenges. Another complexity that continues to delay relocation in a number of markets involves independent tower management companies which require extensive tower studies, tower lease changes, structural remediation, and permitting before replacement equipment can be installed on the tower. For example, relocation of the Buffalo market has been delayed primarily due to the need for the three participating licensees in the market to negotiate new agreements with the owner of their

²¹ 800 MHz R&O ¶ 256.

tower; while two of the licensees have reached agreement, the third currently is still in negotiations with the tower owner.

Avoiding Undue Disruption to Broadcaster Operations. A broadcast station's BAS facilities are, of course, only one aspect of the station's operations and serve to support the station's coverage of news and sporting events. Sprint Nextel and broadcasters have sought to coordinate the BAS transition to minimize disruption to broadcasters' main programming operations. Although broadcasters recognize the importance of the BAS transition, the first priority of station personnel is to ensure the delivery of the station's daily news and other programming to the American public. This is especially true during emergencies, elections and the "sweeps" periods that occur four times each year. Because any material disruption to news and other programming during these periods can endanger the public, or in the case of sweeps periods harm advertising ratings and revenues, licensees do not want to install new equipment or transition to the new band plan during these time periods. Planning for unexpected news events and accommodating reduced activity during these periods requires building additional time into the BAS transition schedule. In addition, many stations continue to navigate their way through the Digital TV transition, including changing antennas, transitioning back to their original VHF channel, and maximizing their signal coverage, all of which can take station personnel time away from the BAS relocation. Changes in station personnel can also complicate the relocation of the station's BAS facilities, as has been the case in relocating one of the licensees in the Anchorage, Alaska market.²² Although accommodating these complexities can delay the BAS transition,

²² See Appendix B.

doing so is consistent with the Congressional and Commission objective of avoiding disruption to broadcaster operations.²³

* * * * *

The Commission may waive its regulatory deadlines where: (i) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest, or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.²⁴ Waivers provide a “safety valve” that allow an agency to “take into account considerations of hardship, equity, or more effective implementation of overall policy.”²⁵

The instant request satisfies both of the Commission’s criteria for granting waivers. As explained above, adhering to the current February 8, 2010 deadline would be inequitable and unduly burdensome given the unique circumstances beyond the control of Sprint Nextel and BAS licensees that make completion of the transition in all markets impractical. Granting a six month extension of the deadline will also promote the Commission’s overarching goal of transitioning BAS licensees to the new band plan as expeditiously as possible without disrupting broadcaster newsgathering operations, and will not prejudice any party.²⁶

IV. CONCLUSION

Sprint Nextel and television broadcasters have made strong progress toward completing the BAS transition. More than 86 percent of all BAS incumbents have completed the installation

²³ See, *supra*, note 6.

²⁴ 47 C.F.R. § 1.925(b)(3).

²⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

²⁶ See, *supra*, note 6.

of all of their replacement equipment, and the great majority of markets have completed the transition to the new band plan. In a small number of markets, however, the transition continues to raise unique challenges and complexities that are outside the control of Sprint Nextel and BAS licensees. Extending the relocation deadline by six months, or until August 9, 2010, should provide the additional time necessary to overcome these last challenges and complete the BAS transition in a manner that does not disrupt broadcaster operations.

Respectfully submitted,

SPRINT NEXTEL CORPORATION

Lawrence R. Krevor

Lawrence R. Krevor
Vice President, Spectrum
Trey Hanbury
Director, Government Affairs
Sprint Nextel Corporation
900 7th Street, NW
Suite 700
Washington, DC 20001

NATIONAL ASSOCIATION OF
BROADCASTERS

Jane E. Mago

Jane E. Mago
*Executive Vice President, Legal and
Regulatory Affairs, and General Counsel*
National Association of Broadcasters
1771 N St., NW
Washington, DC 20036

December 31, 2009

ASSOCIATION FOR MAXIMUM
SERVICE TELEVISION, INC.

David L. Donovan

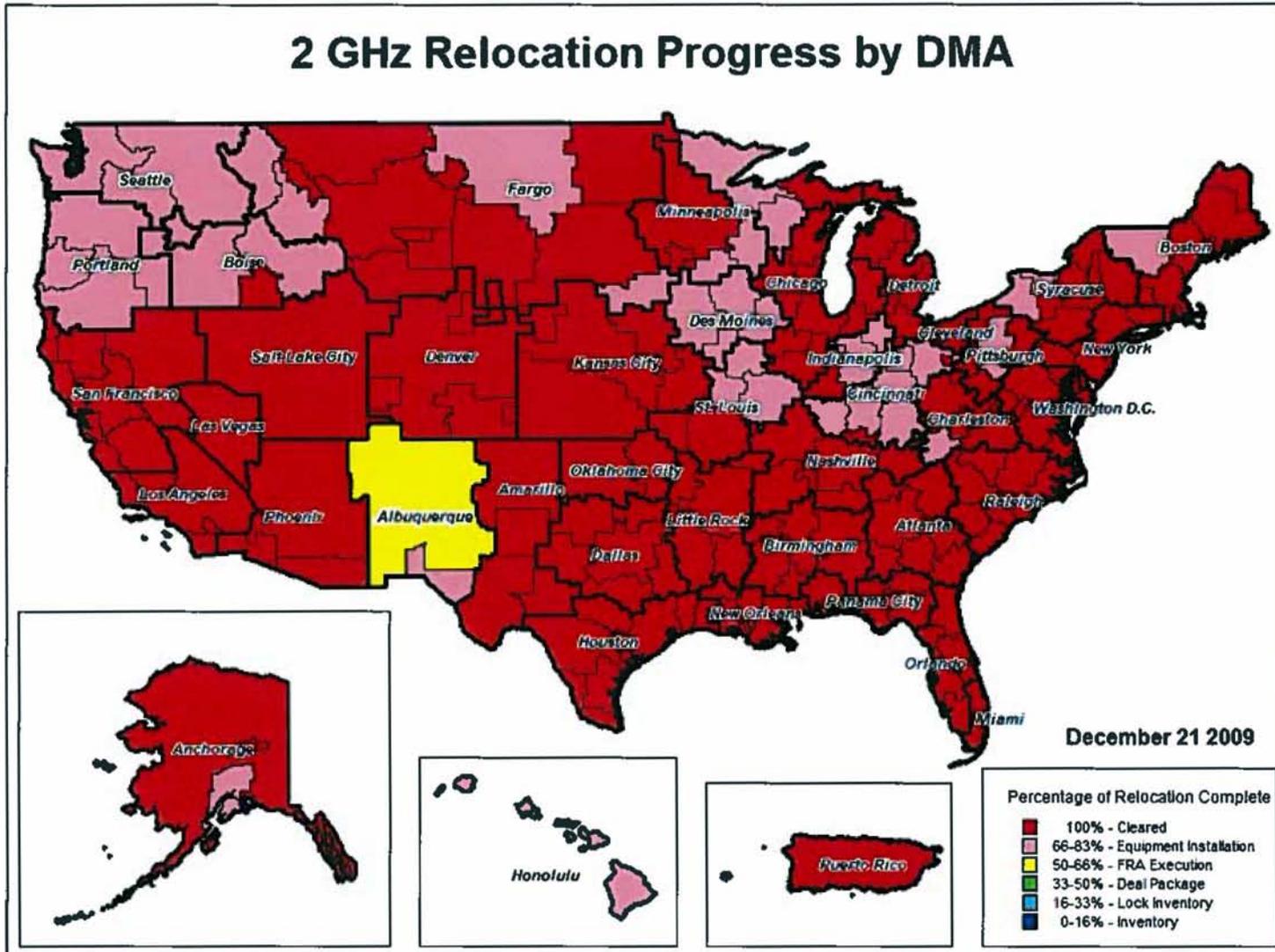
David L. Donovan
President
Association for Maximum Service
Television, Inc
4100 Wisconsin Avenue, NW
Washington, DC 20016

SOCIETY OF BROADCAST
ENGINEERS

Barry Thomas

Barry Thomas
President
Society of Broadcast Engineers
9102 North Meridian Street
Suite 150
Indianapolis, IN 46260

2 GHz Relocation Progress by DMA



APPENDIX B

STATUS REPORT FOR MARKETS NOT YET COMPLETED

Anchorage, Alaska

BAS relocation in the Anchorage, Alaska market (Designated Market Area (DMA) No. 155) fell behind schedule due to delays in signing Frequency Relocation Agreements (“FRAs”) with the Anchorage Broadcast Television Consortium (“ABTC”), a joint venture comprised of various television broadcast licensees in the Anchorage DMA. ABTC operates the network of TV translators and low power TV stations (served by TV translator relay BAS stations) that delivers television programming to remote communities in this DMA. (These facilities have secondary status in the BAS relocation process; there was no delay in signing FRAs with the primary broadcast TV stations in the Anchorage DMA.) Sprint Nextel could not sign FRAs with ABTC until the State of Alaska assigned various BAS licenses to ABTC.

The shipment of fixed-link equipment to ABTC will not occur until December 23 at the earliest. Another cause of delay is the current absence of any chief engineer at full-service TV station KAKM, one of the BAS licensees in the ABTC. While some new BAS equipment is on site at KAKM, current KAKM personnel do not know if the prior chief engineer had developed any plan for the station’s BAS relocation. Finally, because of winter weather conditions, installation of new BAS equipment will be problematic until the spring.

Oregon

There are four DMAs in the State of Oregon: Portland (No. 23), Eugene (No. 122), Medford-Klamath Falls (No. 142), and Bend (No. 200). BAS systems in these DMAs consist of elaborate fixed-link microwave facilities that connect primary and satellite TV stations, TV translators, low power TV stations, and cable head ends across very difficult terrain. Due to the interconnected nature of these facilities, successful installation must occur at every BAS facility throughout the entire state before any one market can relocate.

By themselves, California Oregon Broadcasting, Inc. (“COBI”) and Oregon Public Broadcasting operate more than 75 fixed links. In particular, relocation of the COBI network is a very complex process. This relocation requires the deployment of solar panels and small generators at numerous transmitter sites, given the lack of electricity at those locations. Moreover, the new BAS systems require complicated IP networks to replace some of the older, simpler control systems, which cannot be supported by the new microwave equipment. BAS licensees all over Oregon have to work in concert as they deploy these new systems in order to avoid mutual interference. With heavy snow likely to fall soon in mountainous areas of the state, these stations may not complete BAS relocation until the spring.

Indiana

Three DMAs in the State of Indiana have yet to complete BAS relocation. These DMAs are Indianapolis (No. 26), Fort Wayne (No. 103), and Lafayette (No. 194). In the Lafayette DMA, the new BAS equipment is fully installed, and BAS licensees are ready to transition to the new band plan. The Lafayette DMA cannot be relocated, however, until BAS relocation is completed in the adjacent Indianapolis DMA. This arrangement is necessary to prevent harmful interference to BAS operations in the Indianapolis market and ensure continuous news coverage throughout the region.

The BAS equipment installer DSI RF Systems, Inc. ("DSI") is scheduled to install BAS equipment at a station in the Indianapolis DMA and at a station in the Fort Wayne DMA. Because of prior work commitments, however, the installation work at these stations is not scheduled to occur until February 14, 2010. If the weather is not favorable or if DSI experiences unexpected complications, there could be further delays in this process.

Albuquerque, New Mexico (DMA No. 49)

All of the TV stations in the Albuquerque, New Mexico DMA have signed FRAs and are in the process of installing equipment, with the exception of the state's three non-commercial educational TV stations: KNME-TV, Albuquerque; KENW-TV, Portales; and KRWG-TV, Las Cruces. Notably, these three stations are the only BAS licensees in the United States that have not yet executed FRAs. (While KRWG did sign the FRA for relocation of its in-band mobile equipment, KRWG must sign a second FRA to cover the relocation of its portion of the statewide network that connects these three public TV stations and the state capitol.)

Considerable progress has been made, however, toward the execution of FRAs with KNME, KENW, and KRWG. Overall, five FRAs, with five separate sets of schedules, remain to be signed by these stations. Two sets of schedules have already been sent to these licensees, with three sets of schedules left to be prepared. The stations have provided final quote packages for these three sets of schedules, and that information is being reviewed by Sprint Nextel's BAS relocation team. Sprint Nextel hopes to issue the final three sets of schedules before Christmas. In addition, the terms and conditions of these FRAs must be finalized. Counsel for KNME, KENW, and KRWG are in the process of reviewing the draft agreements. Sprint Nextel understands that certain key issues need to be resolved, including how purchase orders will be generated and how to compensate various vendors under State laws applicable to public entities.

None of the new BAS equipment for KNME, KENW, and KRWG has yet been ordered, and delivery of this equipment is not expected until after February 8, 2010, even assuming prompt execution of the remaining FRAs. The precise timing of the completion of BAS relocation in the Albuquerque DMA is contingent on the performance of these BAS operators and their vendors as well as weather conditions.