

SUMMARY

As directed by the Federal Communications Commission's Public Safety and Homeland Security Bureau ("PSHSB"), the 800 MHz Transition Administrator, LLC ("TA") submits its proposal for an implementation timetable for the reconfiguration of the 800 MHz Band in Puerto Rico ("Implementation Timetable").

The TA developed the following timetable for reconfiguration in Puerto Rico.

Start of filing freeze for new applications in Puerto Rico	August 23, 2010
Commencement of 18-month transition period for reconfiguration in Puerto Rico	September 20, 2010
Start of 90-day mandatory negotiation period	September 20, 2010
Guard Band Elections due	September 20, 2010
Cost Estimates due	October 19, 2010
End of 90-day negotiation period	December 20, 2010
Commencement of mediation period	December 21, 2010
End of mediation period	February 3, 2011
End of filing freeze for new applications in Puerto Rico	February 3, 2011
Completion of implementation by high-site licensees clearing the ESMR Band	September 20, 2011
Completion of implementation for all other licensees	March 19, 2012
End of 18-month transition period	March 19, 2012

In developing the Implementation Timetable, the TA considered many factors. The TA set as its primary goal the completion of reconfiguration in the 18-month transition period established by the PSHSB in the *Third Report and Order*. Spectrum availability and facilitating the 18-month reconfiguration schedule were among the primary concerns in the TA's frequency planning. The TA took into consideration licensee characteristics and sought to ensure minimal disruption for licensees by seeking to minimize the total number of reconfiguring licensees and the number of licensees that are dependent on other licensees to clear their replacement frequencies.

The Implementation Timetable incorporates the guidance, band plan, and reconfiguration sequencing the PSHSB set forth in the *Third Report and Order*. The TA has been mindful of the

schedule and duration of negotiations established by the PSHSB. The TA has also considered the number of licensees and the resources that all stakeholders will devote to the reconfiguration process. In addition, the TA took into consideration its experience with the reconfiguration of the 800 MHz Band in prior waves and factored in the empirical information it had obtained. In developing the Implementation Timetable, the TA analyzed available information obtained from FCC licensing data.

As required by the PSHSB, the Implementation Timetable describes milestones for completion of each stage of the reconfiguration process. In developing the Implementation Timetable, the TA took into account the specific steps required for the implementation of both Stage 1 relocation of non-public safety licensees and Stage 2 relocation of NPSPAC licensees, Economic Area (“EA”) and ESMR licensees and high-site incumbent licensees. The TA also took into account Stage 3 relocation of the licenses of Preferred Communication Systems, Inc. and Preferred Acquisitions, Inc. and, if necessary, *pro rata* apportionment of ESMR spectrum in accordance with the PSHSB’s directions in the *Third Report and Order*. Furthermore, the Implementation Timetable incorporates lessons learned from the prior waves and stages relating to the scheduling and sequencing of planning, negotiations, and reconfiguration implementation.

The TA has attempted to ensure that all stakeholders will be accommodated as quickly and efficiently as possible under this Implementation Timetable. The TA believes the Implementation Timetable is achievable within the timeframe set forth by the PSHSB.

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. IMPLEMENTATION TIMETABLE	3
III. OVERVIEW OF THE IMPLEMENTATION TIMETABLE	3
A. Elements of the Reconfiguration of Puerto Rico	3
1. Non-ESMR Band	3
2. ESMR Band	4
B. Considerations in Developing the Implementation Timetable	5
1. General Considerations	5
2. Preferred	5
IV. STEPS IN IMPLEMENTATION OF NEW BAND PLAN AND TIMETABLE	7
A. Filing Freeze	7
B. Planning, Negotiation and Mediation Phase	7
1. Planning, Cost Estimate, and Negotiations	7
2. Mediation	8
C. Sequence of Reconfiguration	9
1. Stage 1	9
2. Stage 2	9
a. NPSPAC Licensees	9
b. High-site Licensees Relocating from the ESMR Band	10
c. EA Licensees Electing to Relocate to the ESMR Band	10
D. Elections	11
V. RECONFIGURATION IN THE U.S. VIRGIN ISLANDS	12
A. Frequency Proposals for U.S. Virgin Islands Licensees	12
B. Negotiation of FRAs	12
VI. CONCLUSION	13

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Improving Public Safety Communications in the) WT Docket No. 02-55
800 MHz Band)
)
New 800 MHz Band Plan for Puerto Rico and the)
U.S. Virgin Islands)

To: Chief, Public Safety and Homeland Security Bureau

**IMPLEMENTATION TIMETABLE FOR THE RECONFIGURATION
OF THE 800 MHz BAND IN PUERTO RICO**

Pursuant to the direction of the Federal Communications Commission’s (“FCC” or “Commission”) Public Safety and Homeland Security Bureau (“PSHSB”) in the *Third Report and Order* in the above-captioned proceeding,¹ the 800 MHz Transition Administrator, LLC (“TA”) hereby submits its proposal for an implementation timetable for the reconfiguration of the 800 MHz Band in Puerto Rico (“Implementation Timetable”).

I. INTRODUCTION

In the *Second Memorandum Opinion and Order*, the Commission acknowledged that an alternative band plan for the 800 MHz band reconfiguration of Puerto Rico was appropriate and directed the TA to propose an alternative band plan and negotiation timetable for Puerto Rico that conformed to certain requirements.² On October 19, 2007, the TA submitted a Proposal for

¹ See Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Third Report and Order and Third Further Notice of Proposed Rulemaking*, 25 FCC Rcd 4443, 4451 ¶¶ 22 (2010) (“*Third Report and Order*”). The effective date of the *Third Report and Order* was July 22, 2010.

² See Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Second Memorandum Opinion and Order*, 22 FCC Rcd 10467, 10479-80 ¶¶ 32-33 (2007).

Adoption of an Alternative 800 MHz Band Plan and Negotiation Timetable for Puerto Rico and the U.S. Virgin Islands Economic Area.³

In the *Third Report and Order*, the PSHSB adopted certain parts of the TA’s proposal and specified the manner in which reconfiguration will be conducted in Puerto Rico. The PSHSB established an 18-month transition period for the reconfiguration of Puerto Rico to begin 60 days after the effective date of the order.⁴ In addition, the PSHSB directed the TA to develop, within 30 days of the effective date of the *Third Report and Order*, “a detailed Puerto Rico band reconfiguration timetable with milestones for completion of each stage of the process.”⁵ The PSHSB noted that the Implementation Timetable should take into account variations in licensee characteristics and set out the specific steps required for the implementation of both Stage 1 relocation of non-public safety licensees and Stage 2 relocation of NPSPAC licensees, Economic Area (“EA”) and ESMR licensees and high-site incumbent licensees.⁶ The PSHSB also noted that the Implementation Timetable should take into account Stage 3 relocation of the licenses of Preferred Communication Systems, Inc. (“PCSI”) and Preferred Acquisitions, Inc. (“PAI”) (collectively “Preferred”) and, if necessary, *pro rata* apportionment of ESMR spectrum in accordance with the PSHSB’s directions in the *Third Report and Order*.⁷

Reconfiguration of site-based licensees in Channels 1-120 and public safety licensees in the NPSPAC Band and Expansion Band is already underway. The Implementation Timetable

³ See 800 MHz Transition Administrator, LLC, “Proposal for Adoption of an Alternative 800 MHz Band Plan and Negotiation Timetable for Puerto Rico and the U.S. Virgin Islands Economic Area,” WT Docket No. 02-55 (filed Oct. 19, 2007).

⁴ See *Third Report and Order*, 25 FCC Rcd at 4450 ¶ 20.

⁵ *Id.* at 4451 ¶ 22.

⁶ See *id.*

⁷ See *id.*

sets out the timeframe and sequence for the reconfiguration of the remaining licensees in Puerto Rico, and for the reconfiguration implementation phase for NPSPAC licensees.

II. IMPLEMENTATION TIMETABLE

The TA developed the following timetable for reconfiguration in Puerto Rico. Some of the dates are based upon the *Third Report and Order* and other dates were determined by the TA.

Start of filing freeze for new applications in Puerto Rico	August 23, 2010
Commencement of 18-month transition period for reconfiguration in Puerto Rico	September 20, 2010
Start of 90-day mandatory negotiation period	September 20, 2010
Guard Band Elections due	September 20, 2010
Cost Estimates due	October 19, 2010
End of 90-day negotiation period	December 20, 2010
Commencement of mediation period	December 21, 2010
End of mediation period	February 3, 2011
End of filing freeze for new applications in Puerto Rico	February 3, 2011
Completion of implementation by high-site licensees clearing the ESMR Band	September 20, 2011
Completion of implementation for all other licensees	March 19, 2012
End of 18-month transition period	March 19, 2012

III. OVERVIEW OF THE IMPLEMENTATION TIMETABLE

A. Elements of the Reconfiguration of Puerto Rico

1. Non-ESMR Band

The PSHSB adopted the TA's proposal for the non-ESMR portion of the band. To ensure the greatest separation possible between public safety and other non-cellular licensees from licensees that employ cellular technology in the 800 MHz Band, the band plan provides for the following licensees to be relocated:

- NPSPAC licensees currently in the 821-824/866-869 MHz portion of the band will be relocated 15 MHz lower in frequency to 806-809/851-854 MHz.
- Incumbent licensees in the 806-809/851-854 MHz portion of the band will be relocated to comparable spectrum in the Interleaved, Expansion, or ESMR Band, depending on their eligibility.

- Licensees currently operating between 817-821/862-866 MHz that are not eligible to remain in the ESMR Band will be relocated to 809-816.5/854-861.5 MHz, the Interleaved and Expansion Bands of the Puerto Rico Band Plan.
- Licensees in the modified Guard Band that elect to relocate will be relocated to the Interleaved or Expansion Band.

The following licensees will remain on their current frequencies:

- Non-ESMR, non-public safety incumbent licensees that currently operate in the Expansion Band;
- Licensees in the modified Guard Band that do not elect to relocate; and
- Licensees currently in the Interleaved Band that will not be relocating to the ESMR Band.

2. ESMR Band

The ESMR Band in Puerto Rico is at 817-824/862-869 MHz. The TA has been instructed to assign replacement frequencies to EA-based ESMR and ESMR-eligible licensees other than Sprint Nextel on a 1:1 basis relative to their current holdings.⁸ If ESMR channels remain after this assignment, the TA will assign them to Sprint Nextel.⁹ The TA has reserved replacement spectrum for Preferred's site-based and EA licenses, as the PSHSB directed.¹⁰ The *Third Report and Order* provides that if there are not sufficient ESMR channels to be assigned on a 1:1 basis to all non-Sprint Nextel ESMR and ESMR-eligible licensees electing to relocate to the ESMR Band, then the number of ESMR channels for Sprint Nextel will be reduced to the extent necessary to assign channels to the other licensees on a 1:1 basis.¹¹ If there is still a shortfall, the PSHSB instructed that all licensees' channels are reduced *pro rata* to accommodate all other licensees in the ESMR Band.¹²

⁸ See *id.* at 4448 ¶ 13.

⁹ See *id.*

¹⁰ See *id.*

¹¹ See *id.*

¹² See *id.*

B. Considerations in Developing the Implementation Timetable

1. General Considerations

In developing the Implementation Timetable, the TA set as its primary goal the completion of reconfiguration in Puerto Rico in the 18-month transition period established by the PSHSB in the *Third Report and Order*. That period begins on September 20, 2010 and ends on March 19, 2012.

Spectrum availability and facilitating schedule compliance were among the primary concerns in the TA's frequency planning. The TA took into consideration licensee characteristics and sought to ensure minimal disruption for licensees by seeking to minimize the total number of reconfiguring licensees and minimizing the clearing of replacement frequencies by one licensee in advance of them being used by another reconfiguring licensee.

2. Preferred

In developing the Implementation Timetable, the TA took into consideration Preferred's licenses and their impact on the reconfiguration of NPSPAC licensees and on the post-reconfiguration distribution of channels in the ESMR Band. PCSI has one site-specific license with a single frequency in the Interleaved Band.¹³ PAI holds five EA licenses in Channels 1-120, which are subject to relocation as part of 800 MHz band reconfiguration.¹⁴ Preferred elected to relocate its site-based and EA licenses to the ESMR Band.¹⁵ PAI has a pending request for

¹³ Preferred's site-specific license in the Interleaved Band is call sign WPF599.

¹⁴ The call signs are WPRQ948, WPRQ954, WPRQ962, WPRQ967, and WPRQ972.

¹⁵ See Letter from Charles M. Austin, President, Preferred Communication Systems, Inc., to 800 MHz Transition Administrator, WT Docket No. 02-55 (filed May 13, 2005); Letter from Charles M. Austin, President, Preferred Communication Systems, Inc., to 800 MHz Transition Administrator, LLC, WT Docket No. 02-55 (filed Feb. 13, 2006).

waiver of its construction obligations for its EA licenses.¹⁶ In addition, Preferred's licenses are the subject of an FCC proceeding (EB Docket No. 07-147) in which Preferred was ordered to show cause why its licenses should not be revoked.¹⁷ An Administrative Law Judge approved a settlement agreement in that proceeding in 2009,¹⁸ but that approval was appealed to the full Commission and the appeal is pending.¹⁹

In the *Third Report and Order*, the PSHSB directed the TA to reserve replacement spectrum in its channel assignment plan for Preferred's licenses.²⁰ The TA has identified and reserved replacement frequencies in the ESMR Band for Preferred.

Preferred's licenses in Channels 1-120 affect the reconfiguration of NPSPAC licensees to the new NPSPAC Band. Preferred's EA licenses and Sprint Nextel's site-specific licenses are the only licenses that still remain in Channels 1-120. The PSHSB noted that, notwithstanding the pendency of the show cause proceeding and the PAI Waiver Request, "PCSI and PAI must relinquish their 806-809/851-854 MHz spectrum holdings to allow NPSPAC licensees to relocate into that band segment."²¹ Until such time as Preferred clears its frequencies in Channels 1-120, NPSPAC licensees would be unable to relocate to their replacement frequencies absent a waiver of the FCC's short-spacing rules. Because of the pending proceedings, the timing and extent of Preferred's reconfiguration and clearing is uncertain. Concurrent with the

¹⁶ See Preferred Acquisitions Inc., FCC Form 601, FCC Application for Wireless Telecommunications Bureau Radio Service Authorization, dated Dec. 14, 2005, at Exhibit 1 ("PAI Waiver Request"). PAI subsequently amended this filing on December 22, 2005.

¹⁷ See Preferred Communication Systems, Inc., *et al.*, *Order to Show Cause and Notice of Opportunity for Hearing*, 22 FCC Rcd 13363 (2007).

¹⁸ See Preferred Communication Systems, Inc., *et al.*, *Order*, FCC 09M-51 (Aug. 6, 2009) (granting motion for approval of settlement agreement); Preferred Communication Systems, Inc., *et al.*, *Memorandum Opinion and Order*, FCC 09M-57 (Sept. 25, 2009) (renewing *Order* FCC 09M-51).

¹⁹ See Pendleton C. Waugh, Notice of Appeal (filed Oct. 5, 2009).

²⁰ See *Third Report and Order*, 25 FCC Rcd at 4448 ¶ 13.

²¹ *Id.* at 4447 ¶ 11.

filing of this Implementation Timetable, the TA is submitting a request for waiver of the short-spacing requirements in Section 90.621(b) of the FCC's rules²² to allow public safety licensees to proceed with reconfiguration to the new NPSPAC Band without delay. Granting the TA's request for waiver would allow NPSPAC licensees to relocate and be relicensed on Preferred's frequencies in the new NPSPAC Band even though Preferred has not cleared its Channels 1-120 frequencies. As Preferred is not operational on its EA licenses, granting this request for waiver would present no interference concerns.

IV. STEPS IN IMPLEMENTATION OF NEW BAND PLAN AND TIMETABLE

A. Filing Freeze

Pursuant to the *Third Report and Order*, the filing freeze on new applications in Puerto Rico commences 30 days from the effective date of that order, which is August 23, 2010. The freeze ends February 3, 2011, which is 30 working days after the date for completion of mandatory negotiations.

B. Planning, Negotiation and Mediation Phase

1. Planning, Cost Estimate, and Negotiations

Pursuant to the *Third Report and Order*, licensees should complete planning and negotiations within the first 90 days of the 18-month transition period.²³ The PSHSB established a 90-day mandatory negotiation period for the remaining licensees that must be returned from the 816.5-821/861.5-866 MHz portion of the band, which begins on September 20, 2010.²⁴ The PSHSB noted that there are twelve licensees that must initiate Frequency Reconfiguration

²² 47 C.F.R. § 90.621(b) (2010).

²³ See *Third Report and Order*, 25 FCC Rcd at 4450 ¶ 21.

²⁴ See *id.* at 4449 ¶ 18.

Agreement (“FRA”) negotiations with Sprint Nextel.²⁵ All other licensees already have negotiated FRAs.

For licensees and Sprint Nextel to have productive negotiations, licensees should prepare and submit a cost estimate – an estimate of the costs associated with the reconfiguration of their radio system – to Sprint Nextel as soon as possible in the 90-day mandatory negotiation period.²⁶ The TA establishes October 19, 2010 as the due date for licensees to submit cost estimates, and cost estimates are to be submitted to Sprint Nextel by then. Licensees can email their cost estimate to Sprint Nextel at 800mhz@sprint.com. After submitting a cost estimate, licensees will negotiate an FRA with Sprint Nextel. Licensees should complete negotiations and enter into an FRA by the end of the 90-day mandatory negotiation period on December 20, 2010.

2. Mediation

If the parties have not negotiated and submitted an FRA to the TA by December 20, 2010, they will participate in mediation.²⁷ A TA Mediator will assist the parties with FRA negotiations during a 30-working-day mediation period. The mediation period will commence on December 21, 2010 and end on February 3, 2011. If the parties do not reach agreement, the TA Mediator will instruct the parties to file Proposed Resolution Memoranda on the remaining disputed issues and will prepare and submit a Recommended Resolution, along with the Mediation Record, to the FCC for *de novo* review. Additional information about mediation for Puerto Rico licensees can be found in the TA’s Alternative Dispute Resolution Plan.²⁸

²⁵ *See id.*

²⁶ Information about preparing a cost estimate is available on the TA’s website at <http://www.800TA.org/content/resources/forms.asp>.

²⁷ *See Third Report and Order*, 25 FCC Rcd at 4449 ¶ 18.

²⁸ *See* “Alternative Dispute Resolution Plan for 800 MHz Transition Administrator, LLC (Version 1.8),” at 21-25, attached to Letter from Joseph P. Markoski, Squire, Sanders & Dempsey L.L.P., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 02-55 (filed Aug. 20, 2010).

C. Sequence of Reconfiguration

The PSHSB provided in the *Third Report and Order* the following sequence for band reconfiguration in Puerto Rico.

1. Stage 1

Stage 1 reconfiguration requires that all Channels 1-120 incumbent licensees clear their frequencies to allow for NPSPAC licensees to be relocated to these frequencies. There are twelve Channels 1-120 licensees in Puerto Rico requiring FRAs, of which all but one (Preferred) have executed agreements, have cleared their frequencies and are operating on their replacement frequencies. Preferred's EA licenses and Sprint Nextel's site-specific licenses are the only licenses that still remain in Channels 1-120. As noted above, Preferred has elected to relocate its licenses to the ESMR Band, but the timing and extent of Preferred's clearing is uncertain.

2. Stage 2

Stage 2 reconfiguration involves the relocation of (a) NPSPAC licensees 15 MHz lower to the new NPSPAC Band; (b) high-site incumbent licensees from the ESMR Band to the Interleaved Band; (c) and site-based licensees that are part of an EA Election to relocate from the Interleaved, Expansion, and Guard Bands to the ESMR Band.

a. NPSPAC Licensees

There are six NPSPAC licensees, all of which have already negotiated FRAs with Sprint Nextel. As mentioned above, because Preferred has licenses in the new NPSPAC Band and will not relocate until the pending show cause proceeding and construction waiver are addressed, certain public safety licensees cannot relocate because their replacement frequencies would violate the Commission's short-spacing rules. The TA is filing a request for waiver of Section 90.621(b) of the FCC's rules to allow the public safety licensees to proceed with the reconfiguration of their systems.

NPSPAC licensees must relocate off their channels in the old NPSPAC Band, which is the new ESMR Band, before Preferred can relocate. NPSPAC licensees must complete reconfiguration by March 19, 2012 or by any other date specified in an FCC action.

b. High-site Licensees Relocating from the ESMR Band

There are seven high-site incumbent licensees that need to relocate from the ESMR Band to the Interleaved Band. The TA provided replacement frequencies to these licensees on July 22, 2010. These licensees need to clear their frequencies before North Sight Communications, Inc. (“North Sight”) can complete its reconfiguration. These licensees should complete reconfiguration by September 20, 2011 to enable North Sight to complete its reconfiguration on time.

c. EA Licensees Electing to Relocate to the ESMR Band

Two EA licensees in Puerto Rico elected to relocate to the ESMR Band: North Sight and Preferred. North Sight filed an election to maintain its EA license in the ESMR Band on January 19, 2006.²⁹ It also elected to relocate its companion site-specific licenses, some of which include Expansion Band and Guard Band frequencies, to the ESMR Band. The TA provided North Sight with replacement frequencies in the ESMR Band on July 22, 2010. North Sight was assigned replacement frequencies on a 1:1 basis relative to its current holdings in Puerto Rico. Because North Sight is not operating as an ESMR, it is entitled only to receive the same unencumbered area that it had before relocation (*i.e.*, its “white space”).³⁰ Some of the TA’s proposed replacement frequencies for the site-specific licenses fill contour “holes” created by other licensees’ encumbrances in North Sight’s EA license on the relevant frequencies.

²⁹ See Letter from Alan Tilles, counsel to North Sight, to 800 MHz Transition Administrator, LLC (Jan. 19, 2006).

³⁰ See Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Supplemental Order and Order on Reconsideration*, 19 FCC Rcd 25120, 25155 ¶ 79 (2004) (“*Supplemental Order*”).

Preferred also elected to relocate to the ESMR Band. The TA has identified and reserved replacement frequencies in the ESMR Band for Preferred, but has deferred providing them to Preferred pursuant to the direction of the PSHSB.³¹

The design of the frequency plan facilitates the 18-month schedule as it provides replacement frequencies to the high-site licensees clearing the ESMR and Guard Bands that do not require any other licensee to clear first, so ESMR and Guard Band clearing can proceed as soon as FRAs are negotiated and approved by the TA. Only two licensees, North Sight and Preferred, have dependencies other than negotiating an FRA before implementing. North Sight will have to coordinate its implementation to follow clearing of the high-site ESMR licensees, but it is able to negotiate its FRA and then undertake other activities (such as finalizing vendor agreements) in parallel with the clearing of its replacement frequencies. Preferred is dependent on current NPSPAC licensees relocating to the new NPSPAC Band and the outcome of the other matters pending before the FCC.

D. Elections

The PSHSB provided in the *Third Report and Order* that licensees in the modified Guard Band (816.5-817/861.5-862 MHz) may elect to relocate to the Interleaved or Expansion Bands.³² The TA provided such licensees with a Guard Band Election Form along with their Frequency Proposal Reports with their replacement frequencies. Licensees electing to relocate to the Interleaved or Expansion Bands should complete and return the Guard Band Election Form to the TA and file a copy of it in WT Docket No. 02-55. The TA establishes September 20, 2010 as the due date for licensees to submit Guard Band Elections. The negotiation and mediation timetable described above will apply to the licensees that elect to relocate.

³¹ See *Third Report and Order*, 25 FCC Rcd at 4451 ¶ 23.

³² See *id.* at 4445 ¶ 6.

If an EA licensee's election to relocate to the ESMR Band included frequencies in the Guard Band, there is no need for a separate election form.

V. RECONFIGURATION IN THE U.S. VIRGIN ISLANDS

A. Frequency Proposals for U.S. Virgin Islands Licensees

In the *Third Report and Order and Third Further Notice of Proposed Rulemaking*, the PSHSB sought comment on its tentative conclusion to adopt for the U.S. Virgin Islands ("USVI") the same band plan it adopted for Puerto Rico and sought comment on the rebanding timetable for the USVI.³³ Comments were filed. A Report and Order setting forth the final band plan has not been issued. Licensees in the USVI that are subject to rebanding are encouraged to develop cost estimates for the reconfiguration of their systems and commence FRA negotiations at the same time as Puerto Rico licensees. On August 17, 2010, the TA mailed frequency proposals to the USVI licensees noting that the proposed replacement frequencies are contingent upon the FCC's adoption of a final band plan for the USVI. The proposed frequencies will be the same if the FCC adopts the proposed band plan or the standard U.S. band plan.

B. Negotiation of FRAs

Because at this time the FCC has not adopted a Report and Order for the reconfiguration of the USVI, the licensees are not subject to a formal timeline for FRA negotiations. The negotiation of FRAs between USVI licensees and Sprint Nextel would be conducted on a voluntary basis. As such, the parties would not enter mediation after 90 days of FRA negotiations. A final schedule for negotiations, mediation, and reconfiguration implementation and completion will be provided after the FCC's rules for the USVI are final.

³³ See *id.* at 4451-52 ¶ 25.

VI. CONCLUSION

Pursuant to the PSHSB's *Third Report and Order*, the TA submits its Implementation Timetable for the reconfiguration of the 800 MHz Band in Puerto Rico. The TA looks forward to working with the FCC, the 800 MHz incumbent licensees in Puerto Rico, and the affected stakeholders to expeditiously eliminate harmful interference, improve public safety communications, and help ensure a timely, efficient, and fair reconfiguration process.

Respectfully submitted,

800 MHz TRANSITION ADMINISTRATOR, LLC

Brett S. Haan
Kamesh Mullapudi
Deloitte Consulting LLP
1001 G Street, NW
Washington, DC 20001

/s/ Robert B. Kelly
Robert B. Kelly
Douglas L. Povich
Squire, Sanders & Dempsey L.L.P.
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 626-6600

Alan J. Boyer
Baseline Telecom, Inc.
3223 Arapahoe Ave, Suite 315
Boulder, CO 80303
(303) 444-1480

August 20, 2010