

**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)

**REQUEST FOR WAIVER RELATING TO
SPECIAL TEMPORARY AUTHORITY FACILITY RECONFIGURATION
WAIVER – EXPEDITED ACTION REQUESTED**

The County of Fairfax, Virginia (“Fairfax County”) hereby requests a waiver in the form of a ruling that Sprint Nextel is obligated to pay the costs associated with the reconfiguration of facilities subject to a Special Temporary Authority (“STA”)¹. This waiver is sought pursuant to the Commission’s *Public Notice*, DA 06-2555 (December 6, 2006), in WT Docket 02-55, and 47 C.F.R. § 1.925.²

Fairfax County initiated a system upgrade to its Public Safety Voice Radio system licensed under callsigns WNAJ365 and KNIH412 well after frequency reconfiguration agreement (“FRA”) negotiations with Sprint Nextel were concluded. One element of this system upgrade is the addition of a new transmit/receive site to the network, which is necessary in order to improve in-building coverage reliability in the Baileys Crossroads, Falls Church, and Seven Corners areas of Fairfax County. Thus, Fairfax County could not have anticipated these costs at the time the FRA was negotiated. Fairfax County

¹ STA WQNY792 granted 7/12/2011

² The Commission stated therein that Sprint Nextel would not be responsible for rebanding costs related to facilities authorized in “post-freeze” STAs. However, the Commission also indicated that it would entertain waivers to require Sprint Nextel to pay such costs.

sought and received an STA for use of its nine 1-120 channels at this new site.

Moreover, safety considerations dictate that the modified facilities must be activated before band reconfiguration is completed in Region 20. The channels at issue are critical to Fairfax County's ability to maintain interoperability with other National Capital Region 800 MHz licensees. Therefore, these channels must be included in the rebanding process. Fairfax County hereby requests that the Commission grant a waiver of its rules to specify that rebanding costs related to the facilities covered by the STA are subject to reimbursement by Sprint Nextel pursuant to the Commission's rules and procedures.

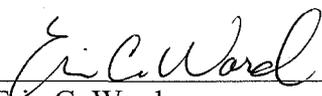
Fairfax County is currently negotiating a change order to its FRA with Sprint Nextel. Fairfax County and Sprint Nextel have agreed in principle to the scope and cost of the change order, and there are no issues in dispute.

Fairfax County further requests expedited consideration so that the costs associated with rebanding this new site can be incorporated into the FRA, and so that retuning of the County's 1-120 system can proceed in accordance with the National Capital Region's 800 MHz Rebanding Master Schedule.

Respectfully submitted,

COUNTY OF FAIRFAX, VIRGINIA

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Dated: July 26, 2011