

## Harlin R. McEwen

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**From:** Harlin R. McEwen <chiefhrm@pubsaf.com>  
**Sent:** Monday, May 28, 2012 1:36 PM  
**To:** 'Leslie Dibble'; David.Turetsky@fcc.gov; Jennifer.Manner@fcc.gov; Furth David  
**Cc:** 'Dale Shaw'; 'Randy Thompson'; 'John Minick'  
**Subject:** Mesa-TRWC Spectrum Lease Cancellation Notice  
**Attachments:** Mesa-TOPAZ Spectrum Lease Cancellation Notice 052412.pdf

Dear Leslie -

We are in receipt of the letter dated May 24, 2012, that you forwarded from the TOPAZ Regional Wireless Cooperative (TRWC).

The letter notifies the PSST and the FCC Public Safety & Homeland Security Bureau of the decision by the TRWC to terminate the Long Term De Facto Spectrum Transfer Lease Agreement with the PSST, which meets the termination provisions of Section 4.a of the lease agreement.

The PSST has no objection to this termination, which shall become effective on June 23, 2012.

We deny the request for a prorated refund of the lease administrative fee. Although Section 4.a of the Mesa-TRWC lease provides that Mesa, as Lessee, shall remit any remaining or prorated fees to the PSST within 30 days of termination, the lease does not require the PSST to refund any fees to Mesa-TRWC in the event of termination by Mesa-TRWC. The administrative fees required of the 21 lessees are based upon an FCC Order that approved a PSST budget for Year #2 of the lease agreements. These fees are necessary for the PSST to carry out its obligations for Year #2 of the lease agreements regardless of termination of one or more of the lease agreements.

**Harlin R. McEwen**  
**Chairman, Public Safety Spectrum Trust**

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**From:** Leslie Dibble [mailto:Leslie.Dibble@mesaaz.gov]  
**Sent:** Thursday, May 24, 2012 6:42 PM  
**To:** chiefhrm@pubsaf.com; David.Turetsky@fcc.gov; Jennifer.Manner@fcc.gov  
**Cc:** Dale Shaw; Randy Thompson; John Minick  
**Subject:** Spectrum Lease Cancellation Notice

Please see the attached for City of Mesa's Spectrum Lease Cancellation Notice



May 24, 2012

Public Safety Spectrum Trust Corporation  
Chief Harlin R. McEwen  
Chairman of the Board  
1101 K St., Suite 8100, Washington, DC 20005

Dear Chief McEwen,

Due to recent developments regarding the Jobs Act and NTIA ordering BTOP recipients to suspend further purchasing of any LTE equipment and NTIA's comments to the FCC recommending the termination of the existing waivers for the early deployment of public safety broadband network, on behalf of the TOPAZ Regional Wireless Cooperative (TRWC), the City of Mesa has decided to terminate the Long Term De Facto Spectrum Transfer Spectrum Lease Agreement with the Public Safety Spectrum Trust Corporation.

Per paragraph 4 of the Lease Agreement, please accept this as notification of termination of Mesa's Spectrum Lease Agreement. We request a prorated refund of the Administration fee paid to the PSST.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Shaw", is written over a light blue horizontal line.

Dale Shaw  
TRWC Executive Director

Cc: David S. Turetsky  
Chief, Public Safety & Homeland Security Bureau  
Federal Communications Commission

Jennifer A. Manner  
Deputy Bureau Chief, Public Safety & Homeland Security Bureau  
Federal Communications Commission