

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Improving Public Safety Communications in) WT Docket No. 02-55
the 800 MHz Band)
)
New 800 MHz Band Plan for U.S. – Mexico)
Sharing Zone)

REPLY COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint Nextel”) hereby files these Reply comments in response to the Comments¹ to the Public Safety and Homeland Security Bureau’s (“Bureau”) *Fourth Further Notice of Proposed Rule Making* (“FNPRM”) proposing an 800 MHz band reconfiguration band plan and negotiation timetable for the U.S. – Mexico Border Areas.²

I. Adoption of the Bureau’s 800 MHz Band Plan for the U.S. – Mexico Sharing Zone and Adjacent to the Sharing Zone As Proposed Is Necessary to Accomplish the Goals of Rebanding

Sprint Nextel supported adoption of the Bureau’s proposed 800 MHz band plan for the U.S. – Mexico Border Areas, both inside the 110 km “Sharing Zone” and those

¹ In response to the Bureau’s *FNPRM*, the Bureau received comments from Sprint Nextel, the 800 MHz Public Safety Border Area Licensees (Los Angeles County, San Bernardino County, City of Phoenix, City of Mesa, Los Angeles Unified School District and the J. Paul Getty Trust) (collectively “Joint Commenters”), the Orange County Sherriff’s Department (“Orange County”), the City of San Diego, the San Diego County Sherriff’s Department (“San Diego County”), Peak Relay, Inc., and an individual, Ray Grimes.

² See In the Matter of Improving Public Safety Communications in the 800 MHz Band; New 800 MHz Band Plan for U.S. – Mexico Sharing Zone, *Fourth Further Notice of Proposed Rulemaking*, DA 12-1343, ___ FCC Rcd ___ (PSHSB Rel. August 17, 2012).

adjacent areas north of the Sharing Zone.³ In addition to Sprint Nextel, both the City and County of San Diego supported the Bureau's proposed band plan for the Sharing Zone. The City of San Diego, County of San Diego, and Joint Commenters also supported making 800 MHz band channel allocations consistent with the rest of the non-border United States through the elimination of the offset channel plan in the Sharing Zone.⁴ Most commenters agreed that making the channel allocations consistent eliminates inefficiencies, making spectrum planning easier and will be consistent with the new U.S. – Mexico Treaty.

As Sprint Nextel endorsed, the Bureau's proposed 800 MHz band plan for both the Sharing Zone and areas adjacent to the Sharing Zone accomplishes the primary goal of 800 MHz band reconfiguration -- separation of public safety and compatible non-cellular licensees from licensees that deploy cellularized technology in-and-adjacent to the 800 MHz band to the greatest extent possible. Relocation of all incumbent public safety licensees from the current NPSPAC allocation of 821-824/866-869 MHz to the new NPSPAC band allocation at 806-809/851-854 MHz will virtually eliminate the potential for interference for public safety licensees in the Border Areas. Removing ESMR operations from the interleaved spectrum environment and segregating cellular-type operations in the 800 MHz ESMR band (818.5-824/863.5-869 MHz in the Sharing Zone and 817-824/862-869 MHz adjacent to the Sharing Zone) facilitates the use of improved interference-mitigation techniques, such as filtering and spectral separation, to

³ Sprint Nextel Comments at page 1.

⁴ See Comments of Sprint Nextel at page 4; Comments of San Diego County at page 4; Comments of City of San Diego at page 2; Comments of Joint Commenters at page 7.

improve the radio frequency environment over today's interleaved and incompatible band plan.

In the Los Angeles, CA area, which is immediately north of the Sharing Zone in NPSPAC Region 5, Sprint Nextel supported the proposed slight deviation from the standard U.S. 800 MHz band plan through elimination of the Expansion Band (860 - 861 MHz) and the 800 MHz Guard Band (861 - 862 MHz). Sprint Nextel explained that these modifications to the upper-portion of the non-cellular segment of the 800 MHz band in the non-Sharing Zone portion of Southern California are necessary to ensure that that there is enough 800 MHz replacement spectrum to implement 800 MHz reconfiguration without any U.S. non-Sprint Nextel incumbent losing spectrum, given the serious spectrum congestion in Southern California and the resultant complexities of reconfiguration in this area.⁵

Both Orange County and the Joint Commenters raised general concerns with the Bureau's proposal to forego a Guard Band at 861-862 MHz in the non-Sharing Zone Area of NPSPAC Region 5.⁶ These comments, however, fail to fully understand the Bureau's proposal; *i.e.*, that without eliminating the Guard Band, there would be insufficient 800 MHz spectrum to accommodate all 800 MHz licensees that must be retuned.⁷ The Bureau's proposed band plan for the non-Sharing Zone area of Los Angeles provides spectral separation between public safety operations and cellularized

⁵ Sprint Nextel Comments at pages 2-3.

⁶ Neither party commented on the Bureau's proposed elimination of the Expansion Band.

⁷ *FNPRM* at ¶22.

operations. Public safety incumbents in Los Angeles will no longer be interleaved with cellularized operations as they relocate to the ESMR-band at 862-869 MHz and above, nor directly adjacent to the cellular operators above 869 MHz. Based on the Bureau's proposal, the 861-862 MHz portion of the 800 MHz band (which is used solely by Sprint Nextel today) will be used as replacement spectrum for retuning high-site SMR and B/ILT operations -- and will not, except in rare cases, be used for retunes of public safety incumbents.⁸

The Bureau's proposed band plan for Los Angeles is consistent with other situations where the Commission or Bureau modified the 800 MHz band plan due spectrum limitations or other unusual circumstances.⁹ Eliminating the Guard Band will

⁸ *FNPRM* at ¶35. In rare cases along the U.S. – Canada Border Area, the 800 MHz Transition Administrator has permissibly used 800 MHz channels located less than 1 MHz from the ESMR block as replacement spectrum for a handful of public safety incumbents. As the Bureau makes clear, however, in the *FNPRM* at ¶ 35: “We emphasize that under our proposal, Region 5 licensees that are assigned replacement channels in the 815-817/860-862 MHz band (the segment of the band reserved for the Expansion or Guard Bands in non-border regions) will receive full protection against unacceptable interference from licensees operating cellular systems above 817/862 MHz. *See* 47 C.F.R. § 90.672. In addition, licensees assigned channels in the 816-817/861-862 MHz band (the Guard Band in non-border regions) will not be required to operate with increased median received power levels in order to qualify for protection from unacceptable interference. *See* 47 C.F.R. § 90.617(k).”

⁹ *See* Improving Public Safety Communications in the 800 MHz Band, *800 MHz Report and Order*, 19 FCC Rcd 14969 at ¶¶164-166 (2004) (The Commission found that the ESMR band segment in the southeastern United States could not accommodate both SouthernLINC and Sprint Nextel, therefore, the Commission expanded the ESMR band segment in the southeastern United States, eliminated the 800 MHz Guard Band and adopted Expansion Band); *See* Improving Public Safety Communications in the 800 MHz Band, *800 MHz Memorandum Opinion and Order*, 20 FCC Rcd 16015, ¶¶46-49 (2005) (Commission declined to wholly eliminate Expansion Band across southeastern United States but reduced Expansion Band to 0.5 MHz in 70 mile radius of Atlanta, Georgia); *See* *800 MHz Second Report and Order*, 23 FCC Rcd 7605 ¶18 (2008) (When establishing channel plans for the Canada Border, the Bureau stated “[b]ecause of the limited amount of U.S. primary spectrum available in the Canadian border regions, we do

not increase the risk of interference to non-ESMR band operations below 862 MHz because 800 MHz ESMR band operations are strictly required to protect non-cellular operations below 862 MHz and there are rigorous requirements in place to ensure interference protection post-band reconfiguration.¹⁰ For these reasons, the Bureau should find that the 800 MHz band plan it proposed in the *FNPRM* adequately protects public safety and accomplishes separation of incompatible operations and adopt the band plan without modification.

II. **Sprint Nextel Supports the Commission’s Proposed Planning, Negotiation, Mediation and Implementation Timetable**

Sprint Nextel supported the Bureau’s proposed timeline for planning, negotiation, and mediation periods for licensees in the U.S. – Mexico border region and suggested that the implementation stage should not be an extended process.¹¹ Commenters raised concerns that the Bureau’s proposed timelines were too “optimistic” and that additional time be added to each stage of the process.¹² Sprint Nextel does not agree with this approach.

not create an Expansion Band or Guard Band in Regions 1-6.” In declining to establish an Expansion Band or Guard Band, however, the Bureau noted that “licensees operating in the non-ESMR portion of the band . . . will be entitled to full interference protection.”); *See Improving Public Safety Communications in the 800 MHz Band, 800 MHz Third Report and Order and Third Further Notice of Proposed Rulemaking, 25 FCC Rcd 4443 at ¶¶5-6 (PSHSB 2010) (PSHSB reduced size of Guard Band and increased size of Expansion Band in Puerto Rico).*

¹⁰ See 47 C.F.R. §§ 90.72- 90.675.

¹¹ Sprint Nextel Comments at page 6.

¹² Joint Commenters at pages 12-13; City of San Diego at page 4; County of San Diego at page 5.

Timely completion of 800 MHz band reconfiguration must continue to be a priority for the public safety community. Completion of 800 MHz band reconfiguration is necessary to both reduce and eliminate the risk of harmful interference in the 800 MHz band and provide an opportunity to offer more advanced wireless services to the public.¹³ An up-front blanket adjustment for additional time to perform basic aspects of reconfiguration, whether planning, negotiations or physical retuning, should not be granted prior to even starting band reconfiguration. Once band reconfiguration begins, licensees that need additional time to complete a given activity have the opportunity to demonstrate to the Bureau on a specific case-by-case basis why additional time is warranted, why the baseline time was not enough to accomplish the task required and, most importantly, what steps the licensee has taken in the time it had and would take to reach completion if any extension is granted. Awarding all licensees more time to complete band reconfiguration in advance, whether some can meet the Bureau's deadlines or not, would not advance completion of this important initiative and thereby disserves the public interest.

¹³ *FNPRM* at ¶41.

III. **Sprint Nextel Received Support for Continuing to Share A Portion of Mexican Primary 800 MHz Spectrum With its Counterpart in Mexico**

The Bureau's *FNPRM* noted that Sprint Nextel currently operates on Mexico primary 800 MHz spectrum on a secondary non-interference basis in the U.S. – Mexico Sharing Zone pursuant to a Special Coordination Procedure (“SCP”).¹⁴ Sprint Nextel explained that these cooperative arrangements must continue both during the 800 MHz band reconfiguration transition and post-rebanding.¹⁵

Sprint Nextel also explained that once Sprint Nextel is retuned to the 863.5-869 MHz “Co-primary” spectrum allocation, Sprint Nextel intends to continue its cooperative spectrum sharing agreements with NII. Sprint Nextel desires to not only share 863.5 – 869 MHz spectrum with NII (assuming NII is the Mexican co-primary licensee), but Sprint Nextel and NII expect to be able to share a portion of NII's 800 MHz primary spectrum below 863.5 MHz in the Sharing Zone. This Mexican primary spectrum below 863.5 MHz should not be made available to U.S. licensees on a secondary basis absent an agreement with the Mexican primary licensee.

Sprint Nextel's usage of 800 MHz spectrum north of the Sharing Zone between 862-869 MHz in the ESMR band will require the Bureau to maintain 862-863.5 MHz clear of non-compatible U.S. licensees in the Sharing Zone. San Diego County and the City of San Diego both indicated that Sprint Nextel should be limited to the 862-863.5 MHz portion of the Mexican primary allocation on any secondary use for this reason.¹⁶

¹⁴ See *FNPRM* at ¶37.

¹⁵ Sprint Nextel Comments at pages 7-8.

¹⁶ San Diego County Comments at page 6; City of San Diego Comments at page 4.

Sprint Nextel does not object to this approach so long as 862-863.5 MHz is made exclusively available to Sprint Nextel on a secondary basis in the Sharing Zone.¹⁷

IV. **Conclusion**

Sprint Nextel supports the Bureau's proposals to modify the 800 MHz band plan in and adjacent to the U.S. – Mexico Sharing Zone. The Bureau's proposals, if adopted, will accomplish the main goal of 800 MHz band reconfiguration: separation of cellularized and non-cellularized operations to mitigate existing and prevent future CMRS – public safety interference with minimal disruption to existing 800 MHz licensees. Therefore, Sprint Nextel supports prompt adoption of the proposed band plan so that 800 MHz band reconfiguration can be completed expeditiously.

Respectfully submitted,

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¹⁷ Two commenters questioned how the announced June 30, 2013 shutdown of Sprint Nextel's iDEN network might impact public safety in-building coverage in the Sharing Zone due to the presence of Sprint Nextel installed Bi-Directional Amplifiers ("BDAs") which, while providing Sprint Nextel's iDEN coverage, sometimes also amplify the 800 MHz signals of 800 MHz public safety operations. This question is outside the scope of the instant rulemaking proceeding.