

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

In the Matter of)
)
SPRINT CORPORATION) WT Doc. No. 14-29
)
Request for Waiver)
)
Land Mobile Radio Stations)
WPOH360, WPOH391, WPOH394)
WPOH397, WPOH399, WPOH401)

To: Roger Noel, Chief
Mobility Division
Wireless Telecommunications Bureau

JOINT COMMENTS

San Bernardino County, California (“San Bernardino”), Ottawa County, Ohio (“Ottawa”), Orleans County, New York (“Orleans”), Franklin County, Ohio (“Franklin”) and the City of Mesa, Arizona (“Mesa”)(“Joint Commenters”), through counsel and pursuant to the Public Notice released by the Chief, Mobility Division, Wireless Telecommunications Bureau on February 19, 2014, hereby respectfully submit their Joint Comments on the Request for Waiver filed by Sprint Corporation (“Sprint”) on February 12, 2014 in the above-captioned proceeding.¹

I. BACKGROUND

Each of the above-referenced entities is a licensee of an 800 MHz trunked radio system which was subject to rebanding. Each entity is a “Wave 4” licensee, in that each County lies partially or wholly within the 800 MHz Canadian (Franklin, Orleans and Ottawa) or Mexican (San Bernardino and Mesa) Border Zones. Franklin has completed its reband, while Ottawa and

¹ DA 14-221, released February 19, 2014.

Orleans are close to completion. Mesa is filing contemporaneously with this document its rebanding Statement of Work, and San Bernardino has already begun its 800 MHz reband (a major effort for one of the largest counties in the country).

In this proceeding, Sprint has requested that it be permitted to begin broadband operations on “old” NPSPAC frequencies prior to the completion of rebanding in the Southern California area. Because certain San Bernardino transmitter sites adjoin the Northern California area where Sprint would like to begin operations, and therefore the area is not consider rebanding “complete”, a waiver must be granted for the operation to commence.

Prior to Sprint’s filing of the Request for Waiver, it contacted San Bernardino and explained its need for the waiver. With the addition of certain protections requested by San Bernardino, Sprint submitted its Request for Waiver with San Bernardino’s consent.

II. COMMENTS

The purpose of the Joint Comments is two-fold. First, San Bernardino wishes to confirm its support of the Sprint Request for Waiver. San Bernardino believes that it has successfully arrived at sufficient protections from Sprint’s co-channel broadband operations to enable the operations to commence.

Second, the Joint Commenters wish to provide comment on the process necessary for the broadband operations to begin. Specifically, the continued spectrum freezes throughout the country have hampered not only Sprint’s efforts to begin broadband operation, but also the ability of public safety licensees nationwide to grow and (most importantly) make system changes without having to file costly and time consuming waiver requests.

At this point in time, with the exception of Mexican Border Area licensees and the State of Washington, the “new” frequencies for each and every public safety, business and industrial

licensee is known. While the FCC's database may not reflect final licensing for every rebanding licensee, the fact is that the Transition Administrator's database accurately reflects current and future licensing for each and every one of these frequencies. Further, Sprint's discontinued use of iDEN technology means that Sprint is no longer using interleaved spectrum. Thus (again with the exception of the Mexican Border Area and Washington), there is absolutely no need for a continuing freeze on interleaved spectrum licensing.²

For example, in the State of Mississippi, all rebanding has been completed (from an infrastructure standpoint) but for Mississippi State University ("MSU"). However, MSU's new frequencies are known, no longer in dispute, and MSU's lack of rebanding completion would not impact any Mississippi public safety licensee looking to make a modification or apply for a new interleaved channel.

The Joint Commenters appreciate the Commission's efforts to ensure that frequency application and coordination procedures are utilized which are efficient and result in maximum utilization of available spectrum. However, the effort to release interleaved spectrum must be accelerated and not continue to inhibit the ability of public safety entities to implement new technologies and serve growing population centers. As there is now in place (and has been for some time) a Memorandum of Understanding ("MOU") between the relevant frequency advisory committees ("FACs") regarding these channels, there are no obstacles to Commission release of

² In this context, the freeze relates to Sprint vacated channels. Numerous public safety licensees operating on old 1-120 channels were relocated to Business/Industrial or SMR Pool channels. In such an event, those licensees who have relocated to these channels are unable to make modifications which would alter or expand the service area of their existing sites until action by the Commission releasing that spectrum and making it available for additional licensing. The Joint Commenters recognize that the Commission may seek to treat the Expansion Band and Guard Band channels differently with regard to the application process, and thus these Comments are focused on frequencies other than the Expansion Band or Guard Band.

these channels in every area of the country, other than the Mexican Border Area and Washington.³

III. CONCLUSION

WHEREFORE, the premises considered, it is respectfully requested the Commission GRANT the Request for Waiver submitted by Sprint Corporation and issue a Public Notice announcing the availability of Sprint vacated spectrum in all areas of the country, other than the Mexican Border Region and the State of Washington.

Respectfully submitted,

SAN BERNARDINO COUNTY, CALIFORNIA
ORLEANS COUNTY, NEW YORK
FRANKLIN COUNTY, OHIO
OTTAWA COUNTY, OHIO
CITY OF MESA, ARIZONA

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³ http://www.lmcc.org/wp-content/uploads/2013/07/MOU-800-MHz-Vacated-Spectrum_-Revision-III.pdf.