



On 800 MHz

FCC Details Licensing of Recovered 800-MHz Channels & More

BY KLAUS BENDER & FAROKH LATIF

In late September 2008, the FCC met with private land mobile radio service frequency coordinators to discuss the details of licensing the 800-MHz channels recovered from Sprint Nextel during the 800-MHz rebanding effort. The channels the carrier vacates will be available exclusively to public safety entities for three years and to critical infrastructure applicants for two years after that. The FCC will announce channel availability by public notice, giving potential applicants 30 days' notice that applications are being accepted. Channels will be made available by region.

The FCC will create a new database as a subset of its Universal Licensing System (ULS) that will show recovered channels and their location and availability dates. If a specific channel's availability date is blank in the database, the frequencies have been returned to the FCC but not yet listed on public notice. New applicants must design their facilities so their interference contour remains within the footprint of the existing Sprint Nextel site-based license. The 40-dBu service contour must also be within the economic area boundary of any Sprint Nextel geographic license.

The process: Sprint Nextel will release a group of channels to the FCC by cancelling or removing channels from a license. The FCC will populate the recovered channel database with these frequencies and release a public notice that details when applications will be accepted. The FCC will modify Sprint Nextel's licenses to show them as cancelled and will add the special condition that the carrier may continue to operate on the channels until a new licensee provides it with 60-day notice that it is ready to operate. The channels should then be vacated.

The application window opens, and public safety applications are filed

with the FCC for the first three years. Requests for channels that are "officially" allocated as Industrial/Business channels must be submitted with the concurrence of an industrial/business coordinator. The application must be accompanied by a statement saying the coordinator verified that the channels are available for public safety assignment according to the database. The new licensee then gets a license with the special language allowing Sprint Nextel to operate on the channel until a 60-day notice to vacate is issued.

One would assume the one-year construction period limit would be in play here, so Sprint Nextel could not operate on the channel indefinitely without a valid license. Allowing Sprint Nextel to continue using channels until the new licensee is "ready" creates the possibility of negotiations between the carrier and the new licensee.

What's next? The FCC releases a public notice officially announcing the availability of the new online system. The first filing window was announced in December 2008 and occurred Jan. 28. The FCC is currently processing these applications. Thanks to agreements worked out between frequency coordinators, the possibility of conflicting requests, called mutually exclusive applications, has been significantly diminished. One might ask what critical infrastructure gets out of this for the first three years? The white space between what Sprint Nextel had and what was licensed already.

On other 800-MHz issues, in fall 2008, the Public Safety and Homeland Security Bureau set the 30-month transition period for the reconfiguration of 800-MHz licensees along the U.S.-Canada border to begin on Oct. 14, 2008. As specified in the 800-MHz Second Report and

Order, which established the 800-MHz band reconfiguration plan for the border region, affected 800-MHz licensees must complete reconfiguration within this time period ending April 14, 2011.

The implementation plan establishes a two-stage process for rebanding along the Canadian border. In Stage 1, SMR and B/ILT incumbents will relocate from current channels needed for public safety relocation. In Stage 2, public safety licensees will relocate to their new channel assignments. The implementation plan also contains a more detailed region-by-region timetable with sequential milestones for completion of each stage of the process.

FCC GUIDANCE FOR REGIONAL PLANS & THE 'NEW NPSPAC' BAND

In a public notice released in February, the FCC provided guidance and deadlines for amendment of 800-MHz NPSPAC plans in regions not affected by the Canadian or Mexican borders. Because of the FCC's 2004 decision to reconfigure the 800-MHz band to address Sprint Nextel and public safety interference, all existing NPSPAC plans must be amended to change the frequency allotments from the old NPSPAC range (821-824/866-869 MHz) to the new NPSPAC range (806-809/851-854 MHz). Regions may also want to make other changes, such as changing technical or filing requirements, to their 800-MHz regional plans. The FCC has established two different amendment procedures for regions in rebanding waves one through three.

Rebanding-only amendments: The only plan amendment will be to subtract 15 MHz from its existing allocations/allotments (amendments to bylaws or membership are also OK).

- The streamlined amendment must include:
 - A cover letter explaining that it's amending frequency allotments to match the revised 800-MHz band plan.
 - A list of the original frequencies, channel number, the new frequencies and channel number, the allotment (e.g., agency, county, city, state, reserve, unassigned). *Note:* Color coding the frequency list to distinguish between allotments and licensed systems is helpful.
 - The allocation/allotment list should reflect current frequency assignments to bring the plan up to date.

Many plans haven't been updated since they were originally approved even though frequency allotments may have been changed.

Updating your allocations/allotments to match existing licensed conditions will be considered a streamlined amendment even though your new allotments may not match your original allotments.

- The region must vote to adopt the amendment but a formal meeting isn't required. Members may cast their votes by e-mail.
- Concurrence from adjacent regions isn't required.
- The amended plan must be submitted to the FCC by April 13, 2009.
- Plans will not be placed on public notice.
- FCC will approve plans without seeking public comment.

Amendments that include non-rebanding-related changes: Any changes other than shifting the existing allocations down 15 MHz.

- Concurrence from adjacent regions is required.
- Regions must notify the FCC by April 13, 2009.
- The amended plan must be submitted by June 10, 2009.
- The FCC will conduct its normal review process via public notice.

If a region believes that it cannot meet the June 10 deadline to complete additional amendments, it can choose to file a streamlined amendment by April

13 and follow up with a traditional plan amendment at a later date; the June 10 deadline would no longer apply.

All amendments must include a cover letter signed by the regional planning committee (RPC) chair referencing Docket 02-55 and the original docket number of the region's 800-MHz plan. Each of the NPSPAC plan docket numbers is online at <http://publicsafety.fcc.gov/pshs/public-safety-spectrum/800-MHz/rpc-directory.htm>.

The public notice also included guidance on filing applications for licensing the new NPSPAC frequencies *after* the region's plan has been formally amended.

- Permanent licensing on the new NPSPAC frequencies (806–809/851–854 MHz) is permitted in all regions in rebanding Waves 1 through 3.
- The applications must be in accordance with the region's amended plan.
 - The NPSPAC plan must be amended and approved prior to application filing.
 - If the plan is not yet amended or approved, a Special Temporary Authority (STA) on the "old" NPSPAC frequencies is still required.
- Frequency coordination and a letter of concurrence from the RPC are required.
- Until rebanding is complete in a region, applications must also be submitted to the 800-MHz Transition Administrator to verify that the frequencies requested are not required for rebanding. Applications can be e-mailed to approveview@800ta.org.
- Until rebanding is complete in a region, Sprint Nextel can remain on the new NPSPAC frequencies subject to 60-day notice from the new licensee.

The full text of the public notice is available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-212A1.doc.

FCC GUIDANCE ON PERMANENT LICENSING OF STATIONS OPERATING ON STA

During rebanding, the FCC has frozen applications to add new systems

operating on pre-rebanding frequencies. Recognizing that there could be occasion on which an incumbent would need to add to or amend operations on pre-rebanding frequencies, the FCC established and outlined an STA process in December 2006.

Incumbents authorized under an STA are required to file applications for permanent licensing after the post-rebanding frequencies are available. In a public notice released on Feb. 10, the FCC described the application process.

- The FCC recommends that the application for permanent licensing be filed after the incumbent completes reconfiguring the infrastructure and has deleted pre-rebanding frequencies from its permanent licenses.
- The applicant can either modify its existing license or apply for a new license covering the STA.
- Frequency coordination is required.
- The application must include an attachment explaining that the application is to convert STA operations into a permanent license.
- If the STA was to operate on "old" NPSPAC frequencies, the application for permanent authorization has to either:
 - Include the original letter of concurrence (LOC) from the RPC if there are no changes other than changing frequency from old to new NPSPAC frequencies (a copy of the application must be sent to the RPC; if upon reviewing the application, the RPC no longer concurs, it must notify the FCC); or
 - Licensees should get a new letter of support from the RPC.

The text of the public notice is available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-213A1.doc. **||PSC||**

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