



# PUBLIC NOTICE

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU AND WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCE THE COMPLETION OF 800 MHZ BAND RECONFIGURATION IN CERTAIN NPSPAC REGIONS

### WT Docket No. 02-55

The Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (Bureaus) announce the completion of 800 MHz Band Reconfiguration in the National Public Safety Planning Advisory Committee (NPSPAC) regions listed in Attachment A.<sup>1</sup> Consequently, as of the date of this Public Notice, the post-rebanding channel plan is in effect in these NPSPAC regions.<sup>2</sup>

The Bureaus alert relevant stakeholders that, only as to the NPSPAC regions listed in Attachment A, we hereby: (1) begin full implementation of the interference abatement rules in Sections 22.970(a) and 90.672(a) of the Commission's rules; (2) lift the freeze on new applications for the 900 MHz band; (3) announce that any remaining channels in the interleaved segment of the band vacated by Sprint Nextel Corporation (Sprint) are available for licensing to public safety entities and, later, to critical infrastructure entities and; (4) announce that channels in the Expansion Band and Guard Band are available for licensing.

### Background

In the *800 MHz Report and Order*, the Commission ordered 800 MHz rebanding to resolve interference between commercial and public safety systems in the band.<sup>3</sup> The Commission provided for the rebanding process to be completed on a region by region basis.<sup>4</sup> The 800 MHz Transition Administrator (TA) has certified that band reconfiguration is complete in the NPSPAC regions listed in Attachment A and all licensees in those regions are now operating on their post-rebanding replacement

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<sup>1</sup> NPSPAC Region 2: Alaska; Region 7: Colorado; Region 11: Hawaii; Region 15: Iowa; Region 22: Minnesota; Region 26: Nebraska; Region 32: North Dakota; Region 38: South Dakota; Region 41: Utah; Region 45: Wisconsin; and Region 46: Wyoming.

<sup>2</sup> See 47 C.F.R. §§ 90.613-90.617.

<sup>3</sup> See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969, 14971-73 ¶¶ 1-3 (2004) (*800 MHz Report and Order*).

<sup>4</sup> *Id.* at 15072 ¶ 195. See also *Wireless Telecommunications Bureau Approves the Basic Reconfiguration Schedule Put Forth in the Transition Administrator's 800 MHz Regional Prioritization Plan, Public Notice*, 20 FCC Rcd 5159 (WTB 2005).

channels.<sup>5</sup> This does not mean that licensees have completed all tasks associated with rebanding. For example, the TA noted in its certifications that some licensees may not have submitted final rebanding cost documentation to Sprint Nextel and/or the TA, completed the actual cost reconciliation process, or closed their Frequency Reconfiguration Agreements (FRAs).<sup>6</sup> Licensees in these regions that have not completed all rebanding tasks are reminded that they must do so expeditiously.

The completion of rebanding in the regions listed in Attachment A represents the continuation of a successful public-private partnership with Sprint and furthers the Commission's mission to "promote safety of life and property" and support the nation's first responders with effective public safety networks free of cellular interference.<sup>7</sup>

#### Interim Interference Criteria Have Expired

In order to address increasing interference in the 800 MHz band, the Commission established rules requiring enhanced specialized mobile radio (ESMR) and cellular telephone system operators to address and resolve interference their systems cause to public safety and non-cellular licensees in the band.<sup>8</sup> The *800 MHz Report and Order* specified that, in order to be eligible for full protection from interference, public safety and other non-cellular licensees were required to receive a minimum measured input signal power of -101 dBm for portable units and -104 dBm for vehicular units.<sup>9</sup> The Commission codified these minimum threshold signal levels in Sections 22.970(a) and 90.672(a) of the Commission's rules.<sup>10</sup>

Following the release of the *800 MHz Report and Order*, however, stakeholders presented the Commission with evidence that resolving cases of interference at these minimum threshold levels could impose substantial operational restrictions on ESMR carriers in the interleaved channels during the rebanding process.<sup>11</sup> Thus, the Commission temporarily waived the minimum threshold levels specified in Sections 22.970(a) and 90.672(a) and implemented interim levels of -85 dBm for portable units and -88

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<sup>5</sup> See Letters from Brett Haan, 800 MHz Transition Administrator, to David L. Furth, Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission (Feb. 15, 2011, July 14, 2011, Dec. 6, 2011, May 14, 2012, Aug. 2, 2012, Aug. 10, 2012, and Aug. 16, 2012) (certifying the completion of band reconfiguration in the NPSPAC regions listed in Attachment A) (TA Certification Letters). The TA was established by the Commission to oversee band reconfiguration. See *800 MHz Report and Order*, 19 FCC Rcd at 15070-75 ¶¶ 190-200. Originally, the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau was assigned oversight of the TA and the rebanding process. See *800 MHz Report and Order*, 19 FCC Rcd at 15075 ¶ 201. Subsequently, the Public Safety and Homeland Security Bureau was established and has since assumed these duties. See 47 C.F.R. § 0.191(f); Establishment of Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

<sup>6</sup> See TA Certification Letters.

<sup>7</sup> See *800 MHz Report and Order*, 19 FCC Rcd at 14971 ¶ 1 (citing 47 U.S.C. § 151).

<sup>8</sup> *Id.* at 15037-45 ¶¶ 124-141.

<sup>9</sup> *Id.* at 15029 ¶ 105.

<sup>10</sup> 47 C.F.R. §§ 22.970(a), 90.672(a).

<sup>11</sup> See Improving Public Safety Communications in the 800 MHz Band, *Supplemental Order*, 19 FCC Rcd 25120, 25137 ¶ 38 (2004) (*Supplemental Order*).

dBm for vehicular units. These higher minimum signal levels were in effect in each NPSPAC region until band reconfiguration was complete in that region.<sup>12</sup>

The TA has certified that band reconfiguration is complete in the regions listed in Attachment A.<sup>13</sup> Therefore, the temporary waiver has expired in these NPSPAC regions and the minimum threshold levels specified in Sections 22.970(a) and 90.672(a) are now in effect. Consequently, as of the date of this *Public Notice*, ESMR licensees and cellular telephone operators bear “strict responsibility” for resolving unacceptable interference to public safety and other non-cellular licensees receiving at least a minimum measured input signal power of -101 dBm for portable units and -104 for dBm for vehicular units.<sup>14</sup>

### 900 MHz Freeze Will Expire

In the *800 MHz Report and Order*, the Commission provided flexibility to 900 MHz B/ILT licensees to allow them to convert their Private Land Mobile Radio (PLMR) authorizations to Commercial Mobile Radio Service (CMRS) authorizations.<sup>15</sup> The Commission also envisioned that Sprint would temporarily shift some of its operations to the 900 MHz band in order to create “green space” to facilitate 800 MHz rebanding.<sup>16</sup>

Following the release of the *800 MHz Report and Order*, the Wireless Telecommunications Bureau received an exceptionally high number of applications for certain categories of 900 MHz licenses.<sup>17</sup> In response, the Wireless Telecommunications Bureau imposed a freeze on new 900 MHz licenses<sup>18</sup> to ensure Sprint had adequate “green space” in the 900 MHz band to house some of its systems while the 800 MHz band was reconfigured.<sup>19</sup> The Wireless Telecommunications Bureau determined that during the “freeze” only applications for modifying existing facilities, assigning licenses, or transferring control of a licensee would continue to be accepted.<sup>20</sup> The Commission later ordered that the “freeze” would be lifted six months after the completion of rebanding in any NPSPAC region.<sup>21</sup>

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<sup>12</sup> *Id.* at 25137-38 ¶ 39.

<sup>13</sup> *See* TA Certification Letters.

<sup>14</sup> 47 C.F.R. §§ 27.970(a), 90.672(a).

<sup>15</sup> *See 800 MHz Report and Order*, 19 FCC Rcd at 15127 ¶ 337.

<sup>16</sup> *Id.* at 15127 ¶¶ 335-336.

<sup>17</sup> *See* Wireless Telecommunications Bureau Freezes Applications in the 900 MHz Band, *Public Notice*, 19 FCC Rcd 18277 (WTB 2004) (*Freeze Public Notice*).

<sup>18</sup> The 900 MHz band includes several categories of business and transportation frequencies at 896-901/935-940 MHz.

<sup>19</sup> *See Freeze Public Notice*, 19 FCC Rcd at 18277-78.

<sup>20</sup> *Id.* at 18278 n.8. Applications are still subject to applicable rules regarding eligibility, loading, and other requirements. *Id.*

<sup>21</sup> Amendment of Part 90 of the Commission's Rules to Provide for Flexible Use of the 896-901 MHz and 935-940 MHz Band Allotted to the Business and Industrial Land Transportation Pool, *et al.*, *Report and Order*, 23 FCC Rcd 15856, 15872 ¶¶ 27-29 (2008) (*900 MHz Report and Order*).

Because the TA has certified completion of the NPSPAC regions in Attachment A, we announce that the 900 MHz application “freeze” is hereby lifted effective six months after the release of this *Public Notice* (i.e. **May 28, 2013**) only in these NPSPAC regions.<sup>22</sup>

Please note there may be circumstances where a post-freeze 900 MHz application implicates a still-frozen neighboring region, which has yet to complete rebanding. For instance, an applicant may seek a 900 MHz license that extends the applicant’s service contour into an adjacent frozen region. In such a case, the applicant may file a waiver request to allow its coverage to extend into the still-frozen region, if the overlapping coverage area is limited and would not disrupt ongoing rebanding efforts in the frozen region.<sup>23</sup> We also remind potential applicants that they must maintain the requisite co-channel spacing relative to existing licenses in the frozen region.<sup>24</sup>

Finally, we remind applicants for 900 MHz channels that they must comply with the Commission’s construction and operation rules. Licensees must construct and place a station into *bona fide* operation within twelve months of the date of grant of an authorization.<sup>25</sup> Failure to meet the construction and operation requirements by the applicable deadline, or failure to maintain the station in operation for a one-year period, will result in automatic license cancellation.<sup>26</sup>

#### Remaining Vacated Interleaved Channels are Available

In connection with reconfiguration of the 800 MHz band, the Public Safety and Homeland Security Bureau released for licensing, certain channels vacated by Sprint in the interleaved portion of the band (809-815/854-860 MHz). Vacated channels in the interleaved portion of the band are exclusively reserved for public safety applicants for three years from the opening of a filing window, and for public safety and critical infrastructure industry (CII)<sup>27</sup> applicants for two years thereafter.<sup>28</sup> After this five year period, any remaining vacated channels revert to their original frequency pools and become available for licensing to any eligible applicant.<sup>29</sup>

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<sup>22</sup> May 27, 2013 is a Federal holiday so we delay the lifting of the freeze by one day.

<sup>23</sup> *900 MHz Report and Order*, 23 FCC Rcd at 15872-73 ¶ 30.

<sup>24</sup> *Id.*

<sup>25</sup> 47 C.F.R. § 90.155(a).

<sup>26</sup> *Id.* See also 47 C.F.R. § 90.157(a).

<sup>27</sup> A definition of critical infrastructure industry is provided in Section 90.7 of the Commission’s Rules. See 47 C.F.R. § 90.7.

<sup>28</sup> *800 MHz Report and Order*, 19 FCC Rcd at 15052 ¶ 152. The exclusive filing windows for public safety and CII applicants also apply to channels vacated by other licensees relocating to the ESMR band and licensees electing to relocate to the Guard Band. *Id.* See also *Supplemental Order*, 19 FCC Rcd at 25154 ¶ 58.

<sup>29</sup> *Id.* See also 47 C.F.R. §§ 90.615, 90.617(g).

To date, the Bureau has released four *Public Notices* announcing the availability of channels vacated by Sprint.<sup>30</sup> These vacated channels have been released in stages within NPSPAC regions as band reconfiguration progresses in each.<sup>31</sup>

By this *Public Notice*, we announce the availability for licensing – to public safety applicants, and, later to CII applicants – of all remaining channels vacated by Sprint in the interleaved portion of the band in the NPSPAC regions listed in Attachment A. Please note, however, that certain counties within some of these completed regions are impacted by the freeze on applications along the Canada or Mexico border.<sup>32</sup> Thus, we will withhold releasing any vacated channels in counties currently subject to the freeze.

To identify specific vacated channels that are available for licensing, the Bureaus have created a Vacated Channel Search Engine (VCSE) at <http://wireless2.fcc.gov/UlsApp/UlsSearch/searchLicense.jsp>.<sup>33</sup> The VCSE contains detailed geographic and frequency data regarding these vacated channels. The vacated channel public access file is at <http://wireless.fcc.gov/uls/index.htm?job=transaction&page=weekly>. This access file may be downloaded by users with data-processing capability, e.g., frequency coordinators.

For channels being made available for licensing by this *Public Notice*, the VCSE will specify **January 17, 2013** as the availability date in the “Channel Availability” field.

Beginning on **January 17, 2013**, Commission-certified frequency coordinators may file applications, in the Universal Licensing System (ULS), on behalf of eligible applicants for the locations released by this *Public Notice*. Any application filed for these locations before **January 17, 2013** will be dismissed.

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<sup>30</sup> See Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Channels Relinquished by Sprint Nextel Corporation in the 809-809.5/854-854.5 MHz Band, *Public Notice*, 23 FCC Rcd 18343 (PSHSB 2008) (*Vacated Spectrum PN Round 1*); Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Certain Channels Relinquished by Sprint Nextel Corporation in the 809.5-815/854.5-860 MHz Band, *Public Notice*, 24 FCC Rcd 13236 (PSHSB 2009) (*Vacated Spectrum PN Round 2*); Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Certain Channels Relinquished by Sprint Nextel Corporation in the 809.5-815/854.5-860 MHz Band, *Public Notice*, 25 FCC Rcd 16038 (PSHSB 2010) (*Vacated Spectrum PN Round 3*); Public Safety and Homeland Security Bureau Announces the Opening of a Filing Window for Additional Locations Relinquished by Sprint Nextel Corporation in the 809.5-815/854.5-860 MHz Band Segment, *Public Notice*, 26 FCC Rcd 6639 (PSHSB 2011) (*Additional Locations PN*).

<sup>31</sup> See *Vacated Spectrum PN Round 2*, 23 FCC Rcd at 13237; *Vacated Spectrum PN Round 3*, 25 FCC Rcd at 16039.

<sup>32</sup> See Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze for Wave 4 Border Area NPSPAC and Non-NPSPAC Licensees Along the U.S.-Canada Border, *Public Notice*, 27 FCC Rcd 4037 (PSHSB 2012); Public Safety and Homeland Security Bureau Extends Voluntary 800 MHz Rebanding Negotiation Period for Wave 4 Border Area NPSPAC and Non-NPSPAC Licensees Along the U.S.-Mexico Border Pending Establishment of Negotiation Timetable, *Public Notice*, 27 FCC Rcd 7312 (PSHSB 2012).

<sup>33</sup> Select “800 MHz Reconfiguration Search” on the above-cited web page. See Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Establish New 800 MHz Vacated Channel Search Engine for Identifying Vacated Channels in the 800 MHz Interleaved Band That Will be Available for Licensing to Public Safety and Critical Infrastructure Industry Entities, *Public Notice*, 23 FCC Rcd 16481 (WTB PSHSB 2008).

Applications for vacated channels must include a certification of frequency coordination by an appropriate Commission-certified frequency coordinator in accordance with Section 90.175 of the Commission's rules.<sup>34</sup> Furthermore, frequency coordinators must follow the procedures detailed in previous notices for coordinating applications and attach the appropriate certifications to each application.<sup>35</sup>

As with previously released vacated channels, frequency coordinators must address and resolve conflicting applications through the "pre-coordination" notification process before certifying applications.<sup>36</sup> Pre-coordination may commence no sooner than **December 11, 2012**, at 8:00 AM Eastern Time.<sup>37</sup> On that date, on, or after, that time, each frequency coordinator may submit electronic notification to the other participating coordinators of applications it has prepared for coordination.<sup>38</sup> Mutually exclusive applications filed with the Commission will be dismissed without prejudice.

From **January 17, 2013** to **January 17, 2016**, the interleaved channels made available by this *Public Notice* will be available exclusively for licensing to public safety eligible entities. From **January 17, 2016** to **January 17, 2018**, the channels made available by the records released by this *Public Notice* will be available exclusively for licensing to public safety eligible entities and critical infrastructure industry eligible entities.

**Applicants who receive licenses for channels vacated by Sprint in accordance with this *Public Notice* must provide 60 days notice to Sprint before they activate a channel for testing or the commencement of operations.** Sprint may continue existing operations on channels covered by this *Public Notice* after new licenses are granted until 60 days after the new licensee notifies Sprint of its intention to activate the channel(s) for testing or commencement of operations. This advance notice must be provided to Sprint by email at 800mhzinterleavedspectrum@sprint.com. Upon receipt of such notice, Sprint must cease operation on the channel(s) specified in the notice within 60 days to the extent necessary to comply with the co-channel spacing requirements of Section 90.621(b) of the rules. New licenses granted pursuant to this *Public Notice* will be conditioned on providing such 60-day notice to Sprint.

#### Expansion Band and Guard Band Channels are Available for Licensing

The Commission created the Expansion Band and Guard Band to provide spectral separation between commercial licensees operating in the ESMR band operating above 817/862 MHz, and public safety licensees operating below 815/860 MHz.<sup>39</sup>

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<sup>34</sup> 47 C.F.R. § 90.175.

<sup>35</sup> See *Vacated Spectrum PN Round 1*, 23 FCC Rcd at 18344-45; *Vacated Spectrum PN Round 2*, 24 FCC Rcd at 13238-40; *Vacated Spectrum PN Round 3*, 25 FCC Rcd at 16041-43.

<sup>36</sup> Each notification must be filed individually; batch filing is prohibited.

<sup>37</sup> See *Vacated Spectrum PN Round 1*, 23 FCC Rcd at 18345; *Vacated Spectrum PN Round 2*, 24 FCC Rcd at 13240; *Vacated Spectrum PN Round 3*, 25 FCC Rcd at 16042-43.

<sup>38</sup> Each notification must be filed individually; batch filing is prohibited.

<sup>39</sup> *800 MHz Report and Order*, 19 FCC Rcd at 15053-55 ¶¶ 154-158. No Guard Band exists in the southeastern portion of the United States in counties served by both Sprint and SouthernLINC and in areas adjacent to the U.S./Canada border. Furthermore, the Expansion Band consists of the 812.5-813.5 MHz/857.5-858.5 MHz segment of the band in these counties served by both Sprint and SouthernLINC except for a seventy mile radius around

In creating the Expansion Band, the Commission noted that “[a]lthough occupants of the Expansion Band will receive full interference protection, [...] licensees who operate in the 2 x 2 MHz segment of the band [Expansion Band and Guard Band] immediately adjacent to the cellular portion of the band should employ ‘campus-type’ or other interference-resistant type systems.”<sup>40</sup> The Expansion Band generally consists of a mix of B/ILT and SMR channels, but we note that some public safety licensees elected to remain in the Expansion Band.<sup>41</sup> Expansion Band channels become available for licensing when the Bureaus release a Public Notice announcing that Stage 5 clearing has been achieved in a particular region (meaning 90% of channels in the former NPSPAC Block are clear) and, therein, specify a date on which applications may be filed.<sup>42</sup>

The Commission established the “Guard Band” in the 816-817 MHz/861-862 MHz segment of the 800 MHz band to provide public safety licensees an additional one megahertz spectral separation from the ESMR portion of the band.”<sup>43</sup> The Guard Band channels are available for licensing to a wide variety of users and, thus, were placed in the “General Category.”<sup>44</sup> We note that 800 MHz High Density Cellular operations are prohibited in the Guard Band and that most licensees in the Guard Band receive less interference protection from ESMR operations than licensees operating in lower portions of the non-cellular portion of the 800 MHz band.<sup>45</sup> Guard Band channels become available for licensing when the Bureaus release a Public Notice announcing that Stage 6 clearing has been achieved in a particular region (meaning 100% of channels in the former NPSPAC Block are clear) and, therein, specify a date on which applications may be filed.<sup>46</sup>

The TA certified that band reconfiguration is complete in the regions listed in Attachment A.<sup>47</sup> Therefore, 100% of channels in the former NPSPAC Block in these regions are clear. Accordingly, we announce that Expansion Band and Guard Band channels in the NPSPAC regions listed in Attachment A

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Atlanta where the Expansion Band is reduced to one-half megahertz. *Id.* at 15058 ¶ 166. *See also* Improving Public Safety Communications in the 800 MHz Band, *Memorandum Opinion and Order*, 20 FCC Rcd 16015, 16036 ¶ 48 (2005) (*800 MHz MO&O*).

<sup>40</sup> *800 MHz Report and Order*, 19 FCC Rcd at 15053 ¶ 154.

<sup>41</sup> *Id.* at 15053 n.417.

<sup>42</sup> *See* Improving Public Safety Communications in the 800 MHz Band, *Order*, 23 FCC Rcd 15966, 15972-73 ¶ 17 (2008) (*Sprint Waiver Order*). A channel is deemed “clear” when the NPSPAC licensee has relocated to a corresponding channel in the new NPSPAC band and ceased operations on the old channel, regardless of whether the licensee has completed all post-relocation rebanding tasks. *Id.*, 23 FCC Rcd at 15973 ¶ 18.

<sup>43</sup> *800 MHz Report and Order*, 19 FCC Rcd at 15054 ¶ 157. *See also supra* n. 39.

<sup>44</sup> *See* Improving Public Safety Communications in the 800 MHz Band, *Supplemental Order and Order on Reconsideration*, 19 FCC Rcd 25120, 25147 ¶ 62 (2004) (*Supplemental Order*). We note that some Guard Band channels may be occupied by grandfathered non-ESMR licensees. *Id.*

<sup>45</sup> *800 MHz Report and Order*, 19 FCC Rcd at 15054 ¶¶ 157-158. *See* 47 C.F.R. § 90.7 for a definition of an 800 MHz High Density Cellular System

<sup>46</sup> *Sprint Waiver Order*, 23 FCC Rcd at 15973 ¶ 17.

<sup>47</sup> *See* TA Certification Letters.

will be available for licensing on **January 17, 2013**.<sup>48</sup> Please note, however, that no Expansion Band or Guard Band channels will be released in counties impacted by the freeze on applications.<sup>49</sup>

Furthermore, these Expansion Band and Guard Band channels are subject to pre-coordination as described in the previous section. Pre-coordination for the Expansion Band and Guard Band channels may commence on **December 11, 2012**, at 8:00 AM Eastern Time.

As with applications for 900 MHz spectrum, applications for the Expansion Band or Guard Band channels may implicate still-frozen neighboring regions which have yet to complete rebanding. In such a case, the applicant may file a waiver request to allow its coverage to extend into the still-frozen region, if the overlapping coverage area is limited and would not disrupt ongoing rebanding efforts in the region. Nonetheless, we remind potential applicants that their choice of base station locations and mobile area of operation may be limited to geographic edge of a completed region if the adjacent region is still-frozen.

We remind applicants for Expansion Band and Guard Band channels that they must comply with the Commission's construction and operation rules.<sup>50</sup> Licensees must construct and place a station into *bona fide* operation within twelve months of the date of grant of an authorization.<sup>51</sup> Failure to meet the construction and operation requirements by the applicable deadline, or failure to maintain the station in operation for a one-year period, will result in automatic license cancellation.<sup>52</sup> We advise applicants that we apply strict scrutiny to requests for waiver of the construction deadlines and operational requirements. We note that lack of financing, lack of site access, transfer of control or assignment of authorization may not be used to justify a waiver.<sup>53</sup> Finally, because of our experience with 900 MHz band applications, we may impose a temporary freeze on the acceptance of Expansion and/or Guard Band applications in the event there is an inordinately large number of applications that would compromise the availability of adequate spectrum resources for applicants with *bona fide* intentions to offer service. We will also investigate any unusual concentration of applications and any undisclosed true party in interest behind any application. Misrepresentation or lack of candor in any application may be referred for enforcement action.

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<sup>48</sup> Each application must be filed individually; batch filing is prohibited. Certain EA-based Sprint facilities in the Expansion Band and Guard Band are listed in the Vacated Channel Search Engine (VCSE). We will specify **January 17, 2013** as the availability date in the "Channel Availability" field for any such facilities included in the NPSPAC regions listed in Attachment A. Applicants who receive licenses for channels vacated by Sprint in the Expansion or Guard Band in accordance with this Public Notice must provide 60 days notice to Sprint before they activate a channel for testing or the commencement of operations.

<sup>49</sup> See *supra* n.32.

<sup>50</sup> B/ILT and SMR applicants must also comply with the Commission's frequency coordination rules when applying for Expansion Band and Guard Band channels. With regard to SMRs, the Commission noted that frequency coordination will be required for certain stations operating on frequencies in the new SMR Pool (*see* 47 C.F.R. § 90.617(d)), and concluded that the current 800 MHz General Category coordinators are qualified to coordinate frequencies in the SMR Pool. *See Supplemental Order*, 19 FCC Rcd 25149 at ¶ 67. The Wireless Telecommunications Bureau later certified additional coordinators to coordinate frequencies in the SMR Pool. *See Wireless Telecommunications Bureau Certifies Two Additional Frequency Coordinators for the 800 MHz SMR Pool*, *Public Notice*, 24 FCC Rcd 3223 (WTB 2009).

<sup>51</sup> 47 C.F.R. § 90.155(a).

<sup>52</sup> *Id.* See also 47 C.F.R. § 90.157(a).

<sup>53</sup> 47 C.F.R. § 1.946(e).

## TA Approval of Applications for New NPSPAC Band No Longer Necessary

In a previous *Public Notice*, the Public Safety and Homeland Security Bureau indicated that applications for new facilities in the new NPSPAC band would be subject to TA review until the completion of rebanding in a NPSPAC region.<sup>54</sup>

Accordingly, by this *Public Notice*, unless an application includes fixed locations within 70 miles of a NPSPAC region for which the TA has not certified that band reconfiguration is complete, we announce that TA approval of applications for the new NPSPAC band in the regions listed in Attachment A is no longer necessary.

For further information, contact: Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or [Brian.Marengo@fcc.gov](mailto:Brian.Marengo@fcc.gov).

Action by the Deputy Chief, Public Safety and Homeland Security Bureau and Deputy Chief, Wireless Telecommunications Bureau.

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<sup>54</sup> See Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Regional Plans to Reflect 800 MHz Band Reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band, *Public Notice*, 24 FCC Rcd 1364, 1366 (PSHSB 2009).

**Attachment A**  
**NPSPAC Regions in Which 800 MHz Band Reconfiguration is Complete**

NPSPAC Region	Description of Region <sup>55</sup>
2	Alaska
7	Colorado <sup>56</sup>
11	Hawaii
15	Iowa
22	Minnesota <sup>57</sup>
26	Nebraska
32	North Dakota
38	South Dakota
41	Utah <sup>58</sup>
45	Wisconsin <sup>59</sup>
46	Wyoming

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<sup>55</sup> Regions that are only a portion of a state or states are defined by counties. For a list of the counties in each of these regions see The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, *First Report and Order and Third Further Notice of Proposed Rule Making*, 14 FCC Rcd 152 (1998), available at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.

<sup>56</sup> No Sprint vacated Interleaved, Expansion Band or Guard Band channels will be released in the following counties which are subject to the freeze on applications: Alamosa, Archuleta, Baca, Bent, Conejos, Costilla, Custer, Dolores, Hinsdale, Huerfano, La Plata, Las Animas, Mineral, Montezuma, Otero, Ouray, Prowers, Pueblo, Rio Grande, Saguache, San Juan, San Miguel.

<sup>57</sup> No Sprint vacated Interleaved, Expansion Band or Guard Band channels will be released in the following counties which are subject to the freeze on applications: Cook, Lake.

<sup>58</sup> No Sprint vacated Interleaved, Expansion Band or Guard Band channels will be released in the following counties which are subject to the freeze on applications: Garfield, Iron, Kane, San Juan, Washington.

<sup>59</sup> No Sprint vacated Interleaved, Expansion Band or Guard Band channels will be released in the following counties which are subject to the freeze on applications: Ashland, Bayfield, Brown, Calumet, Door, Douglas, Florence, Forest, Iron, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Menominee, Oconto, Oneida, Outagamie, Price, Rusk, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Waupaca.