



PUBLIC NOTICE

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DA 13-1903
September 16, 2013

COMMISSION MODIFIES FREEZE ON APPLICATIONS IN THE 900 MHz BAND

WT Docket Nos. 05-62 and 02-55

On August 17, 2013 the Commission began allowing qualified applicants to obtain new service authorizations for 900 MHz B/ILT spectrum in a given NPSPAC region before 800 MHz rebanding efforts are complete in that region, provided that such applications included a letter of concurrence from Sprint Nextel Corporation (Sprint). On August, 26, 2013, Sprint filed a general letter of concurrence in WT Docket 05-62, described more fully below. Accordingly, qualified applicants may apply for 900 MHz B/ILT licenses in any NPSPAC region without further concurrence from Sprint.

On June 21, 2013, in accordance with the unopposed joint request for clarification or limited reconsideration filed by the Enterprise Wireless Alliance (EWA) and Sprint (collectively, "Petitioners"),¹ the Commission released an *Order on Reconsideration* which modified the freeze on new service authorizations in the Business and Industrial Land Transportation (B/ILT) Pool in the 896-901 MHz/935-940 MHz band (900 MHz B/ILT Band) that had been adopted in an earlier *Report and Order*² in this proceeding.³

As part of the 800 MHz rebanding process, the Commission originally allowed 900 MHz B/ILT licensees to initiate commercial operations on their licensed spectrum or to assign their

¹ See Joint Request for Clarification or, In the Alternative, For Limited Reconsideration Filed by Enterprise Wireless Alliance and Sprint Nextel Corporation (filed Dec. 17, 2008) (Petition). The Petition was timely filed pursuant to section 1.429(d) of the Commission's rules. See 47 C.F.R. § 1.429(d); 73 Fed. Reg. 67794-01 (Nov. 17, 2008).

² Amendment of Part 90 of the Commission's Rules To Provide for Flexible Use of the 896-901 MHz and 935-940 MHz Bands Allotted to the Business and Industrial Land Transportation Pool, WT Docket No. 05-62; Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55; Consolidating the 800 MHz and 900 MHz Industrial/Land Transportation and Business Pool Channels, *Report and Order*, 23 FCC Rcd 15856 (2008) (*Report and Order*).

³ Amendment of Part 90 of the Commission's Rules To Provide for Flexible Use of the 896-901 MHz and 935-940 MHz Bands Allotted to the Business and Industrial Land Transportation Pool, WT Docket No. 05-62; Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55; Consolidating the 800 MHz and 900 MHz Industrial/Land Transportation and Business Pool Channels, *Order on Reconsideration*, 23 FCC Rcd 9464 (2013) (*Order on Reconsideration*).

authorizations to others for commercial use.⁴ However, in response to the exceptionally large number of applications filed for 900 MHz authorizations subsequent to the release of the *Report and Order*, the Wireless Telecommunications Bureau (Bureau) issued a Public Notice freezing acceptance of such applications until further notice.⁵ Then, in 2008, the Commission found that a wholesale freeze on applications for new 900 MHz B/ILT authorizations was no longer necessary, and agreed to lift the freeze in each National Public Safety Planning Advisory Committee (NPSPAC) region six months after rebanding was completed in that particular NPSPAC region.⁶

In the *Order on Reconsideration*, the Commission determined that linking the lifting of the freeze to Sprint's concurrence—rather than to the completion of rebanding in a given NPSPAC region—was a more appropriately tailored approach for protecting the integrity of the rebanding process. Accordingly, the Commission concluded that qualified applicants would be permitted to obtain new service authorizations for 900 MHz B/ILT spectrum in a given NPSPAC region before 800 MHz rebanding efforts are complete in that region, provided that such applications included a letter of concurrence from Sprint Nextel. The Commission also clarified that this relief extended regardless of the status of rebanding in a particular NPSPAC region, so long as the application included written concurrence from Sprint Nextel.⁷

On August, 26, 2013, Sprint Corporation filed a general letter of concurrence in WT Docket 05-62 stating that it had shut down its nationwide Nextel iDEN network and surrendered all of its 900 MHz STAs or allowed them to expire without renewal. Sprint explained that it no longer required access to additional 900 MHz B/ILT “white space.” Accordingly, Sprint provided its “general letter of concurrence for 900 MHz applications seeking access to 900 MHz B/ILT ‘white space’ provided that a certified frequency coordinator certifies such applications meet the requirements of section 90.621(b) of the rules, and do not impermissibly short-space or infringe upon the coverage of Sprint’s existing 900 MHz B/ILT licenses.”⁸

In light of Sprint’s letter of general concurrence, any application for 900 MHz B/ILT licenses in any NPSPAC region received after August 26, 2013 does not require additional evidence of concurrence from Sprint.

For further information, contact: Joyce Jones, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-1327 or joyce.jones@fcc.gov.

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⁴ 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, 15127-28 ¶ 337 (2004).

⁵ See Wireless Telecommunications Bureau Freezes Applications in the 900 MHz Band, *Public Notice*, 19 FCC Rcd 18277 (WTB 2004).

⁶ See *Report and Order*, 23 FCC Rcd at 15865 ¶ 27-28.

⁷ See *Order on Reconsideration*, 28 FCC Rcd at 9467 ¶ 8.

⁸ Letter from James B. Goldstein, Senior Counsel, Sprint Corporation, to Wireless Telecommunications Bureau, Federal Communication Commission (Aug. 26, 2013) at 2.