



# 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 AND THE AVAILABILITY OF  
ADDITIONAL SPRINT VACATED CHANNELS**

**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) 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 (3) announce that unoccupied channels in the Expansion Band and Guard Band are available for licensing.

Finally, the Bureaus announce the availability for licensing of additional channels vacated by Sprint in NPSPAC regions that are not finished with band reconfiguration. The majority of these additional vacated channels are located in regions which were previously impacted by an application freeze along the border with Canada that has now been lifted. Some additional vacated channels outside the former Canada border freeze region are also available. Therefore, potential applicants should check the Commission's Vacated Channel Search Engine (VCSE) to determine which channels may be available in their region.<sup>3</sup> As with vacated channels in completed regions, these channels are available for licensing to public safety entities and, later, to critical infrastructure entities.

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<sup>1</sup> See Attachment A, *supra*.

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

<sup>3</sup> See n. 23, *supra*.

## 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>4</sup> The Commission provided for the rebanding process to be completed on a region by region basis.<sup>5</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 channels.<sup>6</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 and/or the TA, completed the actual cost reconciliation process, or closed their Frequency Reconfiguration Agreements (FRAs).<sup>7</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>8</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>9</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>10</sup> The Commission

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<sup>4</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>5</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).

<sup>6</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 (Aug. 7, 2014 and Nov. 13, 2014) (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>7</sup> See TA Certification Letters.

<sup>8</sup> See *800 MHz Report and Order*, 19 FCC Rcd at 14971 ¶ 1 (citing 47 U.S.C. § 151).

<sup>9</sup> *Id.* at 15037-45 ¶¶ 124-141.

<sup>10</sup> *Id.* at 15029 ¶ 105.

codified these minimum threshold signal levels in Sections 22.970(a) and 90.672(a) of the Commission's rules.<sup>11</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>12</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 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>13</sup>

The TA has certified that band reconfiguration is complete in the regions listed in Attachment A.<sup>14</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 dBm for vehicular units.<sup>15</sup>

#### Vacated Interleaved Channels Becoming Available for Licensing

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>16</sup> applicants for two years thereafter.<sup>17</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>18</sup>

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<sup>11</sup> 47 C.F.R. §§ 22.970(a), 90.672(a).

<sup>12</sup> See *Improving Public Safety Communications in the 800 MHz Band, Supplemental Order*, 19 FCC Rcd 25120, 25137 ¶ 38 (2004)(*Supplemental Order*).

<sup>13</sup> *Id.* at 25137-38 ¶ 39.

<sup>14</sup> See TA Certification Letters.

<sup>15</sup> 47 C.F.R. §§ 27.970(a), 90.672(a).

<sup>16</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>17</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 25145 ¶ 58.

<sup>18</sup> *Id.* See also 47 C.F.R. §§ 90.615, 90.617(g).

The Public Safety and Homeland Security Bureau has released Sprint vacated channels for licensing in stages with the most recent release occurring in November 2012.<sup>19</sup> By this *Public Notice*, we announce the availability for licensing of additional Sprint vacated channels.

In the NPSPAC regions listed in Attachment A, all remaining channels vacated by Sprint in the interleaved portion of the band will be available for licensing to public safety applicants, and, later to CII applicants. In NPSPAC regions which are not finished with rebanding, we announce the availability for licensing of additional Sprint vacated channels the majority of which, but not all, are located in counties along the border with Canada where the application freeze has been lifted.<sup>20</sup>

Please note, however, that certain counties along the border with Canada continue to be subject to the freeze.<sup>21</sup> Counties in regions adjacent to the Mexico border are also subject to an application freeze.<sup>22</sup> Thus, we will withhold releasing vacated channels in any county currently subject to an application 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/reband800/search\\_basic.htm](http://wireless2.fcc.gov/reband800/search_basic.htm).<sup>23</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 **February 10, 2015** as the availability date in the “Channel Availability” field.

Beginning on **February 10, 2015**, Commission-certified frequency coordinators may file applications, in the Universal Licensing System (ULS), on behalf of eligible applicants for the channels released by this *Public Notice*. Any application filed for these channels before **February 10, 2015** will be dismissed.

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<sup>19</sup> See Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions, *Public Notice*, 27 FCC Rcd 14775, 14778-80 (PSHSB 2012)(*Completion of Rebanding PN*).

<sup>20</sup> The freeze on the acceptance of non-rebanding applications was lifted on April 18, 2014 in NPSPAC Region 21 (Michigan), Region 33 (Ohio) and Region 55 (Western Upstate NY). The freeze was also lifted for locations within 70 miles of these regions. See Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze for NPSPAC Region 43 (Washington State), Freeze Lifted For Other U.S./Canada Border Regions, *Public Notice*, 29 FCC Rcd 3886 (PSHSB 2014).

<sup>21</sup> *Id.* at 3887.

<sup>22</sup> See Public Safety and Homeland Security Bureau Announces That the 30 Month Transition Period for 800 MHz Band Reconfiguration in Regions Along The U.S.-Mexico Border Will Commence on August 23, 2013, *Public Notice*, 28 FCC Rcd 12290, 12292-93 (PSHSB 2013).

<sup>23</sup> 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>24</sup> Furthermore, frequency coordinators must follow the procedures previously detailed for coordinating applications and attach the appropriate certifications to each application.<sup>25</sup>

**Coordinators are advised to check the Commission's Market-Based database to ascertain whether there are EA licenses that conflict with a channel chosen from the VCSE. Also, coordinators are reminded to specifically list the locations/frequencies which were the subject of their VCSE search.**<sup>26</sup> **Staff may return applications if there is ambiguity as to which channels or locations on the application are covered by the coordinator's certification.**

As with previously released vacated channels, frequency coordinators must address and resolve conflicting applications through the "pre-coordination" notification process before certifying applications. Pre-coordination may commence no sooner than **January 13, 2015**, at 8:00 AM Eastern Time.<sup>27</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. Each notification for vacated channels must be sent individually; batch filing is prohibited. Mutually exclusive applications filed with the Commission will be dismissed without prejudice.

From **February 10, 2015 to February 9, 2018**, the interleaved channels made available by this *Public Notice* will be available exclusively for licensing to public safety eligible entities. From **February 10, 2018 to February 9, 2020**, 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 a license for channels vacated by Sprint in regions where rebanding is still ongoing must provide 30 days notice to Sprint before they activate a channel for testing or commence operations.** Sprint may continue existing operations in these regions on channels covered by this *Public Notice* after new licenses are granted until 30 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 30 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* in regions where rebanding is still ongoing will be conditioned on providing such 30-day notice to Sprint.

**Applicants who receive a license for channels vacated by Sprint in the NPSPAC Regions listed in Attachment A, however, are not required to provide prior notice to Sprint before they activate a channel for testing or commence operations.**

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<sup>24</sup> 47 C.F.R. § 90.175.

<sup>25</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 at 18344-45 (PSHSB 2008)(*Licensing Procedures PN*).

<sup>26</sup> *Id.* at 18344.

<sup>27</sup> *Id.* at 18345.

## 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 segment of the band above 817/862 MHz, and public safety licensees operating below 815/860 MHz.<sup>28</sup>

The Bureaus released certain Expansion and Guard Band channels for licensing in regions which had previously completed band reconfiguration.<sup>29</sup> Since that time, however, the Land Mobile Communications Council (LMCC) filed a petition for rulemaking seeking to amend the rules to allow 800 MHz incumbent licensees in a market a six-month period in which to apply for Expansion Band and Guard Band frequencies before making them available to other applicants for new 800 MHz systems,<sup>30</sup> and some commenters request that the Commission defer declaring rebanding to be complete in any additional regions pending resolution of the petition for rulemaking.<sup>31</sup> We note, however, that the request in the rulemaking petition is largely premised on the need for licensees in congested urban areas to obtain additional 800 MHz spectrum for system expansion.<sup>32</sup> The NPSPAC regions in which we today declare rebanding to be complete do not contain any urban areas larger than those in the regions where we already have declared rebanding complete. Therefore, we conclude that announcing the completion of rebanding in these additional regions does not prejudice either the rulemaking petition or commenters' requests that we defer releasing the channels pending the resolution of the rulemaking petition. Consequently, we will make channels in the Expansion Band and Guard Band available for licensing in the regions listed in Attachment A. We will consider the deferral requests with respect to future regions in light of the conditions in those regions and the subsequent status of the rulemaking petition.

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

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<sup>28</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 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>29</sup> *Completion of Rebanding PN*, 27 FCC Rcd 14780-82.

<sup>30</sup> Land Mobile Communications Council, Petition for Rulemaking Regarding Interim Eligibility for the 800 MHz Expansion Band (860-861/815-816 MHz) and Guard Band (861-862/816-817 MHz) (filed March 27, 2014) (Petition). The period for comments and reply comments recently closed, and Commission staff is reviewing the record. *See* Wireless Telecommunications Bureau and Public Safety And Homeland Security Bureau Seek Comment on Petition for Rulemaking Filed by Land Mobile Communications Council Regarding Interim Eligibility For 800 MHz Expansion Band and Guard Band Frequencies, RM-11719, *Public Notice*, 29 FCC Rcd 4093 (WTB/PSHSB 2014).

<sup>31</sup> *See* Enterprise Wireless Alliance comments at 3; LMCC reply comments at 8. *See also* Letter dated Aug. 14, 2014 from Gregory Kunkle, President, LMCC to Marlene H. Dortch, Secretary, FCC.

<sup>32</sup> *See* Petition at 5-7.

the band should employ ‘campus-type’ or other interference-resistant type systems.”<sup>33</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>34</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>35</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>36</sup> The Guard Band channels are available for licensing to a wide variety of users and, thus, were placed in the “General Category.”<sup>37</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>38</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>39</sup>

The TA certified that band reconfiguration is complete in the regions listed in Attachment A.<sup>40</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 will be available for licensing on **February 10, 2015**.<sup>41</sup> Please note, however, that no Expansion Band or Guard Band channels will be released in counties impacted by the freeze on applications.<sup>42</sup>

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<sup>33</sup> *800 MHz Report and Order*, 19 FCC Rcd at 15053 ¶ 154.

<sup>34</sup> *Id.* at 15053 n.417.

<sup>35</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>36</sup> *800 MHz Report and Order*, 19 FCC Rcd at 15054 ¶ 157.

<sup>37</sup> *Supplemental Order*, 19 FCC Rcd 25147 ¶ 62. We note that some Guard Band channels may be occupied by grandfathered non-ESMR licensees. *Id.*

<sup>38</sup> *800 MHz Report and Order*, 19 FCC Rcd at 15054-55 ¶¶ 157-158. *See* 47 C.F.R. § 90.7 for a definition of an 800 MHz High Density Cellular System

<sup>39</sup> *Sprint Waiver Order*, 23 FCC Rcd at 15973 ¶ 17.

<sup>40</sup> *See* TA Certification Letters.

<sup>41</sup> Certain EA-based Sprint facilities in the Expansion Band and Guard Band are listed in the Vacated Channel Search Engine (VCSE). We will specify **February 10, 2015** as the availability date in the “Channel Availability” field for any such facilities included in the NPSPAC regions listed in Attachment A.

<sup>42</sup> *See supra* notes 20-22.

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 **January 13, 2015**, at 8:00 AM Eastern Time. Each notification for Expansion Band or Guard Band channels must be sent individually; batch filing is prohibited.

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 the 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>43</sup> Licensees must construct and place a station into *bona fide* operation within twelve months of the date of grant of an authorization.<sup>44</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>45</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>46</sup> Finally, because of our experience with 900 MHz band applications,<sup>47</sup> we may impose a temporary freeze on the acceptance of Expansion and/or

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<sup>43</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 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 ¶¶ 67-68. 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>44</sup> 47 C.F.R. § 90.155(a).

<sup>45</sup> *Id.* *See also* 47 C.F.R. § 90.157(a).

<sup>46</sup> 47 C.F.R. § 1.946(e).

<sup>47</sup> 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 authorizations to Commercial Mobile Radio Service authorizations, *see 800 MHz Report and Order*, 19 FCC Rcd at 15127 ¶ 337, but it 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, *see id.* at 15127 ¶¶ 335-336. Following the release of the *800 MHz Report and Order*, the Wireless Telecommunications Bureau received an exceptionally high number of applications for 900 MHz B/ILT licenses, so it imposed a freeze on new 900 MHz B/ILT licenses to ensure Sprint had adequate "green space." *See* Wireless Telecommunications Bureau Freezes Applications in the 900 MHz Band, *Public Notice*, 19 FCC Rcd 18277, 18277-78 (WTB 2004) (*Freeze Public Notice*). The Commission later ordered that the "freeze" would be lifted six months after the completion of rebanding in any NPSPAC region. *See* 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). Applications for 900 MHz B/ILT licenses are now accepted in any NPSPAC region because the Commission began allowing qualified applicants to obtain new service authorizations in regions where rebanding was incomplete with Sprint's concurrence, and Sprint filed a general letter of concurrence. *See* Commission Modifies Freeze on Applications in the 900 MHz Band, *Public Notice*, WT Docket Nos. 05-62 and 02-55, 28 FCC Rcd 13165, 13166 (WTB

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.

#### 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>48</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); Melvin Spann, Wireless Telecommunications Bureau, Mobility Division at (202) 418-1333 or [Melvin.Spann@fcc.gov](mailto:Melvin.Spann@fcc.gov).

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

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2013). Applications are still subject to applicable rules regarding eligibility, loading, and other requirements. *See Freeze Public Notice*, 19 FCC Rcd at 18278 n.7.

<sup>48</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>49</sup>
12	Idaho <sup>50</sup>
16	Kansas <sup>51</sup>
17	Kentucky
24	Missouri
25	Montana <sup>52</sup>
30	Eastern Upstate New York
44	West Virginia
55	Western Upstate New York
64	American Samoa*

\* This is not an official NPSPAC Region but it is subject to band reconfiguration and has been assigned a region number for purposes of searching the Vacated Channel Search Engine.

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<sup>49</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>50</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: Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone, Valley.

<sup>51</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: Morton, Stanton.

<sup>52</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: Lincoln, Mineral, Sanders.