

**VIA EMAIL AND ELECTRONIC FILING**

March 29, 2006

Ms. Catherine W. Seidel  
Acting Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: 800 MHz Transition Administrator Rebanding Timetable (WT Docket No. 02-55)**

Dear Ms. Seidel:

On behalf of 800 MHz Transition Administrator, LLC ("TA"), this letter responds to the Commission's letter of January 31, 2006 in which the Commission provided guidance regarding potential modifications to the 800 MHz rebanding schedule ("Guidance Letter"). A copy of this letter is being filed in the Commission's reconfiguration docket, WT Docket No. 02-55.

In preparing this response, the TA conducted meetings with and solicited the views of stakeholders in the rebanding program, including Sprint Nextel, APCO International, International Association of Fire Chiefs ("IAFC"), and equipment vendors. The TA's suggested modifications to the rebanding schedule described below are based upon its analysis of the status of band reconfiguration as well as, where possible, stakeholder views. The comments expressed herein, however, reflect solely the views of the TA.

The TA considered the following criteria in developing the proposed rebanding schedule modifications:

- *Maintaining the overall integrity of the three-year schedule* - The TA purposefully built flexibility into its Regional Prioritization Plan ("RPP") to respond to changed conditions and resource availability.<sup>1</sup> The proposed modifications described here are consistent with the flexibility found in the RPP and the proposed deadlines fall within the timeframes originally set forth in the plan.
- *Providing adequate time to complete negotiations and pre-negotiation planning* – Provided that key schedule milestones are maintained, such as the 18-month, 30-month

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<sup>1</sup> Regional Prioritization Plan of the 800 MHz Transition Administrator, WT Docket No. 02-55, 16-17 (filed Jan. 31, 2005) ("RPP"). The Commission also contemplated that schedule modifications might be necessary and gave the TA the discretion to make such changes. See 47 C.F.R. § 90.676(a)(4); *Improving Public Safety Communications in the 800 MHz Band*, Supplemental Order and Order on Reconsideration, 19 FCC Rcd 25120, 25152 (¶ 72) (2004) ("*Supplemental Order*").

and 36-month benchmarks, it is desirable and beneficial that parties be given adequate time to complete their negotiations prior to commencing alternative dispute resolution (“ADR”), including securing planning funding and completing planning activities.

- *Providing adequate time to clear the General Category portion of the band* – While the TA believes that many NPSPAC planning and negotiation activities can occur concurrent with and prior to the completion of the clearing of the General Category channels (Channels 1-120), licensees will also require some degree of certainty as to when the channels in their market will be available in order to finalize their implementation schedule and allocate resources.

Most important, any modifications must be consistent with the national priority established by the Commission to complete band reconfiguration in a manner that protects critical public safety communications. Any modifications must also be structured to minimize the potential disruption to incumbent licensees.

#### Assessment of Rebanding Schedule Adjustments

The Commission requested that the TA provide its assessment whether certain adjustments to the rebanding schedule are advisable. As further described below, the TA recommends the following proposed modifications to the rebanding schedule:

- Extend the deadline for completion of mandatory negotiations for Wave 1, Stage 2 (NPSPAC channels) by three months to October 31, 2006; and
- Commence voluntary negotiations for Wave 2, Stage 2 and Wave 3, Stage 2 (NPSPAC channels) on August 1, 2006 and November 1, 2006, respectively.

These proposals will not alter the basic structure and sequencing of the four waves as established in the RPP, and will have no impact on the established 18-month, 30-month and 36-month schedule deadlines and milestones. (A revised Prioritization Schedule reflecting the proposed modifications is attached.)

*Wave 1, Stage 2 (NPSPAC Channels).* The TA recommends that the mandatory negotiation period for NPSPAC channels in Wave 1, Stage 2 be extended by three months to end on October 31, 2006 rather than July 31, 2006. In addition to input received from stakeholders, the TA considered the program’s experience to date with the progress of negotiations, as measured in the volume of agreements completed per month, the cycle times to date for completing Public Safety agreements, and the estimated number of agreements to be completed in Wave 1, Stage 2. During the mandatory negotiation period for Wave 1, Stage 1 (October, November and December 2005), the TA received an average of 55 Frequency Reconfiguration Agreements (“FRAs”) per month. Given a projected 424 licensee agreements to be completed in Wave 1, Stage 2 negotiations would require nearly eight months to complete, all things remaining equal. Further, it is expected that Public Safety agreements will generally take longer to complete than agreements with commercial entities.

The TA realizes, however, that extending the mandatory negotiation period will not, in and of itself, ensure that the majority of these FRAs are completed before the start of the mediation period. Accordingly, the TA will be taking a more active role during Wave 1, Stage 2 to track and monitor the progress of individual negotiations and work with parties to establish interim progress milestones. The TA is initiating contact with licensees to assess their readiness and assist with getting them started where needed. During negotiations, parties are encouraged to seek the TA's assistance regarding the reasonableness of cost estimates or other reconfiguration issues. When these issues cannot be timely resolved, the TA will encourage parties to seek early mediation. The TA will review with Sprint Nextel on a weekly basis status reports regarding individual deals once negotiations have commenced.

Sprint Nextel has expressed its view to the TA that a longer extension of time is necessary to complete negotiations in Wave 1, particularly for the northeast corridor. The TA believes, however, that an extension exceeding three months could adversely impact the ability of these markets to meet the 36-month deadline. Representatives of the Public Safety community expressed support to the TA for a three-month extension. They also stressed, however, that Sprint Nextel must make sufficient resources available to meet the expected deal volume. In addition, Public Safety representatives encouraged the TA, as a neutral party, to initiate contact with licensees regarding their system reconfiguration, track and monitor deal status, and be an ongoing resource throughout the negotiation period.

*Wave 2, Stage 2; Wave 3, Stage 2.* The TA also recommends that the start dates for Wave 2, Stage 2 and Wave 3, Stage 2 NPSPAC channel voluntary negotiations be modified to be consistent with Commission procedure to use a uniform start date for all regions in each wave.<sup>2</sup> We recommend that Wave 2, Stage 2 NPSPAC channel voluntary negotiations begin on August 1, 2006 and that Wave 3, Stage 2 NPSPAC channel voluntary negotiations begin on November 1, 2006. These adjustments work in conjunction with the adjustments to Wave 1 and help to relieve resource issues that would otherwise arise from overlapping mediation periods in multiple waves. Minor adjustments to the reconfiguration timeline will also be made that maintain the integrity of the 36-month schedule. The major stakeholders support these changes to the rebanding schedule.

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<sup>2</sup> See "Wireless Telecommunications Bureau Announces That 800 MHz Band Reconfiguration for NPSPAC Channels Will Commence February 1, 2006, For NPSPAC Regions Assigned to Wave 1," Public Notice, WT Docket No. 02-55, DA 05-3348 (rel. Dec. 20, 2005).



The TA appreciates the guidance on potential modifications to the rebanding schedule and the opportunity to provide its input. Please do not hesitate to contact me if the Commission has any questions regarding the TA's responses or requires additional information.

Sincerely,

/s/ Robert B. Kelly

Robert B. Kelly

#### Attachments

cc: Michael Wilhelm (w/ attachment)  
David Furth (w/ attachment)  
Blaise Scinto (w/ attachment)



Transition  
Administrator

The Official Reconfiguration Manager

## **PRIORITIZATION SCHEDULE (revised as proposed)**

line	Month:	2005				2006				2007				2008												
		7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	
		Q3 2005		Q4 2005		Q1 2006		Q2 2006		Q3 2006		Q4 2006		Q1 2007		Q2 2007		Q3 2007		Q4 2007		Q1 2008		Q2 2008		
1	Wave 1 Stage 1 Negotiation Period																									
2	Wave 1 Stage 1 Reconfiguration Period																									
3	Wave 1 Stage 2 (NPSPAC) Negotiation Period - <b>Original RPP</b>																									
4	Wave 1 Stage 2 (NPSPAC) Negotiation Period - <b>PER PN 12/30/05</b>																									
5	Wave 1 Stage 2 (NPSPAC) Reconfiguration Period																									
6	Wave 2 Stage 1 Negotiation Period																									
7	Wave 2 Stage 1 Reconfiguration Period																									
8	Wave 2 Stage 2 (NPSPAC) Negotiation Period																									
9	Wave 2 Stage 2 (NPSPAC) Reconfiguration Period																									
10	Wave 3 Stage 1 Negotiation Period																									
11	Wave 3 Stage 1 Reconfiguration Period																									
12	Wave 3 Stage 2 (NPSPAC) Negotiation Period																									
13	Wave 3 Stage 2 (NPSPAC) Reconfiguration Period																									
14	Wave 4 Stage 1 Negotiation Period - <b>Per PN 03/03/06</b>																									
15	Wave 4 Stage 1 Reconfiguration Period																									
16	Wave 4 Stage 2 (NPSPAC) Negotiation Period																									
17	Wave 4 Stage 2 (NPSPAC) Reconfiguration Period																									
<b>Proposed Revised Schedule</b>																										
18	Wave 1 Stage 1 Negotiation Period																									
19	Wave 1 Stage 1 Reconfiguration Period																									
20	Wave 1 Stage 2 (NPSPAC) Negotiation Period - <b>-3 Month Extension</b>																									
21	Wave 1 Stage 2 (NPSPAC) Reconfiguration Period																									
22	Wave 2 Stage 1 Negotiation Period																									
23	Wave 2 Stage 1 Reconfiguration Period																									
24	Wave 2 Stage 2 (NPSPAC) Negotiation Period - <b>Proposed Firm Start Date</b>																									
25	Wave 2 Stage 2 (NPSPAC) Reconfiguration Period - <b>Adjusted to allow earliest possible starts</b>																									
26	Wave 3 Stage 1 Negotiation Period																									
27	Wave 3 Stage 1 Reconfiguration Period																									
28	Wave 3 Stage 2 (NPSPAC) Negotiation Period - <b>Proposed Firm Start Date</b>																									
29	Wave 3 Stage 2 (NPSPAC) Reconfiguration Period - <b>Adjusted to allow earliest possible start date</b>																									
30	Wave 4 Stage 1 Negotiation Period - <b>Per PN 03/03/06</b>																									
31	Wave 4 Stage 1 Reconfiguration Period																									
32	Wave 4 Stage 2 (NPSPAC) Negotiation Period - <b>Proposed Firm Start Date</b>																									
33	Wave 4 Stage 2 (NPSPAC) Reconfiguration Period - <b>Earliest possible start date</b>																									