



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES THE
OPENING OF A FILING WINDOW FOR ADDITIONAL RECORDS VACATED
BY SPRINT CORPORATION
IN THE 809-815/854-860 MHZ BAND SEGMENT**

**Application Filing Commences October 29, 2013
Pre-Filing Coordination Notification Commences October 15, 2013**

WT Docket No. 02-55

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) announces that it will be updating the Vacated Channel Search Engine (VCSE) with additional records released by Sprint Corporation (Sprint) in the 809-815/854-860 MHz (Channels 231- 470) portion of the 800 MHz band.

The Bureau will begin accepting applications on **October 29, 2013** for facilities on the channels made available by this *Public Notice*.

Applicants that receive licenses for channels vacated by Sprint must provide 30 days notice to Sprint¹ before they activate a channel for testing or the commence operations.

Background

In connection with reconfiguration of the 800 MHz band, the Bureau has released 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 applicants for two years thereafter.² After five years, any remaining vacated channels revert to their original frequency pools and become available for licensing to any eligible applicant.³

¹ Notice should be provided to Sprint by email at 800mhzinterleavedspectrum@sprint.com.

² 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, 15052 ¶ 152 (2004) (*800 MHz Report and Order*).

³ *Id.* See 47 C.F.R. §§ 90.615, 90.617(g).

To date, the Bureau has released several *Public Notices* announcing the availability of channels vacated by Sprint.⁴ These vacated channels have been released in stages within NPSPAC regions as band reconfiguration progresses in each region.⁵

In previous notices, the Bureau indicated that it would continue to update the VCSE on a regular basis with additional information regarding channels made available by Sprint and other licensees relocating to the ESMR band.⁶

Thus, by this *Public Notice*, we announce that we are updating the VCSE with additional records released by Sprint. These additional records include both site-based and Economic Area (EA)-based licenses. The records being entered into the VCSE make channels previously released available for licensing over a larger geographic region or make channels available for licensing for the first time in regions previously subject to an application freeze.⁷

Vacated channels being made available for licensing by this *Public Notice* include only channels in the interleaved segment of the 800 MHz band.⁸ No new Expansion or Guard Band channels are being made available for licensing at this time.⁹

Information Regarding Available Channels

To identify specific vacated channels that are available for licensing, the Bureau created the VCSE which is accessible at <http://wireless2.fcc.gov/UlsApp/UlsSearch/searchLicense.jsp>.¹⁰ The VCSE

⁴ 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 Application and Licensing Procedures for Channels in Non-Border Regions Relinquished by Sprint Nextel Corporation in the 809.5-815/854.5-860 MHz Band, 27 FCC Rcd 14785 (PSHSB 2012) (*Vacated Spectrum PN Round 4*).

⁵ Improving Public Safety Communications in the 800 MHz Band, *Order*, 23 FCC Rcd 15966, 15972-73 ¶ 17 (PSHSB 2008).

⁶ See *Vacated Spectrum PN Round 1*, 23 FCC Rcd at 18344; *Vacated PN Spectrum Round 2*, 24 FCC Rcd at 13238; *Vacated Spectrum PN Round 3*, 25 FCC Rcd at 16041.

⁷ On April 12, 2013, the Bureau lifted the application freeze in NPSPAC Region 30 (Eastern Upstate NY) and Region 36 (Western PA). See Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze for Certain Wave 4 Border Area NPSPAC and Non-NPSPAC Licensees Along the U.S.-Canada Border, 28 FCC Rcd 4675, 4676 (PSHSB 2013).

⁸ The interleaved portion of the band consists of the 809-815 MHz / 854-860 MHz band segments. See *800 MHz Report and Order*, 19 FCC Rcd 15051 ¶ 151.

⁹ Sprint channels in the 815-816/860-861 MHz Expansion Band block will not be available in any region until 90% of the channels in the former NPSPAC block (*i.e.*, 108 channels) are clear, and a Public Notice is issued to that effect. Additionally, Sprint channels in the 816-817/861-862 MHz Guard Band block will not be available in any region until 100% of channels in the former NPSPAC block (*i.e.*, 120 channels) are clear in the region and a Public Notice is issued to that effect. This restriction does not apply to channels assigned by the 800 MHz Transition Administrator as part of rebanding.

¹⁰ 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

contains detailed geographic and frequency data regarding these vacated channels. The vacated channel public access file, which can be downloaded by users with data-processing capability (e.g., frequency coordinators), may be accessed at <http://wireless.fcc.gov/uls/index.htm?job=transaction&page=weekly>.

For the additional records being made available for licensing pursuant to this *Public Notice*, the VCSE will specify **October 29, 2013** as the availability date in the “Channel Availability” field.

Application Procedures

Beginning on **October 29, 2013**, Commission-certified frequency coordinators may file applications on behalf of eligible applicants (see “Exclusive Eligibility Periods” below) in the Universal Licensing System (ULS) for the locations released by this *Public Notice*. Any application filed for these locations before the initial filing date will be dismissed.

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.¹¹ Furthermore, frequency coordinators must follow the procedures detailed in previous notices for coordinating applications and attach the appropriate certifications to each application.¹²

The notification process for frequency coordinators to address and resolve conflicting applications prior to filing with the Commission will commence on **October 15, 2013**, at 8:00 AM Eastern Daylight Time. At that time, but no earlier, each frequency coordinator may submit electronic notification to the other participating coordinators of applications it has prepared for coordination.¹³

To be accepted for filing, applications must be coordinated by a certified frequency coordinator which follows the pre-filing coordination procedures described in previous notices to eliminate conflicts between applications prior to their being filed with the Commission.¹⁴ If coordinators do file mutually exclusive applications, all will be dismissed without prejudice. Applications must meet the frequency limitations specified in Sections 90.623 and 90.627 of the Commission’s rules.¹⁵ Due to the limited availability of channels during the period of exclusive eligibility, applicants will be permitted to apply for no more than five channels per fixed location. Furthermore, requests for extended implementation pursuant to Section 90.629 of the Commission’s rules will be subject to a high level of scrutiny and will not be routinely granted.¹⁶

Exclusive Eligibility Periods

From **October 29, 2013** to **October 29, 2016**, the channels made available by the records released by this *Public Notice* will be available exclusively for licensing to public safety eligible entities. From **October 29, 2016** to **October 29, 2018**, the channels made available by the records released by this

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 (2008).

¹¹ 47 C.F.R. § 90.175.

¹² 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; *Vacated Spectrum PN Round 4*, 27 FCC Rcd 14787-89.

¹³ Each notification must be filed individually, batch filing is not permitted.

¹⁴ See *supra* n.12.

¹⁵ 47 C.F.R. §§ 90.623, 90.627.

¹⁶ 47 C.F.R. §90.629.

Public Notice will be available exclusively for licensing to public safety eligible entities and critical infrastructure industry eligible entities.

Continued Operation By Sprint Subject to 30 Days Notice

Applicants that receive licenses for channels vacated by Sprint in accordance with this *Public Notice* must provide 30 days notice to Sprint before they activate a channel for testing or commence operations. Sprint may continue existing operations 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* will be conditioned on providing such 30-day notice to Sprint.

Additional Information

For further information, contact Tracy Simmons, Policy Division, Public Safety and Homeland Security Bureau, at (717) 338-2657 or Tracy.Simmons@fcc.gov, or Brian Marengo, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or Brian.Marengo@fcc.gov.

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

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