

## **800 MHZ REBANDING CPRA/OCFA MEETING SUMMARY**

**By: Ray Grimes  
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**2011—(MAYBE) THE DECISIVE YEAR?** FCC, TA, APCO and industry news sources have reported very little Wave 4 Rebanding reported activity or indication of real progress as to a U.S./Mexico Treaty Agreement affecting the 800 MHz border frequency plan, with only a promise of the delegates to meet in mid-2010 in Mexico to continue discussions.

The UNITED STATES - MEXICO HIGH LEVEL CONSULTATIVE COMMISSION ON TELECOMMUNICATIONS delegation (at their Tenth Meeting held in 2009 also reaffirm their intention to continue pursuing revisions to the existing Protocol for the 800 MHz band on an urgent basis in order to secure: 1) Interference-free operation of public safety services along the common border; 2) Access to needed channels; and 3) Fair and equitable treatment of all affected licensees in both countries while minimizing disruption to existing users; Finally, in order to focus continuing attention to their agenda, to deal with difficult situations that may arise in the common border area and to strengthen their bilateral relations, the delegations state that they intend to hold the **Eleventh Meeting of the HLCC in Mexico during 2010.**

**FCC Fourth M&O WT Docket 02-55 released Feb. 25, 2009. U.S./Canada Border Rebanding policy to proceed.** Canada 800 MHz Rebanding NPSPAC frequency plan mirrors that of U.S. and sets expectations that 'future' U.S./Mexico Treaty Agreement NPSPAC frequency plan should be identical for international and national mutual aid frequencies (ITAC, CLEMARS, FIREMARS).

**FCC Public Notice - The FCC released a Public Notice (DA 10-573) dated March 31, 2010 extending the 800 MHz Rebanding negotiation period** for Wave 4 NPSPAC and Non-NPSPAC Licensees along the U.S.-Mexico Border until July 01, 2010, and postpones the beginning of the mediation period for such licensees until July 2, 2010.

**800 MHz TA March 31, 2010 Quarterly Progress Report, released June 02, 2010** available online at 800 MHz Transition Administrator web site. In brief summary (of the 105 page report) , for non-border Stage 2 licensees, 94% have negotiated and submitted FRA's to the TA, with physical retuning completed for 97%. Many of the remaining licensees without FRA's have large and complex systems and extensive interoperability requirements. Non-border Stage 2 licensees retuned, reflashed, or replaced 896,000 radios. As of March 31, 2010 physical retuning was completed for 52% of non-border Stage 2 FRA's. The FRA closing process is going far more slowly than the FCC and TA desire, with almost 15% taking over 12 months to close. Sprint-Nextel accrued Rebanding costs to date are \$1,157.8 million plus Sprint-Nextel program administrative costs of \$291.5 million and \$715.7 million 1.9 GHz spectrum clearing costs. Including TA costs and other incidental costs, Sprint-Nextel filed with the SEC (March 31, 2010) stating a total 800 MHz Rebanding expenditure to date of \$2.5 billion. On

March 26, 2010 the TA recommended that the Letter of Credit be reduced from \$1.668 billion to \$1.586 billion based on costs paid through September 30, 2009 (the 2009 Audit).

Though no one would disagree that the cost of operating a motor vehicle historically has risen each year, it's fascinating to note that without ceremony, the IRS has adjusted vehicle **business mileage allowance downward from \$0.55/mile in 2009 to \$0.50/mile in 2010**. This will undoubtedly become a point of argument with Sprint-Nextel upon submitting Rebanding cost recovery requests for previous years, as it would seem appropriate that you should be able to recover costs for the years reported at the IRS rates for those years, and not at the new lower 2010 rate.

Per **June 18, 2009 OC Fire Chief's Association (OCFCA) monthly meeting**, OCFCA agreed to NOT include legacy FIREMARS, ICALL, AND ITAC programming in new Rebanding radio programming. This will minimize the need to touch these radios two or more times, though that still may be necessary to manage Rebanding of Orange County 800 MHz radios with State-specific 800 MHz programming such as State Parks and Universities. Some risk regarding interim availability of mutual aid Fire communications capability in disaster though agencies can always exchange packets on-scene or employ local cross-patches. OCFCA also agreed that Huntington Beach Fire, Laguna Beach Fire, Newport Beach Fire, and OCFA WILL retain 'legacy' California State Parks programming and WILL require second reprogramming at some future date. Additionally, OCFCA agreed that Fullerton Fire Dept. shall retain 'legacy' CSU Fullerton Police Dept. programming and will thus require future second Rebanding reprogramming. Similar mutual aid programming considerations must also be made for OCCOPSA and OC Lifeguard Association members.

**APCO, IACP, and IAFC on November 12, 2009 jointly requested the FCC to release information used to develop cost metrics** as applied by the Transition Administrator. This request is in consideration of a need for incumbents to have some information to weigh vendor quotes against customary and approved Rebanding costs for vendor services, coupled with complaints that the TA's cost metrics were outdated and misapplied. An important challenge for incumbent negotiations with Sprint-Nextel is that Rebanding metrics appear to be formulated on the size of systems to be rebanded, failing to factor in complexity (large radio networks, agency partnerships, mixtures of local and state operations with complex licensing agreements, etc.).

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CPRA/OCFA MEETING NOTES (CONT.)

**County of Orange recently requested Sprint-Nextel's permission to proceed with limited Wave 4 non-cost-duplicative or non-frequency-specific Rebanding activities** for \$1.06 million (13% of the \$8.06M previously requested in County's Implementation FRA). Proposal included tasks such as replacement of 2 SIMS terminals, replacement of 32 base station antennas, Rebanding upgrades or replacement of 28 Motorola Service Monitors, replacement or reconfiguration of 55 BDA's, replacement of 16 mobile radio scanners, and reimbursement of 33% of County's initial cost for MCM labor and projects tracking software now in use in support of Rebanding. Sprint-Nextel stated that County could only Rebanding 'negotiate' with Sprint-Nextel but could not proceed with any Rebanding actions. At recommendation of the TA, the County on August 11, 2009 filed a Rebanding Change Notice, starting the clock for a mandatory Sprint-Nextel formal response within 30 days. Sprint-Nextel to date has made an offer to the county that includes most all of the County's limited Implementation FRA request items with exception of twenty (20) mobile radio scanners and around 100 BDA's which will be readdressed on a separate request later. Sprint-Nextel's offer included a condition for 50% immediate payment and the remaining payment upon satisfaction of milestones that are unrelated and out of the County's immediate control. The County is now awaiting Sprint-Nextel's next move, as our limited Implementation FRA proposal negotiation has again stalled. Though the FCC states that the incumbent should not be required to bear the up-front costs for reconfiguration, the FCC Rules and the TA processes related to Wave 4 Rebanding would seem to bear very few guarantees for Wave 4 incumbents in terms of due process and timeliness.

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