



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 09-468

Released: February 27, 2009

OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES SPRINT NEXTEL, INC. REQUEST FOR A WAIVER OF THE 2.0 GHz BAS RELOCATION DEADLINE TO TO BE A "PERMIT-BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES

ET Docket No. 02-55 ; WT Docket No. 00-258 ; ET Docket No. 95-18

Comments Date: March 9, 2009

Reply Comments Date: March 19, 2009

On February 12, 2009, Sprint Nextel, Inc. (Sprint Nextel), the Association for Maximum Service Television, Inc. (MSTV), the National Association of Broadcasters (NAB), and the Society of Broadcast Engineers (SBE) (collectively, "the parties") filed a *Supplemental Joint Request Concerning the BAS Relocation* (Supplemental Request). In the Supplemental Request, the parties request that the Commission waive until February 7, 2010 the deadline by which Sprint Nextel must complete the relocation of the Broadcast Auxiliary Service (BAS) licensees in the 1990-2025 MHz band.

Sprint Nextel's BAS relocation obligation was undertaken in conjunction with a major realignment of the 800 MHz band to resolve ongoing interference between public safety and commercial operations. As part of this realignment, and in exchange for giving up some of its 800 MHz band spectrum, Sprint Nextel committed to the relocation of BAS incumbents in the 1990-2025 MHz band and was to complete the relocation by September 7, 2007.

In March 2008 the Commission granted the parties a waiver to provide additional time to complete the BAS relocation. *Improving Public Safety Communications in the 800 MHz Band*, 23 FCC Rcd 4393 (2008). The Commission extended the relocation deadline to March 5, 2009, and held in abeyance the parties' original waiver request, which asked that the relocation deadline be extended to February 7, 2010. By the Supplemental Request, the parties renew their request to extend the BAS relocation deadline to February 7, 2010. The Supplemental Request cites numerous circumstances that the parties characterize as being beyond Sprint Nextel's and the broadcaster's control, and that will prevent completion of the BAS transition before the current deadline. On February 27, 2009, the Commission waived the relocation deadline for a period of 45 days, until April 19, 2009, in order to provide the Commission with time to consider the issues raised by the Supplemental Request. *Improving Public Safety Communications in the 800 MHz Band*, FCC 09-13 (Feb. 27, 2009).

The Office of Engineering and Technology (OET) seeks comment on the Supplemental Request. OET has concluded that in order to develop a complete record on the complex issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Interested parties may file comments on or before **March 9, 2009**, and reply comments on or before **March 19, 2009**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket [**ET Docket No. 02-55; WT Docket No. 00-258; ET Docket No. 95-18**]. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

The full text of the *Supplemental Joint Request Concerning the BAS Relocation* is available for inspection and copying during normal business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the *Supplemental Joint Request Concerning the BAS Relocation* may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Nicholas Oros, (202) 418-0636, of the Policy and Rules Division, Office of Engineering and Technology.

By the Chief, Office of Engineering and Technology