

FCC 800 MHz Rebanding Winding Down

Last month, the FCC granted waivers filed by hundreds of public safety licensees extending the deadline to complete the 800 MHz rebanding effort. The Commission is considering a similar request filed by Sprint Nextel.

In July of 2004, the Commission adopted a comprehensive plan to reconfigure the 800 MHz band to address the growing problem of harmful interference to 800 MHz public safety communication systems caused by high-density commercial wireless systems. The plan called for Sprint Nextel to swap spectrum with several public safety licensees in the 800 MHz to curb the harmful interference to public safety systems. This 800 MHz rebanding effort was scheduled to conclude on June 26, 2008.

On January 17, 2008, the Commission released a Public Notice that established procedures and provided guidance for submission of requests to waive the deadline. The Commission released this Public Notice anticipating that several public safety licensees would be unable to meet this deadline. In fact, hundreds of public safety licensees filed waivers of the June 26, 2008 deadline. On June 17, 2008, the Commission granted the lion's share of these waiver requests – including some that estimate that rebanding will continue beyond 2010.

The 800 MHz rebanding plan also requires Sprint Nextel to vacate all of its 800 MHz holdings below 817/854 MHz by June 26, 2008, regardless of whether other 800 MHz licensees have vacated the spectrum to which Sprint Nextel is scheduled to move. Sprint Nextel challenged this requirement before the United States Court of Appeals for the District of Columbia Circuit, arguing that it should not be required to vacate the 800 MHz band in any region until all licensees in the region have completed rebanding. On May 2, 2008, the Court upheld the requirement and alerted Sprint Nextel that it must vacate all of its 800 MHz holdings below 817/854 MHz by the June 26th deadline irrespective of the status of the rebanding efforts as a whole.

On June 17, 2008, Sprint Nextel filed a Petition for Relief with the Commission requesting that the deadline to clear its spectrum holdings in the Interleaved Band (809-815/84-860 MHz), Expansion Band (815-816/860-861 MHz) and Guard Band (816-817/861-862 MHz) (collectively “Mid-Band”) be extended in stages based on the region-by-region progress made by public safety licensees in retuning their systems. The Commission has not yet reached a final decision on this waiver request. Instead, the Commission extended Sprint Nextel's deadline to vacate the Mid-Band by 30 days (until July 26, 2008). This modest extension was granted to allow the Commission more time to consider Sprint Nextel's proposal in full.

On September 17, 2004, as part of the 800 MHz rebanding effort, the Commission implemented a licensing freeze in the 900 MHz band. The Commission took this action to preserve the 900 MHz band as a potential home to accommodate displaced systems during the 800 MHz rebanding process. According to recent press reports, the Commission is expected to lift its freeze on the 900 MHz band in the near future.

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