

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of) **WT Docket No. 02-55**
)
Improving Public Safety) **Licensee Name: Black Hawk County, IA**
Communications in the) **Call Sign: WPHM233**
800 MHz Band)

To: Public Safety and Homeland Security Bureau, Federal Communications Commission

**REQUEST FOR WAIVER
OF THE
JUNE 26, 2008 DEADLINE FOR COMPLETION OF 800 MHZ REBANDING**

Pursuant to Section 1.925 (47 C.F.R. § 1.925) of the rules of the Federal Communications Commission (Commission) and the Commission's *Public Notice*,¹ the above-referenced licensee ("Licensee") requests a waiver of the Commission's requirement for the Licensee to complete its 800 MHz rebanding by June 26, 2008.² As demonstrated herein, Licensee has, in accordance with the Commission's reconfiguration mandate as well as the Commission's waiver policy, "worked diligently and in good faith to complete rebanding expeditiously, and ... the amount of additional time requested is no more than is reasonably necessary to complete the rebanding process."³

Specifically, the Licensee requests until June 29, 2011 to complete its 800 MHz rebanding. The public interest would be served by granting the requested waiver because it would allow Licensee to reband its 800 MHz system in a reasonable, prudent and timely manner consistent with the goals of the 800 MHz rebanding program. In support of this Request for Waiver the Licensee provides the attached Waiver Request Information Form and the following explanation of the reason(s) for needing additional

¹ Federal Communications Commission Provides Guidance for Submission of Requests for Waiver of June 26, 2008 Deadline for Completion of 800 MHz Rebanding, *Public Notice*, FCC 08-23 (rel. Jan. 17, 2008).

² See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order*, 19 FCC Rcd 14969 (2004), *Third Memorandum Opinion and Order*, 22 FCC Rcd 17209, 17224 ¶ 48 (2007).

³ See *FCC Announces Supplemental Procedures And Provides Guidance For Completion Of 800 MHz Rebanding, Public Notice*, 22 FCC Rcd 17227, 17232 (2007).

time to complete reconfiguration beyond June 26, 2008, which is consistent with the assertion that a grant of the waiver would serve the public interest.

Licensee's affected 800 MHz frequencies are operated as part of the RACOM Communications EDACS system, which provides state-wide interoperable 800 MHz public safety communications service throughout Iowa and parts of neighboring states. _____

_____. Accordingly, in order to minimize duplicative radio touches and avoid wasting time and money, the only reasonable way to reconfigure Licensee's affected frequencies and equipment is to complete the work as part of a single project of reconfiguration of the entire RACOM network.

Licensee actively engaged in the reconfiguration process in accordance with the timeframes for Wave 2 licensee's set forth in the FCC's orders and the Transition Administrator's guidance.⁵ Working with the other reconfiguring licensees on the RACOM network, Licensee developed a plan of reconfiguration and cost proposal covering reconfiguration of the entire RACOM network, and this plan was presented to Sprint Nextel for consideration during the Wave 2 negotiation period. This plan and cost proposal was developed without separate planning funding; the parties moved directly to negotiating a FRA without entering a separate PFA.

⁵ Although several of the reconfiguring licensee's on the RACOM network operate assets falling within Wave 1 territory, the majority of the network is within Wave 2 territory and the TA determined in the interest of efficiency that all reconfiguring licensees on the network should be subject to Wave 2 timeframes to facilitate coordinated planning, negotiation and implementation.

The parties entered formal mediation at the onset of the Wave 2 mediation period, and successfully reached a negotiated FRA with Sprint Nextel during mediation. The mediation included all ten of the reconfiguring licensees on the RACOM network, and a single plan of reconfiguration was agreed to; while each of the ten licensees entered into a separate FRA with Sprint Nextel, all ten are reconfiguring as part of a single concerted plan. Upon conclusion of negotiations and mediation, the ten FRA's, including Licensee's FRA, were signed and approved by the TA.

The ten FRAs, including Licensee's, did not include start dates or dates for Sprint Nextel to make the channels available. On December 4, 2007, the TA held an Implementation Planning Session for Region 15, during which start dates and completion dates were agreed to; the TA subsequently approved these dates. Under the agreed-to timetable, all work will be concluded by June 29, 2011.

Accordingly, Licensee requests a waiver of the June 26, 2008 deadline, and requests until June 29, 2011 to complete all reconfiguration work, after which final closing of the FRA will occur.

Finally, the licensee seeks confidential treatment of the Waiver Request Information Form pursuant to Section 0.459 of the FCC's Rules because the information contained therein is highly sensitive regarding the operations of a public safety organization's communications system. Furthermore, the information contained in the form is not otherwise publicly available. The Licensee consents to the disclosure of the form to the 800 MHz Transition Administrator ("TA") and Sprint Nextel and requests

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Completion of 800 MHz Rebanding
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DL _____**

OMB Control Number 3060-1114
Expires September 30, 2008

that they treat the form as confidential.

Respectfully Submitted,

BLACK HAWK COUNTY, IA

By: /s/ Matthew J. Plache

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Dated: March 17, 2008