Memorandum of Agreement

This Memorandum of Agreement ("MoA") is entered into by and among the undersigned parties as of the latest date at signatures below. The purpose of this MoA is to set forth the agreed application notification and mutual exclusivity resolution procedures for 800 MHz spectrum ("Spectrum") vacated by Sprint/Nextel Communications in the wake of the Federal Communications Commission's ("FCC" "Commission") mandated rebanding efforts.

As all of the frequency applicants are public safety entities, frequency advisory committees ("FACs") desire to create a process that minimizes mutually exclusive situations and ensures that all public safety entities receive needed frequencies to the extent possible. All frequency coordinators hereby agree to the following procedures to govern future spectrum application notifications.


2. The following changes and clarifications to the initial procedure shall be implemented, effective of the date of this agreement:

NOTIFICATION:

Applications from Vacated Spectrum must be notified to all eligible coordinators a minimum of five business days before filing with the FCC. All notified applications will be listed in a generally distributed email no later than 11:59 p.m. Eastern Time on the day of notification, so that electronic receipt may be verified the following morning. Filing of Vacated Spectrum applications to the FCC may not occur before close of business of the sixth business day (federal holidays are not counted as a business day), counting from the day of notification. If the FCC specifies a longer period in a Public Notice, that period controls the FCC filing date.

STATUS CHANGES:

Each application must be manually placed in "notify queue" status individually, not batch-filed. The status change will produce a date/time stamp that will be shared via the Z1 record with all participating 800 MHz Vacated Spectrum Coordinators.

APPLICATION REQUIREMENTS:

A complete application for 800 MHz Vacated Spectrum consists of:

- Completed FCC Form 601 meeting all ULS requirements;
Vacated Spectrum
Memorandum of Agreement
Vacated Spectrum Procedures

- Attachments as needed to show proposed contour remains within vacated Sprint/Nextel EA; passing DHAAT studies against incumbent licensees and notified vacated spectrum applications pending before coordinators and FCC; Letters of Concurrence meeting 90.621(b)(5) requirements; Coordinator Certification Statement;
- Attachments must be maintained for 60 days after license grant

Incomplete applications must be refilled and will not be afforded protection of requested frequencies.

DETERMINATION OF ORDER OF PRECEDENCE:

Procedure:

Date/time stamp submitted in the Z1 record determines the order of priority of applications in the event a mutually exclusive situation arises. A mutually exclusive situation arises when two or more applications are submitted on the same day for the same channel and are for overlapping geographic areas. Given that all applicants for this Vacated Spectrum are public safety agencies, all coordinators will endeavor to work together to resolve these issues in a manner that is beneficial to all involved public safety applicants. To accomplish this in a routine and predictable manner, the following procedure shall apply unless there are other mutually acceptable agreements by all of the other coordinators directly involved in resolving mutually exclusive conflicts.

In the event two or more applications contain mutually exclusive frequency requests, all applicants for affected channels will sequentially choose either one (1) of the mutually exclusive channels for which they applied or a channel from the unclaimed pool of Vacated Spectrum in order of date/time stamp priority until the earlier of such time as (i) all applicants have received the number of channels they requested and/or (ii) the unclaimed pool of Vacated Spectrum is exhausted. Requested channels that have been applied for that are not mutually exclusive will be excluded from this process. An applicant will be allowed to receive only the number of channels for which it originally applied.

The first-in-time FAC is responsible for organizing a conference call of affected parties and providing a conference bridge to resolve the mutually exclusive applications.

LIMITATION ON CHANNELS:

No applicant may apply for more than the number of channels per fixed site as noted in the Public Notice of 12/29/08. A single coordinator may not notify applications on behalf of differing applicants that are mutually exclusive to each other. Coordinators must resolve
mutually exclusive situations among their applicants prior to applications being placed into Notify status.

**OBJECTIONS:**

It is the duty of the filing coordinator to ensure that its application is not mutually exclusive with a previously-filed application. The originating coordinator may also assert its applicant’s rights in mutually exclusive situations. This should be performed promptly, as conflict resolution is expected to be accomplished within the five business day notification period. Objections may be made only by a coordinator with standing, i.e., one that has notified a competing mutually exclusive application in the subject market on that day. Any other post-notifications analysis of another coordinator’s applications (for example, on behalf of Sprint-Nextel) rise only to the level of expressing a concern, and will not inhibit subsequent filing, as does an objection. The objecting coordinator is responsible for organizing a conference call of affected parties and providing a conference bridge.

Applications that have not received an objection by COB on the sixth business day would be acceptable for filing to ULS, depending upon the Public Notice dates.

Applications that change frequencies to overcome objections would require resubmission for the entire five-day notification period. Frequencies previously approved on the resubmitted application would remain approved and protected provided the technical parameters of those frequencies have not changed.

**NOTIFICATION REPORT:**

Each coordinator must forward a daily report via email, return receipt requested, of all vacated spectrum applications submitted to notification. The report must contain entity name, state, application ID, and comments (optional). Pertinent attachments may be sent separately via email or can be attached to the daily report or made available at a separate location. The report should be forwarded to the following PSCC contacts by 11:59 p.m. Eastern Time on the day of notification:

AASHTO: deidre@radiosoft.com
IMSA: michellef@fregcoor.org
FCCA: nfc@fccusa.org
APCO: concur@apco911.org
PCIA: coord@pcia.com
EWA: concur@enterprisewireless.org
FIT: license@landmobile.com
UTC: donald.vasek@utc.org
AAA: gruark@national.aaa.com

Original: 22 May 2009
Revision 01: 09 June 2009
Revision 02: 19 June 2009
Revision 03: 27 April 2010
It is imperative that every participating 800 MHz Vacated Spectrum Coordinator review the daily notification email and verify that all 800 MHz Vacated Spectrum applications sent out for notification are received in their respective coordination systems. Prompt notification of the failure to receive applications must be made to the originating coordinator.

**PROTECTION OF PREVIOUSLY FILED APPLICATIONS:**

Coordinators will protect:
1. previously licensed or pending applications;
2. previously notified, but not yet filed, applications;
3. Mutually exclusive applicants filed on the same day for vacated spectrum based on §90.621(b)(4) ("DHAAT").

**ENGINEERING SOLUTION PROCESSES:**

Reduced HAAT, ERP or directional antennas may be used to qualify under DHAAT. Engineering solutions proposing either adjacent channel (12.5 kHz) operation with less than co-channel protection or terrain shielding will require waiver applications to accompany the filings.

Engineering solutions will be assumed to be valid when using the processes noted above. Applicants may use directional antennae or reduce ERP/AGL to resolve predicted overlap, or propose terrain shielding or other limitations (limits on mobile area of operation) to obtain a Letter of Concurrence.

**FREQUENCY ADVISORY COMMITTEE CERTIFICATION:**

In order to assure that all public safety applicants receive channels to the extent possible, and to minimize future coordination difficulties in this band, the undersigned, by their signatures, agree to abide by the above procedures.

Failure by any coordinator to abide by the prescribed notification agreement used by the remaining coordinators, as outlined in this document, may result in a filing to the FCC to dismiss all applications from that coordinator as defective on procedural grounds.

**SIGNATURE PAGE FOLLOWS**
Memorandum of Agreement

Vacated Spectrum Procedures

SIGNATURE PAGE

American Association of State Highway and Transportation Officials ("AASHTO")
Signed: William , Title: President, Date: 5/18/10

Association of Public Safety Communications Officials, International ("APCO")
Signed: , Title: Director, APCO-AFC, Date: 5/12/10

Enterprise Wireless Alliance ("EWA")
Signed: , Title: President, Date: 5/19/10

Forestry Conservation Communications Association ("FCCA")
Signed: , Title: National Frequency Coordinator, Date: 5/10/10

International Municipal Signal Association ("IMSA")
Signed: , Title: Chairman, Date: 5/26/10

PCIA – The Wireless Infrastructure Association ("PCIA")
Signed: , Title: Director, Coordinated Services, Date: 5/24/10

Utilities Telecom Council ("UTC")
Signed: , Title: Director, Spectrum Services, Date: 5/20/10

American Automobile Association ("AAA")
Signed: , Title: Manager, Fleet Communications, Date: 5/19/10

Original: 22 May 2009
Revision 01: 09 June 2009
Revision 02: 19 June 2009
Revision 03: 27 April 2010