

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

#### **AGENDA ITEM SUMMARY**

Meeting Date: February 27, 2007	[X] Consent [ ] Regular	
	[ ] Ordinance [ ] Public Hear	ing

**Department: Facilities Development & Operations** 

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) Mutual Assignment of FCC Licenses/Reconfiguration Certifications with Nextel South Corp. (R2006-1421); and
- B) Closing Certificate with Nextel South Corp. (Nextel) that provides for Nextel to pay for the reconfiguration of the County's frequencies on the 800 MHz radio band

Summary: The County entered into a Frequency Reconfiguration Agreement (FRA) with Nextel South Corp. August 15, 2006, under which Nextel was to reconfigure the County's frequencies on the 800 MHz radio band. The Federal Communications Commission issued an order that modified its rules governing the 800 MHz band. The purpose of the order was to reconfigure the 800 MHz band to minimize harmful interference to public safety radio communication systems in the band. The County and Nextel are both licensed on frequency allocations subject to reconfiguration. Pursuant to the Order, Nextel will pay the County the total amount to effect a reconfiguration of the County's affected frequency allocations. Under the terms of the FRA, the County relinquishes its current frequencies and relocates its system to newly assigned replacement frequencies and Nextel pays the County for the costs incurred. The Mutual Assignment and Closing Certificate confirm the transfer of the County's frequencies to Nextel and the assignment of new frequencies to the County as a replacement in accordance with the terms of the FRA. (FDO/ESS) Countywide (SF)

**Background and Justification:** Pursuant to an FCC Order, Nextel will pay the County to move its frequencies within the 800 MHz radio band in order to minimize harmful interference to the public safety radio communication system.

#### **Attachments:**

Mutual Assignment of FCC Licenses/ Reconfiguration Certifications Closing Certificate

Recommended by:	the My WOLF	(127/07
-	Department Director	Date '
Approved by:	Navler	2/22/07
	County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of	Fiscal Impac	t:			
Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures		0-	0-		0-
Operating Costs	-0-	0-	0	0-	-0-
<b>External Revenues</b>	-0-	-0-	-0-	0-	-0-
Program Income (County)	-0-	-0-	0		-0-
In-Kind Match (County)	0-	-0-	-0-	-0-	
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Bu	dget? Ye:	s No_			
Budget Account No: Fund Reporting	Depart Category _	ment \ 	Jnit	Object	
B. Recommended Sources of	Funds/Sum	mary of Fiscal	Impact:		
No fiscal impact.					
•					
C. Departmental Fiscal Revie	w:	·			
	III. <u>R</u> E	VIEW COMMI	ENTS:		
A. OFMB Fiscal and/or Co  Motorola directly, and					aying
OFMB OFMB		18/1 -	Contrac	Dev. and Con Somes 2/2/107	11 2)21,65°, ntrol
B. Legal Sufficiency:					
Assistant County At	torney				
C. Other Department Revi	ew:				

# MUTUAL ASSIGNMENT OF FCC LICENSES / RECONFIGURATION CERTIFICATIONS

- A. County of Palm Beach, FL, a governmental agency (the "Incumbent"), and Nextel South Corp., a wholly-owned indirect subsidiary of Nextel Communications, Inc., a Delaware corporation ("Nextel"), have entered into an Frequency Reconfiguration Agreement (the "Agreement"), dated August 15,2006, for the creation / assignment of certain 800 MHz license(s) and the creation /assignment of certain 800 MHz license(s) (collectively referred to as the "License(s)");
- B. Incumbent and Nextel have applied for and received Federal Communications Commission ("FCC") grant or consent to transfer such License(s);

#### NOW, THEREFORE:

1. Incumbent has assigned or modified the frequencies on the parameters listed below to Nextel. Nextel accepts this assignment and assumes responsibility as licensee from and after the date hereof.

CALLSIGN	Frequencies	Licensee	Location	# of Freq	Exp. Date	Lat (N)	Long (W)
WNDD563	852.2375	Palm Beach, County of	Belle Glade, FL	1	10/22/2012	26-39- 56	80-38-38
WNDD563	852.3875	Palm Beach, County of	West Palm Beach, FL	1	10/22/2012	26-44- 59	80-4-3
WNDD563	852.8875	Palm Beach, County of	Boynton Beach, FL	1	10/22/2012	26-32- 28	80-4-18
WNDD563	853.5125	Palm Beach, County of	Greenacres, FL	1	10/22/2012	26-38- 46	80-10-21
WPLU658	853.3875	Palm Beach, County of	West Palm Beach, FL	1	02/24/2013	26-40- 37.2	80-6-37.2
WPLU658	853.3875	Palm Beach, County of	West Palm Beach, FL	1	02/24/2013	26-40- 37.2	80-6-37.2
WPLU658	853.3875	Palm Beach, County of		1	02/24/2013	26-41- 4.2	80-22-21.2
WPLU658	853.3875	Palm Beach, County of		1	02/24/2013	26-41- 4.2	80-22-21.2
WPLU658	853.3875	Palm Beach, County of		1	02/24/2013	26-41- 4.2	80-22-21.2

2. Nextel has created or assigned the frequencies on the parameters listed below to Incumbent. Incumbent accepts this grant/assignment and assumes responsibility as licensee from and after the date hereof.

Replacement Frequencies	Lat (N)	Long (W)	ERP (W)	Gnd Elev (ft)	Ant. Height (ft)	New Licensee	Location
854.6375	26-40-37.2	80-6-37.2	330	23	148	Palm Beach, County of	West Palm Beach, FL
854.6375	26-41-4.2	80-22-21.2	135			Palm Beach, County of	
854.6375	26-41-4.2	80-22-21.2	175			Palm Beach, County of	
854.7375	26-44-59	80-4-3	490	16	410	Palm Beach, County of	West Palm Beach, FL
856.0625	26-32-28	80-4-18	500	20	273	Palm Beach, County of	Boynton Beach, FL
858.7875	26-39-56	80-38-38	170	12	410	Palm Beach, County of	Belle Glade, FL
859.6625	26-38-46	80-10-21	427	14	410	Palm Beach, County of	Greenacres, FL

- 3. Incumbent agrees that all necessary work contemplated by the Agreement to reconfigure Incumbent's facilities has been satisfactorily completed.
- 4. Nextel and Incumbent agree that the Actual Costs to reconfigure the Incumbent System to operate on the Replacement Frequencies is \$0.00.

(Execution Page to Follow)

# PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

DATE:	
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By:		
Name: Addie L. Greene Title: Chairperson		
ATTEST: SHARON R. BOCK, CLERK &		
COMPTROLLER		
By:		
APPROVED AS TO FORM & LEGAL SUFFICIENCY		
By:Assistant County Attorney		
APPROVED AS TO TERMS AND CONDITIONS		
By: All More Director, Facilities Dev. & Ops. 150		
NEXTEL SOUTH CORP	DATE:	

Name: William M. Jenkins
Title: Authorized Signatory

County of Palm Beach, FL Frequency Reconfiguration Final Closing

#### CLOSING CERTIFICATE OF COUNTY OF PALM BEACH, FL

I do hereby certify of behalf of County of Palm Beach, FL, a governmental agency ("Incumbent"), that:

- 1. Incumbent is a corporation or other entity, the undersigned is a duly appointed and acting officer of Incumbent.
- 2. That Incumbent has in all material respects complied with, satisfied or performed all obligations and conditions under that certain Frequency Reconfiguration Agreement (the "Agreement"), dated August 15,2006, by and between Incumbent and Nextel South Corp., a wholly-owned indirect subsidiary of Nextel Communications, Inc., a Delaware corporation ("Nextel"), required to be complied with, satisfied or performed by it on or prior to this date as a condition of Closing, including but not limited to the Closing Conditions set forth in Section 9 of the Agreement.
- 3. All the representations and warranties made by Incumbent in the Agreement are true and correct with respect to Incumbent as of the date of this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this date of \_\_\_\_\_\_\_ 2007.

#### COUNTY OF PALM BEACH, FL BY ITS BOARD OF COUNTY COMMISSIONERS

By:
Name: Addie Greene
Title: Chairperson
ATTEST:
SHARON R. BOCK, CLERK &
COMPTROLLER
By:
Deputy Clerk
APPROVED AS TO FORM & LEGAL SUFFICIENCY
By:
Assistant County Attorney
APPROVED AS TO TERMS AND CONDITIONS
By: Director, Racilities Dev. & Ops. NTD
Director, Racilities Dev. & Ops.

 $Nextel-Mod/Assign-No\ Equipment-No\ Consideration$ 

#### CLOSING CERTIFICATE OF NEXTEL SOUTH CORP.

I do hereby certify on behalf of Nextel South Corp., a wholly-owned indirect subsidiary of Nextel Communications, Inc., a Delaware corporation ("Nextel"), that:

- 1. Nextel is a corporation or other entity and the undersigned is a duly appointed and acting officer of it.
- 2. That Nextel has in all material respects complied with, satisfied or performed all obligations and conditions under that certain Frequency Reconfiguration Agreement (the "Agreement"), dated August 15,2006, by and between Nextel, and County of Palm Beach, FL, a governmental agency (the "Incumbent") required to be complied with, satisfied or performed by it on or prior to this date as a condition of Closing, including but not limited to the Closing Conditions set forth in Section 9 of the Agreement.
- 3. All the representations and warranties made by Nextel in the Agreement are true and correct with respect to Nextel as of the date of this Certificate.

NEXTEL SOUTH CORP.

By: William M. Jenkins
Title: Authorized Signatory



#### 800 MHZ RECONFIGURATION

#### **COMPLETION CERTIFICATION**

Incumbent Name: County of Palm Beach, FL

#### Certification

Pursuant to the FCC's order mandating the 800 MHz band reconfiguration (the "Order"), the above-name incumbent licensee (the "Incumbent") hereby certifies to the Transition Administrator appointed pursuant to the Order as follows:

- 1. That Incumbent has relinquished its original 800 MHz frequencies identified on Schedule A attached and reconfigured its facilities to operate on the replacement frequencies identified on Schedule B attached (the "Replacement Frequencies");
- 2. That all work required to reconfigure Incumbent's facilities to operate on the Replacement Frequencies has been satisfactorily completed; and
- 3. That Nextel South Corp. ("Nextel") and Incumbent have agreed that no money (\$0.00) was required to reconfigure Incumbent's facilities to operate on the Replacement Frequencies.

Signatur	re:	An	m	WUL	F		(Ti n
Print Na		drey W			1		1172
Title: _	Directo	r, Fac	iliti	es Deve	lopment	& Opns	_
Phone N	lumber:	(561)	233-	-0200			
E-mail:	awo1f		v.con	1			_
Date:	2/27/0	7					_

#### **SCHEDULE A**

#### **Incumbent Frequencies**

Incumbent's Name: County of Palm Beach, FL

**Incumbent Assigns to Nextel:** 

CALLSIGN	Frequencies	Licensee	Location	# of Freq	Exp. Date	Lat (N)	Long (W)
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WNDD563	852.8875	Palm Beach, County of	Boynton Beach, FL	1	10/22/2012	26- 32- 28	80-4- 18
WNDD563	853.5125	Palm Beach, County of	Greenacres, FL	1	10/22/2012	26- 38- 46	80- 10- 21
WPLU658	853.3875	Palm Beach, County of	West Palm Beach, FL	1	02/24/2013	26- 40- 37.2	80-6- 37.2
WPLU658	853.3875	Palm Beach, County of	West Palm Beach, FL	1	02/24/2013	26- 40- 37.2	80-6- 37.2
WPLU658	853.3875	Palm Beach, County of		1	02/24/2013	26- 41- 4.2	80- 22- 21.2
WPLU658	853.3875	Palm Beach, County of		1	02/24/2013	26- 41- 4.2	80- 22- 21.2
WPLU658	853.3875	Palm Beach, County of		1	02/24/2013	26- 41- 4.2	80- 22- 21.2

#### **SCHEDULE B**

### **Replacement Frequencies**

Incumbent's Name: County of Palm Beach, FL

**Nextel Assigns to Incumbent:** 

Replacement Frequencies	Lat (N)	Long (W)	ERP (W)	Gnd Elev (ft)	Ant. Height (ft)	New Licens ee	Location
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