

[Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel.]

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Resolution approving settlement of administrative action before the Federal Communications Commission, WT docket No. 02-55, involving the City and County of San Francisco against the Sprint/Nextel Corporation for the reconfiguration of the City's 800 MHz Radio Communications System.

WHEREAS, the City operates and maintains an 800 MHz radio communications system that provides radio communications for over 60 City departments, including radio systems of the police and emergency services. The 800 MHz system is the City's primary emergency communications system and consists of over 9,476 radios. Over the last ten years public safety radio systems throughout the United States like the one operated by the City , suffered disruptions because the Federal Communications Commission (FCC) assigned several radio frequencies in the 800 MHz band to Sprint for its commercial radio network; and

WHEREAS, In 2004, the FCC issued a Report and Order and a Supplemental Order to reconfigure the frequency allocations of the 800 MHz band (Order) which required reconfiguration of the City's Radio Communications System, including radio systems of the police and emergency services; and

WHEREAS, The Order required that Sprint/Nextel pay the costs of the reconfiguration and the creation of a reconfiguration plan that would not impact the reliability of the City's vital services; and

WHEREAS, on June 26, 2007, the Board of Supervisors approved Ordinance No. 151-07 (File No. 070700) authorizing a settlement of \$861,424 and approving use of the funds to develop a proposal for the implementation work required to safely reconfigure the City's equipment; and

1 WHEREAS, the City created a detailed plan for the reconfiguration of the affected radio
2 frequencies which the City submitted to Sprint on February 7, 2008, and which Sprint agreed
3 to on April 1, 2009; and

4 WHEREAS, The current settlement sum is broken down between monies that will be
5 paid to the City directly and monies that will go to vendors selected by the City and approved
6 by Sprint and the FCC to provide the equipment and perform the technical work that cannot
7 be done by the City; and

8 WHEREAS, The key provisions are as follows:

9 (a) The total settlement amount is \$4,058,888.77 which must be allocated as
10 approved by the FCC.

11 (b) The settlement will cover the City's costs of the reconfiguration.

12 (c) The City will receive \$1,652,027.74 to reimburse the Department of Technology
13 and the City Attorney's Office for the work related to the frequency reconfiguration; and

14 WHEREAS the Director of DT is hereby authorized to settle the claim of the City
15 against Sprint for financial reimbursement for the relocation of the City's radios on the 800
16 MHz band pursuant the Order according to the terms of the Frequency Reconfiguration
17 Agreement, dated April 1, 2009, which is on file with the Clerk of the Board of Supervisors in
18 File No. 090500 and declared to be a part of this resolution as if fully set forth herein; now,
19 therefore, be it

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1 RESOLVED, That pursuant to Section 10.24 of the San Francisco Administrative Code,
2 settlement of claim by payment of \$4,058,888.77 is hereby approved.
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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

RECOMMENDED
Department of Technology

10 By: _____
11 Deputy City Attorney
12 Margarita Gutierrez

By: _____
CHRIS VEIN
Executive Director