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11/12/96

OHIO TURNPIKE COMMISSION

Resolution Authorizing the Executive Director to Negotiate and Contract with Personal Communication Services Licensees Concerning Relocation of the Commission's Microwave Facilities and Systems

WHEREAS, the Commission currently operates a microwave communications system on various microwave bands and microwave paths;

WHEREAS, the Commission holds licenses or other operating authorizations issued by the Federal Communications Commission ("FCC"), in whole or in part, to operate its microwave facilities in the 2 GHz band; and

WHEREAS, the Commission operates one or more radio systems along various microwave paths for the purpose of transmitting or receiving, in whole or in part, on frequencies in the 2 GHz band; and

WHEREAS, the FCC has reallocated the 2 GHz band and has auctioned Personal Communication Services ("PCS") licenses; and

WHEREAS, the Commission shall be required to clear and relocate from the 2 GHz band as a result of the FCC's auction of PCS licenses to PCS providers;

WHEREAS, new PCS providers/licensees are required to relocate or to pay for the clearing of incumbent or previous license holders, such as the Ohio Turnpike Commission, from newly assigned bands because FCC rules state that the new PCS provider/licensee must not interfere with the old or the incumbent microwave users;

WHEREAS, the new PCS provider in the 2 GHz band must either protect the incumbents, such as the Commission, against interferences or negotiate an agreement which may provide for a cash settlement and/or relocation of incumbent to alternative frequencies;

WHEREAS, FCC rules provide for separate, voluntary and involuntary time schedules for "public safety" and "non-public safety" entities within which to negotiate a non-interference agreement; and

WHEREAS, it is in the best interests of the Commission to commence negotiations for an agreement or agreements with any PCS licensee provider and/or its agents during the voluntary negotiation period;

NOW, THEREFORE, BE IT

RESOLVED that because the FCC has reallocated the 2 GHz band and thereby causing the Commission to relocate its microwave facilities and communication systems, the Commission authorizes and directs the executive director to take any necessary action to negotiate and enter into agreement(s) with any one or more PCS provider/licensees, or their agents, and the agreement(s) may provide for non-interference, relocation, comparable facilities and/or a cash settlement; the general purpose of any agreement shall be the relocation or vacation of one or more paths on the Commission's microwave system(s) from the 2 GHz band in any PCS block, major trading area(s) or frequency block allocation.

(Resolution No. 70-1996 adopted November 12, 1996)