

RESOLUTION NO. 2008-94

AUTHORIZING THE GENERAL MANAGER/SECRETARY-TREASURER TO ACCEPT PAYMENT FROM T-MOBILE CORPORATION AND TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPENSATE GCRTA FOR CERTAIN 2110 TO 2155 MHZ FREQUENCIES THAT WERE AUCTIONED OFF BY THE FCC TO T-MOBILE CORPORATION

WHEREAS, the GCRTA operates a fixed point-to-point microwave radio system on certain frequencies within the 2110 to 2155 MHz band that is utilized for its communication needs; and

WHEREAS, the Federal Communications Commission ("FCC") reallocated and auctioned the 2110 to 2155 MHz frequencies, including those used by GCRTA, to commercial enterprises such as T-Mobile Corp. for use by emerging technologies known as Advanced Wireless Services ("AWS"); and

WHEREAS, T-Mobile agreed to compensate GCRTA by reimbursing GCRTA for the loss of the frequencies, in the amount of one hundred ninety-nine thousand nine hundred sixty-five & 00/100 dollars (\$199,965.00); and

WHEREAS, in accordance with the terms and conditions of the agreement with T-Mobile, GCRTA shall, by September 30, 2008, discontinue use of the microwave length, terminate the license for the existing microwave length, and remove and dispose of any existing GCRTA equipment located at the tower in which the frequencies are located.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the General Manager/Secretary Treasurer is hereby authorized and directed to enter into an agreement with T-Mobile, essentially in the form of the attached agreement, to accept payment from T-Mobile Corporation and execute all documents necessary to complete the transfer of the radio frequencies.

Section 2. That the payment by T-Mobile Corporation be deposited into the General Fund.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: June 17, 2008



President

Attest: 

CEO, General Manager/ Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING THE GENERAL MANAGER/SECRETARY-TREASURER TO ACCEPT PAYMENT FROM T-MOBILE CORPORATION AND TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPENSATE GCRTA FOR CERTAIN 2110 TO 2155 MHZ FREQUENCIES THAT WERE AUCTIONED OFF BY THE FCC TO T-MOBILE CORPORATION	Resolution No.: 2008-94
	Date: June 12, 2008
	Initiator: Service Management
ACTION REQUEST: <input type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will allow the Authority to accept payment from T-Mobile Corporation for certain frequencies obtained by T-Mobile after they were auctioned off by the Federal Communications Commission (FCC).
- 2.0 **DESCRIPTION/JUSTIFICATION:** The FCC auctioned microwave frequencies currently used by the GCRTA for the microwave link between the Parma TV8 Tower and Rail Headquarters. The FCC directed mandatory negotiation periods for the auction winners, which included T-Mobile Corporation, in order for the auction winners to compensate those entities, such as GCRTA, which were required to vacate and relocate their affected networks. T-Mobile approached GCRTA and agreed to compensate GCRTA \$199,965.00. This amount represented an agreed-upon estimate of costs for GCRTA to vacate the frequency by September 30, 2008 and, if it chooses, relocate the frequency. Payment will be made to GCRTA within forty-five (45) days of completion of GCRTA's obligations.
- 3.0 **PROCUREMENT BACKGROUND:** This contract was not competitively negotiated. The frequencies were auctioned off by the FCC to T-Mobile among others, and T-Mobile, as required by the FCC, negotiated a compensation amount.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** This disposal is consistent with the Greater Cleveland Regional Transit Authority's disposition of property policy.
- 6.0 **ECONOMIC IMPACT:** The GCRTA will be compensated in the amount of \$199,965.00. The payment will be deposited into the General Fund. It is not anticipated that this action will cause an expenditure of funds.
- 7.0 **ALTERNATIVES:** Reject this offer. GCRTA may lose its ability to be compensated for the frequencies.
- 8.0 **RECOMMENDATION:** It is recommended that the Board of Trustees authorize the General Manager/Secretary-Treasurer to execute all documents necessary to transfer the frequencies and to accept the payment from T-Mobile in the amount of one hundred ninety-nine thousand nine hundred sixty-five & 00/100 dollars (\$199,965.00).
- 9.0 **ATTACHMENTS:** Agreement with T-Mobile Corporation.

Staff Summary And Comments
Page 2

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer