



Federal Communications Commission  
Washington, D.C. 20554  
DA 07-1042

March 6, 2007

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RE: Sprint Nextel Corporation's Progress Report for 800 MHz Band Reconfiguration filed January 26, 2007 (WT Docket No. 02-55).

Dear Messrs. Kelly and Haan:

On January 26, 2007, Sprint Nextel Corporation (Sprint) filed a report with the Federal Communication Commission's Public Safety and Homeland Security Bureau on the status of 800 MHz band reconfiguration and the steps Sprint has taken to meet the eighteen month interim benchmark established by the Commission.<sup>1</sup> The interim benchmark requires Sprint, as of December 26, 2006, (1) to relocate all incumbents from Channels 1-120 (other than Sprint and SouthernLINC) in the first twenty National Public Safety Planning Advisory Committee (NPSPAC) regions scheduled for reconfiguration by the 800 MHz Transition Administrator (TA), and (2) to initiate retuning negotiations with all NPSPAC licensees in these regions.<sup>2</sup> Sprint contends that it has satisfied this benchmark.<sup>3</sup>

In the *800 MHz Report and Order*, the Commission stated that the TA must certify that Sprint has completed the retuning necessary to meet the eighteen month benchmark.<sup>4</sup> In the *800 MHz Supplemental Order*, the Commission modified the benchmark,<sup>5</sup> and subsequently, Sprint filed a petition for reconsideration seeking clarification on the issue of how the benchmark is defined. While this petition is pending, we do not believe that it is appropriate for the TA to draw any legal conclusions regarding whether Sprint's rebanding activities are sufficient to meet the benchmark as defined by the Commission's orders. In order for rebanding to proceed as efficiently as possible, however, we do request that the TA certify that Sprint has completed the rebanding activities described in the Sprint Report. We will make a

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<sup>1</sup> See Progress Report dated January 26, 2007, from Lawrence R. Krevor, Vice President – Spectrum Sprint Nextel Corporation and James B. Goldstein, Director – Spectrum Reconfiguration, Sprint Nextel Corporation, to David L. Furth, Associate Chief, Public Safety and Homeland Security Bureau (Sprint Report).

<sup>2</sup> Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 ¶¶ 28, 346 (2004) (*800 MHz Report and Order*); *Supplemental Order and Order on Reconsideration*, WT Docket No. 02-55, 19 FCC Rcd 25120 ¶ 53 (2004) (*800 MHz Supplemental Order*).

<sup>3</sup> Sprint Report at 9.

<sup>4</sup> *800 MHz Report and Order*, 19 FCC Rcd 14969 at ¶¶ 28 and 346.

<sup>5</sup> *800 MHz Supplemental Order*, 19 FCC Rcd 25120 at ¶ 53.

determination about the sufficiency of these activities at a later date. Please report back to us with your findings within fourteen days of the date of this letter.

FEDERAL COMMUNICATIONS COMMISSION

David L. Furth  
Associate Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission