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January 20, 2005

VIA E-MAIL + MAIL

Robert Kelly, Esq.
Office of Transition Administrator
c/o Squires Sanders & Dempsey, LLP
1201 Pennsylvania Ave. NW
P.O. Box 407
Washington, DC 20044-0407
rkelly@ssd.com

Re: FCC Docket No. 02-55, 800 MHz Rebanding;
Notice Re 800 MHz Channel Relocation Plans

Dear Mr. Kelly:

This firm represents Mobile Relay Associates (“MRA”) in the captioned proceeding. MRA is an 800 MHz SMR licensee holding site-based licenses. MRA’s 800 MHz licenses are listed in Exhibit 1 attached hereto and incorporated herein by reference. That exhibit identifies each license by call sign and channel(s). **All of the licenses are in the Denver, Colorado EA.**

MRA does not contend that it was operating an ESMR system (as defined by the FCC in its *Report and Order*¹) as of November 22, 2004. (Therefore, no declaration under penalty of perjury is required with this letter.) However, MRA timely filed a petition for review of the *Report and Order* with the US Court of Appeals for the District of Columbia Circuit, Case No. 04-1413, which remains pending and which, if resolved in MRA’s favor, would result in MRA being allowed to relocate its 800 MHz spectrum into the new ESMR band.

¹*Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, as corrected by three *Errata* released September 10, 2004, October 6, 2004 and October 29, 2004, respectively, 19 FCC Rcd. 4969 (2004), summary published, 69 *Fed. Reg.* 67823 (November 22, 2004).

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Accordingly, MRA hereby requests that the Transition Administrator, in its forthcoming report and recommended plan to be filed with the Federal Communications Commission on January 31, 2005, in making any recommendation or proposed rebanding within 800 MHz, ensure that such proposed rebanding plan will accommodate the relocation of MRA's 800 MHz spectrum into either the new ESMR band, or into the band immediately adjacent to the new ESMR band, as MRA may elect in the future depending upon the outcome of the pending court case.

Please direct any questions or correspondence concerning this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Kaufman', with a long horizontal line extending to the right.

David J. Kaufman

Encl. (Exhibit 1)

cc(w/encl.):

Mobile Relay Associates

FCC (via ECFS)

800 MHz Licenses held by Mobile Relay Associates

Callsign Frequencies

WPEQ759	855.6625
WNCD872	856.6625
	857.6625
	858.6625
	859.6625
	860.6625
	851.0375
	852.3125
	853.0125
	854.1125
	855.5125
WPMH441	855.1625
WYY839	851.2875
WPKM267	853.4125
WPYR812	851.6125
WPMH452	855.1875
WPMH454	854.9375
KNHH521	852.1125
WNXN898	853.7375
	854.2125
	853.7375
	852.8875
	853.3875
	853.2125
	852.4375
	854.5125
	854.7875
	853.5875
	851.2875
	855.6625
	855.7875
853.7125	
851.6625	
854.0125	
WYY828	851.5625
	851.4875
WPZT722	855.0125
WPCA896	854.9375
	855.1625
	855.1875
WPTA425*	855.2625

*WPTA425 is licensed to Laing Electronics, Inc.. However, there is an assignment application pending with the Commission, file number 0002010528, to assign the license to Mobile Relay Associates