



STATE OF NEW JERSEY  
DIVISION OF THE RATEPAYER ADVOCATE  
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RICHARD J. CODEY  
*Acting Governor*

SEEMA M. SINGH, Esq.  
*Ratepayer Advocate  
and Director*

March 30, 2005

**VIA ELECTRONIC &  
OVERNIGHT DELIVERY**

Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: In the Matter of Applications for the Transfer of Control of Licenses  
and Authorizations from Nextel Communications, Inc. and its  
Subsidiaries to Sprint Corporation  
WT Docket No. 05-63**

Dear Secretary Dortch:

The New Jersey Division of the Ratepayer Advocate ("Ratepayer Advocate") hereby submits this Petition to Deny in the above-captioned proceeding.

Respectfully Submitted,

SEEMA M. SINGH, ESQ.  
RATEPAYER ADVOCATE

By: Christopher J. White  
Christopher J. White, Esq.  
Deputy Ratepayer Advocate

Cc: *(Via Electronic Mail)*  
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JoAnn Lucanik, Satellite Division, International Bureau  
Sue E. Benedek, Sprint

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the matter of</b>	)	
	)	
<b>Applications for the Transfer of Control of</b>	)	<b>WT Docket No. 05-63</b>
<b>Licenses and Authorizations from Nextel</b>	)	
<b>Communications, Inc. and its Subsidiaries to</b>	)	
<b>Sprint Corporation</b>	)	

**Petition to Deny**

**of**

**The New Jersey Division of the Ratepayer Advocate**

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RATEPAYER ADVOCATE  
New Jersey Division of the Ratepayer Advocate  
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In order to protect all ratepayers, the New Jersey Division of the Ratepayer Advocate (“Ratepayer Advocate”) is statutorily authorized to represent all New Jersey utility consumers, including consumers of telecommunications services.<sup>1</sup> Both Nextel Communications, Inc. (“Nextel”) and Sprint Corporation (“Sprint”) operate in New Jersey or otherwise provide telecommunications services to consumers in New Jersey.

The Application for Transfer of Control (“Application”) filed by Nextel and Sprint (“Applicants”) asserts that merger will enhance the merged company’s position as the premier wireless communications carrier, will significantly benefit consumers, will promote development of wireless interactive multimedia services, and will promote competition. Applicants assert that these alleged results could not be achieved as quickly by each company on a stand alone basis.

Pursuant to Sections 214(a) and 310 (d) of the Communications Act, the Federal Communications Commission (“FCC” or “Commission”) must determine whether the Applicants have demonstrated that the proposed transfer of control of licenses and authorizations will serve and further the public interest.

The public interest standards of Sections 214 (a) and 310 (d) involve a balancing process that weighs the potential public interest harm of the proposed transaction against the potential public interest benefits. The public interest evaluation encompasses the broad aims of the Act including a deep rooted preference for preserving and enhancing competition in relevant markets, accelerating private sector deployment of advanced services, ensuring a diversity of licenses and management of the spectrum. This entails, but is not limited to, assessing whether the merger will affect

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<sup>1</sup> See Executive Order 001-1994, N.J.S.A. 13:1D-1(1994) and N.J.S.A. 52:27E-50, *et. seq.*

the quality of communications services or will result in the provision of new or additional services to consumers.

The proposed transfer poses significant adverse affects upon all wireless services consumers, and New Jersey wireless services consumers in particular. The Ratepayer Advocate hereby asks that the FCC deny the above captioned Application unless appropriate conditions are imposed to guarantee that

- Competition will not be harmed by virtue of the elimination of a substantial competitor in the wireless telecommunications service market;
- Consumers will not be harmed by the reduced competition when the current price competition by and between Applicants cease.
- The merged company will bring to market expeditiously the advanced technologies referenced in the Application and at fair and reasonable prices to consumers even if Applicants can demonstrate no adverse effects on competition are present.

Unless Applicants sustain their burden of proof, and appropriate conditions are imposed, the transaction is not in the public interest. Therefore, the Ratepayer Advocate respectfully asks that the Commission deny the transfer of control of licenses and authorizations at this time.

I declare under penalty of perjury that the foregoing statements are true and correct.

SEEMA M. SINGH, ESQ.  
RATEPAYER ADVOCATE

Date: March 30, 2005

By: Christopher J . White  
Christopher J. White, Esq.  
Deputy Ratepayer Advocate