

band reconfiguration at issue herein. AIRPEAK has supported the FCC's decision to bifurcate the band so that ESMR and non-ESMR systems will be separated in the future. The Company concurs with the FCC and with Nextel that this bifurcation is necessary to alleviate interference to public safety and other 800 MHz incumbents. AIRPEAK has personal knowledge of the problem since its own network already has caused interference to public safety operations in both Nevada and Washington. It is prepared to move forward with the reconfiguration of its system at the earliest opportunity and has attempted to initiate discussions with Nextel for that purpose to no avail.

Contrary to Nextel's assertion, AIRPEAK has done nothing to "create uncertainty and hamper implementation of the Commission's 800 MHz reconfiguration plan."² As detailed in the Waiver Request and as further discussed below, the Company has requested limited waivers involving a modest amount of spectrum in a small number of markets. In one case, the FCC itself suggested that waiver relief might be warranted.³ In two other instances, waivers are requested because the FCC modified the rules governing the migration of site-based licenses to the ESMR band **after** the deadline for qualifying such licenses for relocation. The fourth waiver would allow some additional time for AIRPEAK to complete deployment of a small number of additional systems in a half-dozen markets.

All of the stations at issue were identified in the Company's TA election filing. The reconfiguration process can proceed as scheduled with the understanding that the number of replacement ESMR channels will be adjusted depending on the FCC's action on the Waiver Request.⁴ Since Nextel has consistently failed to respond to AIRPEAK's repeated requests to

² Opposition at p. 8.

³ Supplemental Order at n. 193.

⁴ Since Nextel has stated that it must be assigned contiguous spectrum in the ESMR band, any subsequent adjustment should not be disruptive of Nextel's band plan.

initiate discussions on rebanding, there is no ongoing implementation effort to hamper *vis-à-vis* the spectrum at issue herein.

II. THE RELIEF REQUESTED IS CONSISTENT WITH FCC WAIVER STANDARDS, WILL HAVE ONLY A MINIMAL IMPACT ON NEXTEL, AND WILL PROMOTE THE OBJECTIVES OF THIS PROCEEDING BY ELIMINATING INTERFERENCE TO AND PROVIDING ADDITIONAL SPECTRUM FOR PUBLIC SAFETY SYSTEMS.

Nextel has challenged virtually every aspect of the Waiver Request. It claims that AIRPEAK has failed to justify waiver relief with sufficient particularity,⁵ yet also lodges an anticipatory objection to the Company's request for reconsideration of the Supplemental Order in respect to the two waiver issues that relate specifically to that Order.⁶ It argues that the Request should have been addressed to the Commission rather than the Wireless Telecommunications Bureau,⁷ although the Commission clearly has delegated ongoing responsibility for implementation of this proceeding to the Bureau as evidenced by the numerous Orders issued by the Bureau or even the Public Safety and Critical Infrastructure Division in the proceeding. Nextel insinuates that filing the Waiver Request was an attempt by AIRPEAK to avoid public review of and comment on its pleading,⁸ despite the fact that the Request was filed on the record in this rule making proceeding through the FCC's normal ECFS process and assuredly was seen by Nextel as evidenced by its Opposition. Nextel alleges that AIRPEAK has made no public interest argument in support of its Waiver Request⁹ when, in fact, Nextel simply disagrees with the showing that was made.

In addition to enumerating what it perceives to be AIRPEAK's sins of omission, Nextel also has offered a litany of sins of commission. It claims that grant of the Waiver Request would

⁵ Opposition at pp. 6-7

⁶ *Id.* at n. 11.

⁷ *Id.* at n. 20.

⁸ *Id.* at pp. 7-8.

⁹ *Id.* at p. 9.

“effectively eviscerate the underlying rules that are essential to ensuring a successful reconfiguration of the band....”¹⁰ It states that the Request is an attempt by AIRPEAK to enhance its competitive spectrum position,¹¹ an extraordinary claim coming from Nextel, particularly in light of the recommendations made in its original White Paper and the positions it has taken throughout this proceeding. It warns, without explanation, that grant of the Request “would have far-reaching effects.”¹² Most astounding, Nextel has asserted that grant of the Company’s request “could disrupt Nextel’s continued service to its nationwide ESMR customers.”¹³

Perhaps Nextel’s network is significantly more fragile than imagined. Otherwise, it simply is not possible to explain how the very modest amount of spectrum at issue in the Request could have any discernible impact on Nextel’s ongoing service to its customers, even in the small number of markets in which waiver relief is requested.

AIRPEAK holds EA licenses and asserts ESMR status in only twenty-one (21) of the one hundred seventy-two (172) EAs in the nation. Nextel, of course, has substantial spectrum holdings in each of those one hundred seventy-two (172) markets. The Company’s largest holdings in any EA are approximately 6.5 MHz in Reno, NV, of which 3.5 MHz is pursuant to EA licenses. The average is less than 3 MHz and the mean is even smaller. By contrast, as the result of this proceeding and without any further 900 MHz acquisitions, Nextel will hold at least 27 MHz of spectrum in each of these markets, and sometimes almost 30 MHz, less only whatever ESMR band spectrum is needed to relocate the Company’s network.¹⁴

Substantially all of AIRPEAK’s spectrum qualifies for ESMR status under the standards

¹⁰ *Id.* at p. i.

¹¹ *Id.*

¹² *Id.* at p. 7.

¹³ *Id.* at p. ii.

¹⁴ This is based only on Nextel’s spectrum holdings in the 800 MHz, 900 MHz and 1.9 GHz bands, not the spectrum it controls at 2.5 GHz or the combined holdings it will have should it merge with Sprint.

set out in the 800 MHz Order and the Supplemental Order. Thus, the potential impact alleged by Nextel in its Opposition is attributable entirely to the spectrum associated with the stations for which waiver relief is requested. As detailed below, it simply is not credible that the loss of this spectrum could “disrupt Nextel’s continued service to its nationwide ESMR customers.”¹⁵

It may be useful first to dispose of Nextel’s procedural objections to granting waiver relief to AIRPEAK. As Nextel certainly knows, and as addressed in the Waiver Request, Section 1.925 establishes alternative bases for waiver consideration. The Commission has broad discretion to determine whether such relief is appropriate. The Company believes it has demonstrated that application of the rules would be inequitable, unduly burdensome and contrary to the public interest in light of its unique factual circumstances, but even if the FCC found otherwise, it would have authority to grant the Request if it determined that AIRPEAK had no reasonable alternative. Nextel is simply incorrect when it asserts that the FCC is barred from granting waiver relief in this instance.

Nextel also overstates the potential impact of the Request. The Transition Administrator (“TA”) has reported that it received a total of four (4) ESMR election filings.¹⁶ The RPP notes that one of those filings was submitted purportedly on behalf of another licensee, which licensee subsequently notified the TA that the party in question had no authority to submit the election and disavowed any claim to ESMR status. Thus, at most, there are three (3) non-Nextel, non-Southern LINC ESMR operations in the nation. A review of their spectrum positions and the markets in which they hold licenses will confirm that whatever decision the FCC makes in respect to the Waiver Request, and even if it were deemed applicable to similarly situated entities, the effect will not be “far reaching.”

¹⁵ See n. 13.

¹⁶ See Regional Prioritization Plan of the 800 MHz Transition Administrator filed on January 31, 2005 at pp. 10-13 (“RPP”).

A. Stations Operating Under Lease Authority

The FCC itself suggested that stations integrated into an ESMR network under lease authority pending FCC consent to assignment of the licenses might qualify for waiver relief.¹⁷ Any other result would elevate the idiosyncrasies of the FCC's licensing process over the fact that this spectrum had been integrated into an ESMR network by the relevant date pursuant to lease authority granted by the Commission. If approved, this relief would increase AIRPEAK's ESMR holdings by no more than the following amounts:¹⁸

| | |
|-----------------------------|---------|
| EA151 (Reno, NV-CA) | .25 MHz |
| EA153 (Las Vegas, NV-AZ-UT) | .75 MHz |

B. Stations Without Overlapping 40 dBu/V Contours

The requirement that site-based cells must have a 40 dBu/V contour overlap with another cell site in an ESMR network to qualify as "integrated" into that network and, therefore, as eligible for conversion to the ESMR band was adopted by the FCC in the Supplemental Order. Yet the Supplemental Order was adopted one month **after** the deadline by which site-based stations were required to qualify for ESMR conversion.¹⁹ The stations below had been deployed and were integrated into the AIRPEAK network prior to the deadline, but did not have overlapping contours with another site in the network. Had the FCC announced this condition in the 800 MHz Order, AIRPEAK would have had an opportunity to comply with it. It did not and is barred by the Administrative Procedures Act²⁰ and by fundamental notions of equity from applying it retroactively and thereby excluding the following AIRPEAK spectrum from ESMR conversion status:

¹⁷ Supplemental Order at ¶ 193.

¹⁸ AIRPEAK has realized that one station, call sign KBNP741, was identified as having been deployed pursuant to lease authority in the Waiver Request. That is incorrect. The station was not deployed in the ESMR network by November 22, 2004. Its projected construction date is the second quarter of 2005.

¹⁹ Even then, the Supplemental Order offered no explanation for the new recondition. There is literally nothing in the record to explain or justify it as a retroactively adopted condition precedent.

²⁰ 5 U.S.C. §§ 551 *et seq.*

| | |
|--------------------------------------|----------|
| EA166 (Eugene-Springfield, OR-CA) | 1.50 MHz |
| EA169 (Richland-Kennewick-Pasco, WA) | .50 MHz |

C. Stations Not Yet Deployed in the ESMR Network on the Deadline

AIRPEAK recognizes that only stations integrated into its ESMR network by the November 22, 2004 deadline would qualify for conversion to the ESMR band under the original 800 MHz Order. The Company explained in the Waiver Request why it was unable to complete redeployment in its network of some spectrum in certain markets and requested a limited extension of the deadline for the reasons described therein.

In particular, AIRPEAK noted grant of its request would serve the public interest as it would increase the below-862 MHz channel supply for public safety entities in those markets by the amounts specified below since the Company would vacate the spectrum in question.

| | |
|--|------------------------|
| EA153 (Las Vegas, NV-AZ-UT) | 1.35 MHz ²¹ |
| EA163 (San Francisco-Oakland-San Jose, CA) | .05 MHz |
| EA166 (Eugene-Springfield, OR-CA) | 1.00 MHz |
| EA167 (Portland-Salem, OR-WA) | .05 MHz |
| EA168 (Pendleton, OR-WA) | .25 MHz |
| EA169 (Richland-Kennewick-Pasco, WA) | 1.25 MHz |

D. Site-Based for EA-Wide Exchanges Under Certain Circumstances

The last category of waiver relief requested should be the least controversial yet Nextel excoriates AIRPEAK for even suggesting that the FCC consider permitting the exchange of site-based for EA-wide spectrum under certain conditions.²² Of course, the Commission originally had determined that qualified site-based spectrum would be exchanged for unencumbered EA-

²¹ Four stations were incorrectly identified on Attachment C to the Waiver Request as not deployed in AIRPEAK's ESMR network as of the November 22, 2004 deadline: WNCS310, WPOX417, WPQI251 and WPOX419. In fact, they were constructed pursuant to lease authority as noted correctly on Attachment A of the Request. Additionally, some of the stations identified as unconstructed on Attachment C are co-channel with facilities that were deployed prior to the deadline. Those duplicate channels are not included in this count since the spectrum has been integrated into the network in the urban core. Finally, a corrected and updated Attachment C has been attached to reflect the current status of station deployment. See Exhibit 1.

²² Opposition at p. 9.

wide spectrum in the ESMR band. It subsequently reversed that decision in the Supplemental Order without explanation and without any party suggesting on the record that it do so.

AIRPEAK has not requested that the FCC “eviscerate” its revised rule. Indeed, it specifically endorsed what it speculated might have been the FCC’s reasoning and agreed that site-based licenses with nominal EA coverage should not be allowed to “trade up” to unencumbered EA spectrum. However, it simply is administratively more practical to exchange a site-based license with a contour already covering virtually all of the EA population for an EA-wide license.

AIRPEAK suggested a fifty percent (50%) coverage test, although in the sample market provided with the Waiver Request its 22 dBu/V contours covered between eighty-one percent (81%) and ninety-one percent (91%) of the EA population. It used a 22 dBu/V contour because that is the current definition of the contour within which a site-based licensee may relocate or add facilities.²³ The Company does not disagree with Nextel’s assertion that the rules limit protection to only a 40 dBu/V contour.²⁴ Nevertheless, facilities, including facilities operated by Nextel, routinely are located at sites outside that zone of protection in accordance with the FCC’s rules. However, for purposes of illustration, AIRPEAK has recalculated its population coverage in the sample market based on its 40 dBu/V contours and the percentages barely change.²⁵

Whether Nextel could provide usable service to this remaining, rural population while still protecting AIRPEAK’s operations is unknown. Based on Nextel’s typical deployment practices which concentrate on urban markets and the corridors connecting them, it is unlikely that they will do so, at least for some considerable time. Under these circumstances, it is unclear why Nextel believes that the exchange proposed by AIRPEAK would have any substantive

²³ 47 C.F.R. § 90.693.

²⁴ Opposition at p. 9.

²⁵ See Exhibit 2.

impact on Nextel's spectrum requirements or its ability to continue providing service to its nationwide ESMR customers.

What is clear is that Nextel's real objection is not to the *de minimis* impact that the requested waivers would have on Nextel's spectrum holdings but to AIRPEAK's right to relocate to the ESMR band at all. Nextel disputes the record evidence that the Company's network must be moved to the ESMR band for precisely the same reason Nextel's iDEN network must move: AIRPEAK's network already has caused interference to public safety systems in the band and can be expected to continue doing so as it and those entities expand their respective systems. It mischaracterizes AIRPEAK's network architecture as high-site²⁶ when, in fact, the majority of the Company's cell sites are co-located with or at sites even lower than Nextel's in the same markets, a system design dictated by its much more limited spectrum holdings and the need to maximize channel reuse.

Further, surely even Nextel cannot credit its argument that AIRPEAK could use a combination of ESMR and non-ESMR spectrum in its network because Nextel itself has used spectrum from both band segments in its operations.²⁷ It fails to mention, and perhaps believes the FCC and AIRPEAK will not recall, that Nextel did so when the rules permitted ESMR operations throughout the band. That is no longer the case. AIRPEAK cannot bifurcate its network between band segments in these markets any more than Nextel could. Taken in its most favorable light that suggestion is disingenuous and cannot be given any credence.

III. CONCLUSION

AIRPEAK supports the objective of the 800 MHz proceeding. The interference its ESMR network caused to public safety systems in certain markets convinced it that Nextel's position was correct; bifurcation of the 800 MHz band is necessary to protect against interference

²⁶ *Id.* at pp. ii and 11.

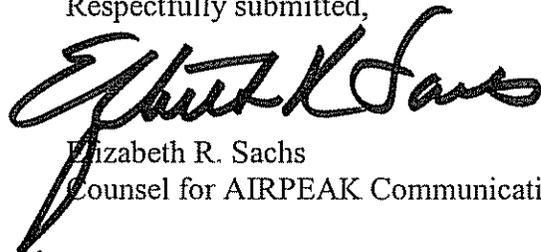
²⁷ *Id.*

to public safety and other 800 MHz incumbents from ESMR systems. The Company is prepared to begin the relocation process promptly once a plan for its migration is approved by the TA and, as appropriate, by Nextel.

The waiver AIRPEAK has requested is fully consistent with FCC requirements for such relief. It will have only a *de minimis* impact on Nextel. In some instances it is dictated by the requirements of the APA and equity. Finally, and most important, it will serve the public interest goal of removing cellular architecture facilities from the below-862 MHz band where they are most likely to cause interference and, at the same time, make additional spectrum available for public safety entities in that portion of the 800 MHz band.

For these reasons, the Company respectfully requests that the FCC grant the Waiver Request.

Respectfully submitted,



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April 4, 2005

EXHIBIT 1

Updated AIRPEAK ESMR Deployment Schedule (as of 4/1/05)

| EA | Call Sign | Location | Buildout |
|-------------------|------------------|---------------------------|-----------------|
| EA153 | KNNG473 | 3465 S Las Vegas Blvd, NV | 1st Qtr. 2005* |
| EA153 | WPCQ306 | Potosi Mtn, NV | 1st Qtr. 2005* |
| EA153 | WPDV921 | Jean NV, NV | 2nd Qtr. 2005 |
| EA153 | WPDV923 | Laughlin, NV | 2nd Qtr. 2005 |
| EA153 | WPDV925 | Angel Peak, NV | 2nd Qtr. 2005 |
| EA153 | WPDV920 | Glendale, NV | 2nd Qtr. 2005 |
| EA153 | WNXW276 | Oatman, AZ | 2nd Qtr. 2005 |
| EA153 | WNUX368 | Lake Havasu, AZ | 2nd Qtr. 2005 |
| EA163 | WNQA940 | Cobb Mtn, CA | 3rd Qtr. 2005 |
| EA166 | WNFG976 | Buck Mtn, OR | 3rd Qtr. 2005 |
| EA166 | WNQY305 | Florence, OR | 3rd Qtr. 2005 |
| EA166 | WPDC930 | Coos Bay, OR | 3rd Qtr. 2005 |
| EA166 | WPBC758 | Grants Pass, OR | 3rd Qtr. 2005 |
| EA166 | WNQY247 | Cottage Grove, OR | 3rd Qtr. 2005 |
| EA167 | WPDC990 | Mount Hebo, OR | 3rd Qtr. 2005 |
| EA168 | WNUD578 | Pendelton, OR | 3rd Qtr. 2005 |
| EA169 | KNBP741 | Rattlesnake Mtn, WA | 2nd Qtr. 2005 |
| EA169 | WNPS559 | Rattlesnake Mtn, WA | 2nd Qtr. 2005 |
| EA169 | WNDR605 | Ahtanum Ridge, WA | 2nd Qtr. 2005 |
| * Now constructed | | | |

EXHIBIT 2

**Stations (by Frequency) Whose 22 dBu/V Contour
Provides Coverage to at Least 50% of the Population in EA153**

| EA | Freq | Call Sign | Pops in 22 dBu Contour | Percentage of Population Covered | Pops in 40 dBu Contour at Licensed ERP | Percentage of Population Covered | Total Pops in EA |
|-----------|-------------|------------------|---------------------------------------|---|---|---|-----------------------------|
| 153 | 851.4875 | WNVJ762 | 1,385,347 | 81% | 1,340,941 | 78% | 1,709,797 |
| 153 | 851.4875 | WPFU355 | 1,385,347 | 81% | 1,340,941 | 78% | 1,709,797 |
| 153 | 851.5875 | WNVY310 | 1,385,347 | 81% | 1,340,941 | 78% | 1,709,797 |
| 153 | 852.2375 | KNNG473 | 1,343,596 | 79% | 1,256,117 | 73% | 1,709,797 |
| 153 | 852.5375 | WPEJ290 | 1,341,852 | 78% | 1,114,758 | 65% | 1,709,797 |
| 153 | 852.6875 | WNMJ676 | 1,381,352 | 81% | 1,341,531 | 78% | 1,709,797 |
| 153 | 852.6875 | WNVA748 | 1,381,352 | 81% | 1,341,531 | 78% | 1,709,797 |
| 153 | 852.9875 | WNMJ676 | 1,381,352 | 81% | 1,342,157 | 78% | 1,709,797 |
| 153 | 852.9875 | WNVA740 | 1,381,352 | 81% | 1,342,157 | 78% | 1,709,797 |
| 153 | 853.3125 | WNMJ676 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 853.3125 | WPDV918 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 853.3125 | WPDV919 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 853.3125 | WPDV920 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 853.3125 | WPDV921 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 853.3125 | WPDV923 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 853.3125 | WPDV925 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 853.8375 | WNMJ676 | 1,381,352 | 81% | 1,341,826 | 78% | 1,709,797 |
| 153 | 854.0625 | WPEJ290 | 1,341,852 | 78% | 1,114,758 | 65% | 1,709,797 |
| 153 | 854.5375 | WPCQ306 | 1,373,414 | 80% | 837,930 | 49% | 1,709,797 |
| 153 | 855.7875 | WNCS310 | 1,356,759 | 79% | 1,338,149 | 78% | 1,709,797 |
| 153 | 856.0625 | WNMJ676 | 1,381,352 | 81% | 1,341,790 | 78% | 1,709,797 |
| 153 | 856.1375 | WNMJ676 | 1,381,352 | 81% | 1,341,790 | 78% | 1,709,797 |
| 153 | 856.3625 | WPOX417 | 1,386,089 | 81% | 1,309,482 | 77% | 1,709,797 |
| 153 | 856.6375 | WPQI251 | 1,387,310 | 81% | 1,314,269 | 77% | 1,709,797 |
| 153 | 856.8625 | WPRR969 | 1,381,352 | 81% | 1,340,792 | 78% | 1,709,797 |
| 153 | 857.0625 | WNMJ676 | 1,381,352 | 81% | 1,341,790 | 78% | 1,709,797 |
| 153 | 857.1375 | WNMJ676 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 857.1375 | WPDV918 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 857.1375 | WPDV919 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 857.1375 | WPDV920 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 857.1375 | WPDV921 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 857.1375 | WPDV923 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 857.1375 | WPDV925 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 857.3125 | WPDV918 | 1,549,514 | 91% | 1,416,129 | 83% | 1,709,797 |
| 153 | 857.3125 | WPDV920 | 1,549,514 | 91% | 1,416,129 | 83% | 1,709,797 |
| 153 | 857.3125 | WPDV923 | 1,549,514 | 91% | 1,416,129 | 83% | 1,709,797 |
| 153 | 857.3625 | WPOX417 | 1,386,089 | 81% | 1,309,482 | 77% | 1,709,797 |
| 153 | 857.6375 | WPQI251 | 1,387,310 | 81% | 1,314,269 | 77% | 1,709,797 |
| 153 | 858.0625 | WNMJ676 | 1,381,352 | 81% | 1,341,790 | 78% | 1,709,797 |
| 153 | 858.1375 | WNMJ676 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 858.1375 | WPDV918 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |

EXHIBIT 2

**Stations (by Frequency) Whose 22 dBu/V Contour
Provides Coverage to at Least 50% of the Population in EA153**

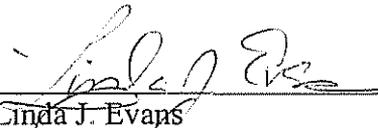
| EA | Freq | Call Sign | Pops in 22 dBu Contour | Percentage of Population Covered | Pops in 40 dBu Contour at Licensed ERP | Percentage of Population Covered | Total Pops in EA |
|-----------|-------------|------------------|---------------------------------------|---|---|---|-----------------------------|
| 153 | 858.1375 | WPDV919 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 858.1375 | WPDV920 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 858.1375 | WPDV921 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 858.1375 | WPDV923 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 858.1375 | WPDV925 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 858.3625 | WPOX419 | 1,386,089 | 81% | 1,309,482 | 77% | 1,709,797 |
| 153 | 858.6375 | WPQI251 | 1,387,310 | 81% | 1,314,269 | 77% | 1,709,797 |
| 153 | 859.0625 | WNMJ676 | 1,381,352 | 81% | 1,341,790 | 78% | 1,709,797 |
| 153 | 859.1375 | WNMJ676 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 859.1375 | WPDV918 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 859.1375 | WPDV919 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 859.1375 | WPDV920 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 859.1375 | WPDV921 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 859.1375 | WPDV923 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 859.1375 | WPDV925 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 859.3625 | WPOX419 | 1,386,089 | 81% | 1,309,482 | 77% | 1,709,797 |
| 153 | 859.6375 | WPQI251 | 1,387,310 | 81% | 1,314,269 | 77% | 1,709,797 |
| 153 | 859.7875 | KNNH532 | 1,373,579 | 80% | 1,142,505 | 67% | 1,709,797 |
| 153 | 860.0625 | WNMJ676 | 1,381,352 | 81% | 1,341,790 | 78% | 1,709,797 |
| 153 | 860.1375 | WNMJ676 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 860.1375 | WPDV918 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 860.1375 | WPDV919 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 860.1375 | WPDV920 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 860.1375 | WPDV921 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 860.1375 | WPDV923 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 860.1375 | WPDV925 | 1,554,462 | 91% | 1,428,840 | 84% | 1,709,797 |
| 153 | 860.3625 | WPOX419 | 1,386,089 | 81% | 1,309,482 | 77% | 1,709,797 |
| 153 | 860.6375 | WPQI251 | 1,387,310 | 81% | 1,314,269 | 77% | 1,709,797 |

CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, Nace, Gutierrez & Sachs, hereby certify that I have, on this 4th day of April, 2005, caused to be mailed, first-class, postage prepaid a copy of the foregoing to the following:

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