

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

In the Matter of)	
)	
)	WT Docket No. 05-62
Amendment of Part 90 of the Commission's)	
Rules to Provide for Flexible Use of the 896-)	
901 MHz and 935-940 MHz Bands Allotted to)	
the Business and Industrial Land)	
Transportation Pool)	
)	
Oppositions and Petitions for Reconsideration)	DA 04-3013
of 900 MHz Band Freeze Notice)	
)	

OPPOSITION TO REQUEST FOR EXTENSION OF TIME

Nextel Communications, Inc. ("Nextel") hereby submits its opposition to the request for an extension of time to file comments on the Notice of Proposed Rulemaking ("*NPRM*") in the above-captioned proceeding.¹ This request was filed on April 4, 2005 by the United Telecom Council, the National Association of Manufacturers and MRFAC, the Association of American Railroads, the American Petroleum Institute, the National Rural Electric Cooperative Association, and the Enterprise Wireless Alliance (collectively, the "Associations").

The Commission released the *NPRM* nearly two months ago and comments are due April 18, 2005. The Associations have requested that the Commission extend this deadline to May 18, 2005. Nextel respectfully opposes this request because it would

¹ *Amendment of Part 90 of the Commission's Rules to Provide for Flexible Use of the 896-901 MHz and 935-940 MHz Bands Allotted to the Business and Industrial Land Transportation Pool*, Notice of Proposed Rulemaking and Memorandum Opinion and Order, FCC 05-31, WT Docket No. 05-62 (released Feb. 16, 2005).

delay consideration of the Commission's proposal to auction "white space" spectrum in the 900 MHz band that will be critical to the successful and timely implementation of the Commission's 800 MHz band reconfiguration plan.

Under this plan, adopted in the *800 MHz R&O*,² Nextel will retune its 800 MHz facilities twice as part of clearing incumbent licensees from Channels 1-120 in the 800 MHz band and retuning NPSPAC licensees to these channels. This plan is designed to minimize disruption to incumbent public safety and private radio services during the transition to the new band plan, but it will place a significant strain on Nextel's operations as it clears Channels 1-120 for the new NPSPAC block and retunes its operations in the 809-817/854-862 MHz channel block.³ In the *800 MHz R&O* (¶ 336), the Commission recognized that Nextel will need access to additional 900 MHz spectrum to provide "green space" as it shifts its operations and retunes NPSPAC licensees. The Commission also recognized that Nextel will need greater access to 900 MHz channels to make up for any shortfall of 800 MHz replacement spectrum resulting from the retuning of non-Nextel ESMR licensees to the ESMR segment of the reconfigured 800 MHz band.⁴

The *NPRM* proposes to lift restrictions on the use of 900 MHz white space and to auction this spectrum. These rule changes would provide Nextel the opportunity to acquire the much-needed access to additional 900 MHz spectrum. Time is of the essence,

² See *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004) ("*800 MHz R&O*").

³ Nextel will ultimately clear all of its operations out of this spectrum block.

⁴ *800 MHz R&O* ¶ 336.

however, with respect to these proposed rule changes. The first wave of retunings under the 800 MHz band reconfiguration plan will commence June 27, 2005.⁵ Nextel thus will very shortly begin to undergo the multiple system retunings of its network required under this plan. Accordingly, the Commission should move expeditiously to afford Nextel the opportunity to obtain this spectrum in a timely manner by adopting the proposed rule changes and scheduling a 900 MHz white space auction as soon as possible.

Extending the comment deadline in this proceeding would delay resolution of the matters raised in the *NPRM* and an auction of 900 MHz white space. An extension of the comment deadline will consequently not serve the public interest. Nextel is amenable to discussing with the Associations the various substantive issues raised in the *NPRM*, and would cooperate in filing joint proposals with the Commission if Nextel and the Associations are able to reach mutually-agreeable positions on any of these issues. The mere prospect of such discussions, however, does not warrant extension of the comment deadline.

Given the need for expeditious action, the Commission should adhere to the current filing deadline. If discussions among the parties are held and result in agreement

⁵ See Regional Prioritization Plan of the 800 MHz Transition Administrator, WT Docket No. 02-55 (Jan. 31, 2005); Public Notice, "Wireless Telecommunications Bureau Approves the Band Reconfiguration Schedule Put Forth in the Transition Administrator's 800 MHz Regional Prioritization Plan," DA 05-619, WT Docket No. 02-55 (March 11, 2005).

on certain issues, Nextel and the Associations can apprise the Commission of such developments in reply comments or *ex parte* filings.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

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April 12, 2005

Certificate of Service

I, Charles W. Logan, hereby certify that on this 12th date of April, 2005, I caused true and correct copies of the foregoing Opposition to Request Extension of Time to be sent by regular, postage prepaid mail to:

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