

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Improving Public Safety Communications in the 800 MHz Band)	WT Docket No. 02-55
)	
Consolidating the 800 and 900 MHz Industrial/ Land Transportation and Business Pool Channels)	
)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems)	ET Docket No. 00-258
)	
Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service)	RM-9498
)	
Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Communications Service)	RM-10024
)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service)	ET Docket No. 95-18
)	

To: The Commission

OPPOSITION TO NEXTEL PETITION FOR RECONSIDERATION

Mobile Relay Associates ("MRA") and Skitronics, LLC ("Skitronics") (collectively, "Opponents"), by their attorney and pursuant to the public notices announcing the filing of petitions for reconsideration of the *800 MHz Report and Order* herein¹ and the *800 MHz Supplemental Order and Order on*

¹19 FCC Rcd. 14969 (2004).

Reconsideration (“*Supplemental Order*”) herein², which notices were published in the *Federal Register* on April 6, 2005,³ hereby submit their joint opposition to the “Petition for Clarification and/or Reconsideration of Nextel Communications, Inc.” (“Recon Petition”) filed by Nextel Communications, Inc. (“Nextel”). The Nextel Recon Petition is without merit.

In its Recon Petition, p.1, Nextel stated:

To the extent the Commission issues a *sua sponte* reconsideration order modifying the [800 MHz Report and Order] as requested in Nextel’s *ex parte* filings, Nextel will withdraw this [Recon] Petition with respect to those issues.

Of course, on the same day the Recon Petition was filed, the Commission did precisely as Nextel suggested – it issued the *Supplemental Order*, which largely granted the relief Nextel sought in its *ex parte* filings. However, Nextel has not withdrawn any portion of its Recon Petition. Presumably, Nextel therefore believes the *Supplemental Order* did not go far enough in acceding to Nextel’s requests.

Opponents already have filed for judicial review of both the *800 MHz Report and Order* and the *Supplemental Order* (collectively, the “*Commission Orders*”), which review should be the subject of a briefing schedule in the near future. Therefore, in this Opposition, Opponents will not address the various defects in the *Commission Orders*. However, to the extent that Nextel seeks additional relief via the continued prosecution of its Recon Petition, and thereby seeks to exacerbate the harm being caused to innocent persons such as Opponents, the Opponents herein register their opposition.

The Nextel Recon Petition is an arrogant attempt to amplify the already huge windfall which Nextel has received in the *Commission Orders*, and should be denied in its entirety. For example, Nextel

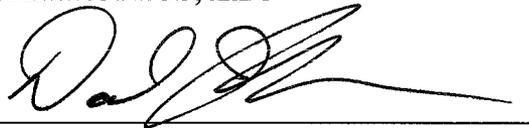
²19 FCC Rcd. 25120 (2004).

³70 Fed. Reg. 17327 & 17458.

continues to argue that non-Nextel/non-Southern Linc licensees eligible for relocation into the new “cellular” block should go at the bottom of that block, thereby serving as an additional buffer or guard band to protect Nextel’s own operations. This is an outrageously audacious demand. Non-Nextel/non-Southern Linc licensees are innocent licensees being forced involuntarily to have their businesses suffer major disruptions through mandatory relocation, and they (unlike Nextel) are denied the opportunity to purchase 1.9 GHz spectrum at a bargain price. There is no public policy reason to rub sand in their wounds by reserving all the best spectrum within the new cellular band exclusively for Nextel.

There is no difference, one way or the other, in terms of the planning efforts of the Transition Administrator, for imposing such an arbitrary and unfair rule. Similarly, all of the other suggestions made by Nextel in its various *ex parte* presentations and incorporated by reference into Nextel’s Recon Petition should be rejected by the Commission. The *Commission Orders* are flawed enough without making them worse as Nextel is requesting.

Respectfully submitted,
MOBILE RELAY ASSOCIATES
SKITRONICS, LLC



By: _____

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