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BY ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: WT Docket No. 02-55, ET Docket Nos. 00-258 & 95-18

Dear Ms. Dortch:

On Wednesday, May 11, 2005, James Goldstein, Michael Degitz, and Tina Slivka of Nextel Communications, Inc. ("Nextel"), David Donovan of the Association for Maximum Service Television ("MSTV"), Larry Walke of the National Association of Broadcasters ("NAB"), David Otey of the Society of Broadcast Engineers ("SBE"), and I met with Bruce Franca, Geraldine Matise, and Priya Shrinivasan of the Office of Engineering and Technology, and Michael Wilhelm, Roberto Mussenden, and Brian Marenco of the Wireless Telecommunications Bureau. The issues discussed during the meeting are summarized in the attachment, a copy of which was provided to Commission staff attending the meeting.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Charles W. Logan  
Charles W. Logan

*Counsel for Nextel Communications, Inc.*

cc: Bruce Franca                      Geraldine Matise  
Priya Shrinivasan                  Michael Wilhelm  
Roberto Mussenden                Brian Marenco

**Clarifying BAS Reimbursement Eligibility To  
Accomplish Timely and Efficient 2 GHz Relocation**

Under the *800 MHz R&O*, Nextel must relocate Broadcast Auxiliary Service (“BAS”) licensees to a new band plan in the 1.9 GHz band within 30 months, and will receive credit for these relocation costs in the 800 MHz “true-up” process. Nextel, MSTV, NAB, and SBE seek clarification on three BAS reimbursement eligibility issues. Clarifications on these issues will facilitate a fair, timely and efficient relocation of incumbent BAS licensees without need for future FCC intervention. An efficient, expeditious BAS relocation process will promote the Commission’s overall public interest objectives as articulated in its 800 MHz Public Safety proceeding.

**Clarify Reimbursement Cut-off Date for Existing BAS Licensees**

- All BAS facilities licensed pursuant to an initial application filed before November 22, 2004 (publication date of *800 MHz R&O*) would be entitled to full reimbursement of retuning expenses, with Nextel receiving full credit for these costs in the post-rebanding true-up process. BAS facilities licensed after that date would be deemed secondary and not entitled to reimbursement.
- Clarifying this eligibility issue would:
  - allow certain newer licensees, including some public broadcasters who have little resources to afford their own relocation, to be reimbursed for reasonable expenses.
  - avoid imposing large burdens on BAS licensees, both large and small, who could not have obtained equipment capable of operating on the new band plan
  - facilitate timely relocation of BAS licensees by helping to ensure that BAS licensees in each market are relocated in a coordinated, efficient manner.
- MSS – BAS initial license cut-off date for eligibility (June 27, 2000) would not change.

**Clarify Reimbursement Cut-off Date for New Equipment Purchases**

- Clarify that Nextel is not required to reimburse BAS licensees for costs of “incremental” equipment, (i.e., equipment which is being purchased now to supplement existing facilities) which was acquired after November 22, 2004, with the following exception:
  - Nextel would reimburse BAS licensees (and receive credit) for costs of equipment which a BAS licensee acquired after November 22, 2004 but prior the licensee’s relocation date, provided (1) such acquisition was necessary to replace or repair malfunctioning equipment, (2) the licensee notifies Nextel when the need to replace or repair equipment arises, and (3) the licensee returns the replaced equipment to Nextel.

### **Clarify Reimbursement Eligibility for BAS Service Providers**

- Clarify that Nextel may reimburse the relocation costs (and receive credit) for non-licensed entities that provide video services and equipment to BAS licensees as long as they have existing contractual relationships with eligible BAS licensees.