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August 3, 2005

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
236 Massachusetts Avenue, N.E., Suite 110
Washington, DC 20002

Re: Notice of Oral *Ex Parte* Presentations –
Sprint-Nextel Transfer of Control Applications
(WT Docket No. 05-63)

Dear Ms. Dortch:

On August 3, 2005, Mr. Dan Hobson, President of Performance Industries, and the undersigned, representatives of the Safety and Frequency Equity Competition Coalition (“SAFE”), met with Mr. Barry Ohlson, Legal Advisor to Commissioner Adelstein, regarding the above-referenced proceeding.

SAFE’s representatives explained the merger-related concerns of the small, regional dispatch-service competitors of Sprint and Nextel, which comprise SAFE’s membership. Reference was made to the SAFE Competition Coalition Petition to Deny filed in WT Docket No. 05-63. In sum, the competitive harms of the proposed merger to smaller, independent firms in the dispatch service market are significant. While they stem, in part, from the imbalance created by the harm to SAFE members and the advantages to Nextel in the reconfiguration of the 800 MHz band, in the absence of appropriate merger conditions, they are sharply worsened by the proposed combination of Sprint and Nextel (both providers of “push-to-talk” or “walkie-talkie” services, with integrated mobile telephony). Without appropriate conditions on the merger, smaller unaffiliated competitors, such as SAFE members, will suffer significant economic harm.

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SAFE's representatives reported that despite SAFE's efforts to resolve its concerns through face-to-face meetings with the merger applicants directly, no bona fide offer of settlement has been received to date. Accordingly, SAFE requests, as a condition of the merger, that the Commission: (1) require Nextel to agree to share the new cellularized 800 MHz band segment (862 MHz and above) with SAFE members to accommodate the relocation of all their site-specific licenses, on the terms and conditions described in SAFE's Petition for Partial Reconsideration in WT Docket No. 02-55; and (2) require the merger applicants to each agree to enter into binding roaming agreements at fair and equitable rates with SAFE members for at least a ten-year period, before consummation of the merger.

Pursuant to Section 1.1206(b) of the Commission's Rules, an original and one copy of this letter are being submitted to the Secretary's office, with a copy to Mr. Ohlson.

Respectfully submitted,


Julian L. Shepard

cc: Mr. Barry Ohlson