Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 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 0f 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

PETITION FOR CLARIFICATION OR RECONSIDERATION

MOHAVE COUNTY BOARD OF SUPERVISORS

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January 27, 2006

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SUMMARY

Sprint Nextel takes the position that the Commission's October 5th Memorandum Opinion and Order restricts the County's right to receive reimbursement for rebanding its 2 GHz TV translator relay system. Read properly and in context, however, the October 5th Order does no such thing: It does not restrict the County's eligibility for 2 GHz BAS reimbursement, or relieve Nextel of the obligation to reimburse BAS licensees like the County.

It is clear from the record that the only issue before the Commission in that Order was Nextel's request for expanded reimbursement credit -- not any retraction of that credit. Read properly, the Order means no more that, in the context of the overall solution to public safety interference, reimbursement for 2 GHz BAS TV translator relay licensees is not to be viewed as a general retreat from the principle that secondary licensees are not normally entitled to reimbursement.

Moreover, to read the Order as Nextel reads it produces a bizarre result which defies rational explanation. In order to avoid creating a threshold conflict with basic principles of administrative law, the Order should be clarified as Mohave County suggests.

If the October 5 is not simply clarified, it should be reconsidered for the sake of consistency with the Commission's Congressional mandate, and for overriding public interest reasons. The stations in question are essential to the delivery of television programming to many thousands of residents in the remote, northwest Arizona area. And the stations are imbued with an important public safety function. Denial of reimbursement in these circumstances would be in contravention of the agency's mandate.

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To: The Commission

PETITION FOR CLARIFICATION OR RECONSIDERATION

Mohave County Board of Supervisors (the "County"), by its counsel, hereby requests clarification or, if necessary, reconsideration of the Memorandum Opinion and Order released in

this proceeding on October 5, 2005 (FCC 05-1784; hereinafter the "*Order*").[1] In particular, the County requests clarification or reconsideration that the *Order* does not preclude reimbursement by Sprint Nextel Corporation ("Sprint Nextel") of costs that would be incurred in rebanding 2 GHz broadcast auxiliary service ("BAS") microwave relay stations used to feed TV translators. In the alternative, the County requests a waiver to allow reimbursement for the 2 GHz facilities at issue here.

INTRODUCTION TO MOHAVE COUNTY

Mohave County occupies an area of over 13,300 square miles in northwestern Arizona. It stretches from Parker in the south to Colorado City on the Utah border in the north, a distance of nearly 200 miles. It includes a major portion of the Grand Canyon. It is one of the fastest growing Counties in the United States, its population having increased by 65 percent from 1990 to 2000.[2] However, with a population of only 155,032 according to the 2000 Census, it is one of the most sparsely populated areas in the country with only 11.2 persons per square mile. The terrain is high desert surrounded by mountains. The County seat is Kingman, the population of which was approximately 20,000 as of the 2000 census.[3]

Given the remoteness of many of the communities and Indian reservations in the County, and the lack of regular television service (there is only one station, KMOH-TV in Kingman), the Board of Supervisors determined many years ago to provide a means for residents to receive over-the-air television. This was deemed especially important since many residents are on fixed

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[1] The Order was published in the Federal Register on December 28, 2005 (70 F.R. 76704). Under Commission Rule 1.4, this Petition is timely.

[2] Source: County and City Databook, U.S. Census Bureau, 2000 ed., at Table B-1.

[3] Exhibit A, Mohave County Profile.

incomes (*e.g.* retirees), and not able to afford cable television or satellite TV. The system evolved to include today 47 translators re-broadcasting distant full-service television stations to places like Chloride, Topock, and Big Sandy.

A total of eight relay stations are used to deliver Phoenix television signals to the County. These stations are located on Smith Peak, about 75 miles from Phoenix. The stations pick up the Phoenix signals and transmit them to another mountain-top site near Kingman, a distance of about 180 miles total from Phoenix. From this point the signals are further relayed to the translators. County officials estimate that the translator system serves approximately 100,000 residents each day. County residents depend upon this system for national and State-wide news, information, and entertainment which they have been receiving for years from the State capital.[4]

BACKGROUND TO THE ISSUE

On May 3, 2004 Nextel, together with the Association for Maximum Service Television, Inc. and the National Association of Broadcasters submitted a Joint Proposed BAS Relocation Plan in this proceeding. Under the terms of that proposal, Nextel offered to fund the costs of all 2 GHz BAS licensees relocating to the new band plan at 2025-2100 MHz subject to it (Nextel) being awarded spectrum at 1910-1915/1990-1995 MHz.

In the 800 MHz decision issued a few months later, the Commission accepted Nextel's offer.[5] In particular, the Commission determined that Nextel would be required to fund the

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[4] The County is licensed for five of the stations, namely WPJD278 (used to deliver KAET-PBS); WMU463 (KSAZ-Fox); WMU224 (KTVK-Ind.); WMU464 (KPNX-NBC); and WPJD279 (KPHO-CBS). WLO613, licensed to Fox Television stations, is used to deliver KUTP-UPN; and WPNA905, licensed to Scripps Howard Broadcasting Company, delivers KNXV-ABC. The eighth station operates in the 2.4 GHz band. The stations were licensed prior to 2000.

[5] *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order* in WT Docket No. 02-55 *et al* (FCC 04-168), 19 FCC Rcd 14969 (2004) (hereinafter cited as the "*800 MHz Order*").

relocation costs of "all BAS incumbents nationwide" within thirty months from the effective date of the *800 MHz Order*.[6]

On April 6, 2005, Nextel convened a meeting for the County and other Phoenix area broadcasters. At this meeting Nextel provided a copy of the relocation plan it filed with the Commission on the same day. That plan spelled out Nextel's proposals for relocating BAS, cable television relay ("CARS") and local television transmission service ("LTTS") licensees operating within 1990-2110 MHz, to the new band plan at 2025-2110 MHz.[7]

All seemed to be proceeding routinely until a meeting of Nextel and BAS licensees in Phoenix in late November 2005. At that time Sprint Nextel stated that the FCC had determined BAS licensees affiliated with LPTV and translator stations were not eligible for reimbursement. Sprint Nextel stressed that this was a matter entirely of the FCC's creation; that Company representatives had visited the FCC several times in an effort to get the matter changed; and that Sprint Nextel would compensate the County for documented expenses incurred up to receipt of a confirming letter from Sprint Nextel as part of the Nextel-led rebanding effort.

Shortly thereafter, the County received a Sprint Nextel letter, dated December 1, which reads in pertinent part as follows:

> On October 5th 2005, the FCC released a Memorandum Opinion and Order ("MO&O") that clarified a number of issues concerning the 2 GHz BAS

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[6] *Id.* at paras. 251-252.

[7] BAS Relocation Schedule and Implementation Plan, Appendix B, page 7 on file in this proceeding. BAS licensees being displaced to make room for mobile satellite service operators and Nextel are those operating at 1990-2025 MHz. However, BAS licensees operating throughout the band 1990-2110 MHz are subject to relocation due to the fact that the BAS band plan is being reconfigured (i.e. the channels are being narrowed due to the loss of channels 1 and 2). See *Third Report and Order and Third Memorandum Opinion and Order* in ET Docket No. 95-18, FCC 03-280, 18 FCC Rcd 23638 (2003) at paras. 15-16. The relay stations in question operate on designated channels throughout the band.

> Relocation. In particular, the MO&O expressly affirmed the FCC's general policy that secondary BAS licensees are not entitled to assisted relocation or relocation cost reimbursement during the BAS transition. Pursuant to the FCC's rules and policies, WPJD279, WMU224, WMU463, WPJD278 and WMU464 licensed to Mohave County Board of Supervisors are licensed on a secondary basis in the 2 GHz spectrum band. Accordingly, pursuant to the FCC's decisions, Mohave County Board of Supervisors is not entitled to compensation or reimbursement for any relocation costs that Mohave County Board of Supervisors might incur in complying with the FCC' s relocation requirement.[8]

Upon receipt of the letter, the County immediately took steps to clarify this matter. Among other things, it was determined that, on June 20, 2005 Nextel, the Association for Maximum Service Television, Inc., and the National Association of Broadcasters, had filed a letter in this docket seeking a declaratory ruling to the effect that Nextel should be given credit for relocation reimbursement provided BAS licensees who first applied for their licenses after June 26, 2000, but before November 23, 2004. As Nextel et al explained it,

> [T]he Commission established two overriding public interest objectives in adopting the Nextel-BAS relocation plan: (1)complete BAS relocation by September 7, 2007, and (2) minimize disruption to BAS operations. Petitioners believe, however, that it will not be possible to achieve these goals if Nextel does not fund the relocation costs of *all* BAS operators licensed prior to the Commission's decision in the 800 MHz Public Safety proceeding.[9]

Specifically, Nextel asked for clarification that it would get credit for reimbursing, not just BAS licensees authorized "pursuant to initial applications filed prior to June 27, 2000," but rather the relocation costs of "*all* BAS operators" licensed prior to November 22, 2004, which was the Federal Register publication date for the *800 MHz Order*.[10] Nextel stressed that it was

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[8] Exhibit B (footnotes omitted). The County received the letter December 5. It is understood that other BAS licensees have received similar letters.

[9] *Id.* at page 3 (emphasis in original).

[10] *Id.*

not otherwise "proposing any change to the June 27, 2000 reimbursement eligibility cut-off date in the context of MSS-BAS relocation." *Id.* at 6.[11]

According to the Commission's records, only two ex partes were filed thereafter dealing with the June 20 request, one of those being by Nextel itself. On August 9, Nextel representatives met with the staff to

> discuss[ ] the procedures and obligations for relocating Broadcast Auxiliary Service ("BAS") licensees to the new band plan, as set forth in the Commission's Report and Order released in the above-referenced proceedings on August 6, 2004. Specifically, we discussed the relocation of 2 GHz BAS facilities operated by low power television stations and translator stations under the Report and Order and the Commission's rules and policies.[12]

The October 5th *Order* granted Nextel's request. The Commission said that, notwithstanding its general rule against secondary licensees being eligible for reimbursement, it would give Nextel credit for reimbursing an expanded class of BAS licensees -- just as Nextel had requested.

> We note that we do not alter the well established principle that secondary licensees are not entitled to relocation or reimbursement. Rather <u>the only issue we are considering here is whether to allow Nextel to obtain credit for the costs of relocating secondary BAS incumbents licensed before November 22, 2004</u> in the 800 MHz true-up process based on a voluntary relocation agreement between the parties. We find that the public interest is best served by Nextel's timely clearing of all incumbent operations in the 1990-2025 MHz band, which in turn will

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[11] Ten days after this joint filing, *i.e.* on June 30, Nextel sent the County a letter reaffirming its obligation to reimburse the County, and setting forth the process it (Nextel) expected to follow in connection with same (Exhibit C).

[12] Ex parte filed August 9, 2005. On June 29, the Society of Broadcast Engineers filed in support of the June 20 request (noting that "participation by all BAS licensees is critical to the success of the transition"). For completeness it is also noted that on September 8, 2005 Sprint Nextel Corporation representatives met with certain of the Legal Advisers (the Sprint-Nextel merger having closed August 12). However, it is unclear whether the subjects discussed dealt with the June 20 joint request.

> facilitate the timely transition of the 800 MHz band as well. Furthermore, the costs associated with relocating these secondary BAS licensees do not significantly alter the total costs associated with implementing the 800 MHz relocation plan. For these reasons, we will allow Nextel to claim credit for the costs to relocate secondary BAS incumbents licensed before November 22, 2004, as the parties have agreed. We note that MSS licensees will not be obligated to reimburse Nextel for the costs to relocate these secondary BAS licensees. Our decision today does not otherwise alter the relocation obligations of MSS licensees with respect to primary BAS incumbents, nor alter our overall relocation policy that secondary operations are not entitled to relocation or reimbursement from new entrants.[13]

DISCUSSION

The October 5th *Order* should not be read so as to restrict Nextel's obligation to reimburse BAS licensees like the County, or the credit that it can claim for such reimbursement. Such a reading would be inequitable to those many BAS licensees like Mohave County which have worked diligently over the past year to facilitate rebanding. It would produce an unlawful result. Most importantly, it would be antithetical to the public interest.

A. The Commission Should Clarify That The October 5th Order Is Not To Be Read As Restricting BAS Reimbursement.

The Commission should clarify that the Order is not to be read as Sprint Nextel reads it, both as a matter of equity, and in order to avoid an interpretation which produces an unlawful result.

1. Equity requires the clarification the County seeks.

The only issue before the Commission in the October 5 *Order* was Nextel's request for expanded reimbursement credit as set forth in its June 20 filing. A review of the docket from and after that date shows that at no point did any party take issue with Nextel's request, nor with

[13] *Id* at para. 107 (emphasis added).

the notion that 2 GHz BAS licenses held by translator and LPTV stations were eligible for reimbursement.

Nextel's ex parte of August 9 references the "relocation of 2 GHz BAS facilities operated by low power television stations and translator stations ...." While the notice is entirely unenlightening as to what was said, it appears in the light of subsequent events that the reimbursement eligibility of BAS licensees like the County was an issue. But regardless, neither the County nor anyone else could have had a clue from this that something might be in the works relative to BAS reimbursement, much less anything dramatically at odds with Nextel's June 20 filing.[14]

The BAS community had been proceeding for over a year in reliance on multiple Sprint Nextel presentations regarding rebanding and the reimbursement therefor. At no point prior to late November did the County ever receive notice from Sprint Nextel that its eligibility for reimbursement might be at issue. Given the fact that: (a) BAS licensees like the County have much more at interest in BAS reimbursement than Nextel (which should be a mere stakeholder in the matter[15]); and (b) Nextel was aware that an issue had arisen concerning this matter at the Commission, notice should have been provided to the County while there was time for it to

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[14] In the *800 MHz Order* the Commission defined BAS as including, among other classes of stations, "TV translator relay stations." Having so defined BAS, the Commission went on to state that "all decisions apply to CARS and LTTS operations in the band, as well as to BAS." Among the decisions later made in this same document was the determination to accept Nextel's offer to reimburse all 2 GHz BAS licensees for the cost of retuning. *Id.* at paras. 251-252.

[15] Nextel is required to pay $4.86 billion as the price for the 10 MHz additional spectrum at 1.9 GHz. The balance remaining after the credit it receives for the cost of BAS reimbursement, 800 MHz reimbursement, and the credit for spectrum holdings being surrendered, is to be paid in cash to the Treasury. After receiving all of its credits, and based on its own estimates, Nextel will still likely owe the Treasury on the order of $1.44 billion. In other words, what it does not pay in cash, it pays in kind.

address this matter before an Order was issued, rather than waiting until the ink was dry on the October 5th *Order*.

Accordingly, the Commission should clarify the *Order* as a matter of equity so as to remove any doubt in Nextel's mind as to its obligation to reimburse all 2 GHz BAS licensees, and receive credit for same.

In particular, the reference in paragraph 107 of the *Order* to not "alter[ing] the well established principle that secondary licensees are not entitled to relocation or reimbursement" should be clarified to mean no more than that Nextel's obligation to reimburse ***all*** secondary 2 GHz BAS licensees in this unique situation is not to be construed as a general retreat from the principle. The Commission should so clarify in the interest of fairness to BAS licensees which had been relying on Nextel's representations throughout the rebanding planning process. It should so clarify in order to "minimize disruption to BAS operations" -- a principal reason for the June 20 request.[16] It should so clarify in order to avoid delay in meeting the September 7, 2007 deadline for "complet[ing] BAS relocation"[17]-- toward which almost half the time has elapsed already.

Whether the Commission concurs with the County's assessment of the chronology or not, however, does not bear on other serious problems which the Nextel interpretation would produce.

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[16] June 20 letter at 3.

[17] *Id.*

2. Clarification is required to avoid an unlawful result.

It is fundamental to administrative law that similarly situated parties are not to be treated in a dissimilar fashion.[18] To read the Order as Nextel does, produces a bizarre result completely in contravention of this principle: Reimbursement credit is to be allowed a class of secondary BAS licensees licensed after they were on notice that they were subject to MSS relocation (e.g. after they had bought equipment knowing it would soon be obsolete), but denied another class of secondary BAS licensees, like the County and other Phoenix licensees, which never had such notice because they were licensed years before (prior to June 2000). In other words, those less entitled to relief are treated better than those more entitled. No explanation is offered for this disparate treatment.

To read the Order as Nextel has, also produces a result which is arbitrary and capricious. One of the bases for the June 20 request, and one of the Commission's overriding goals in this proceeding, has been the need to avoid disruption to BAS incumbents: "It is essential that we do so, because BAS is a critical part of the broadcasting system by which emergency information and entertainment content is provided to the American public."[19] Failure to require reimbursement of Nextel risks stranding the seven relay stations here on the old band plan, while those around them migrate to the new band plan. Such an outcome is guaranteed to produce the disruption which the Commission has sought to avoid. Read to preclude the reimbursement obligation/credit for pre-2000 translator relay licensees, amounts to an about-face in Commission policies for 800 MHz rebanding with no reasoned explanation (which is another reason why the

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[18] *See Melody Music, Inc. v. F.C.C.*, 345 F.2d 730, 732-33 (D.C. Cir. 1965) (case remanded where renewal applicants with similar evidence of misconduct were treated disparately).

[19] *800 MHz Order*, *supra*, at para. 250.

County is of the view that the Order was never meant to be read as Sprint Nextel would have it).[20]

It is fundamental that, where there are two possible interpretations of an agency order -- one consistent with the law and one inconsistent -- the order should be given that interpretation which harmonizes with "the Rule of Law as established by Administrative Law doctrine."[21] The County's interpretation provides harmony. Nextel's does not. For this reason, too, the *Order* should be clarified.

B. The Order Should Be Reconsidered.

If, despite the foregoing, the *Order* is not clarified, it should be reconsidered for the sake of consistency with the Commission's Congressional mandate, and for overriding public interest reasons.

The relay stations at issue are an essential link in the delivery of national and State television programming to Mohave County. The stations feed a network of translators which, with the exception of KMOH-TV, represent the only source of free, over-the-air television in this remote part of western Arizona. The stations serve approximately 100,000 persons, for many of whom (particularly those on fixed incomes and living on Indian reservations) this represents their only source of diverse programming. In addition, the stations are critical for the delivery of

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[20] *See Greater Boston Television Corporation v. F.C.C.*, 444 F.2d 841, 850-852 (D.C. Cir. 1970) (reasonable procedure requires a "reasoned analysis" for any change in policy).

[21] *Id.* at 850. *See Am Jur 2d Statutes* Section 172 (if a statute is capable of being construed in different ways, the construction which produces an absurd result should be avoided).

news and emergency information to many who are unable to afford the cost of satellite or cable delivered television.[22] In other words, the stations also have an important public safety function.

Section 1 of the Communications Act enforces upon the Commission the duty to "make available, so far as possible, to all the people of the United States . . . a rapid, efficient, Nation-wide and world-wide wire and radio communication service . . . ."[23] To that end, the Commission has been directed to distribute frequencies and licenses "among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of same."[24] This was the foundation for the Commission's creation of its rules and policies for free, over-the-air television as we know it today.[25] It was the foundation for the establishment of rules and policies for digital television.[26] And it was the foundation for creation of the TV

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[22] In fact, certain of the relay stations in question also serve as links in the delivery of programming to cable TV systems in the County. The cable systems pick up the County's re-broadcast of the Phoenix stations. Cable TV subscribers would also lose a vital source of news and emergency information. Thus, the relay stations serve for all practical purposes as CARS stations. No one has suggested that CARS stations are affected by the October 5th Order.

[23] 47 U.S.C. Sec. 151.

[24] 47 U.S.C. Sec. 307(b).

[25] *See Sixth Report and Order* in Docket Nos. 8736 *et al*, 41 FCC 148 (1952) at paras. 13, 67 (adopting a new channel assignment table so as, in part, to maximize the availability of television service to rural areas). *See also First Report and Order* in Docket Nos. 14895 *et al*, (FCC 65-355), 4 RR 2d 1725 (April 23, 1965) (characterizing the duties referenced above as "fundamental statutory responsibilities of the Commission") at para. 40.

[26] *See Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry*, in MM Docket No. 87-268, 10 FCC Rcd 10540 (1995) at para. 22 ("we reaffirm in this proceeding our intention to preserve and promote universal, free, over-the-air television").

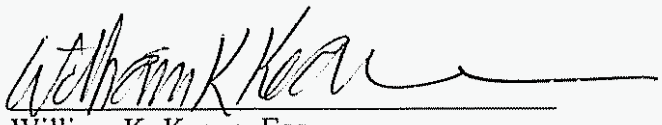
translator service.[27] Denial of reimbursement in these circumstances would be a gross contravention of the agency's Congressional mandate and most basic of policies.[28]

CONCLUSION

Accordingly, for the foregoing reasons, the Commission should grant the relief as requested by Mohave County.

Respectfully submitted,

MOHAVE COUNTY
BOARD OF SUPERVISORS



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[27] *See Notice of Inquiry* in BC Docket No. 78-253, FCC 78-604, 68 FCC 2d 1525 (1978) (setting forth a history of TV translators including the fact that by 1956 there were about 800 translators providing service to remote areas. The Commission adopted rules for translators in 1956, in effect recognizing reality.)

[28] If, despite all the foregoing, clarification or reconsideration is not issued, a waiver should be granted so that so that Nextel may be given credit for the costs of rebanding the 2 GHz stations in question (approximately $353,000), a sum which represents less than .0072 percent of the $4.9 billion cash/in-kind payment it owes for the 1.9 GHz spectrum. Based on the importance of these facilities to the public interest, and the factors set forth herein, a compelling case also exists for waiver, if need be.

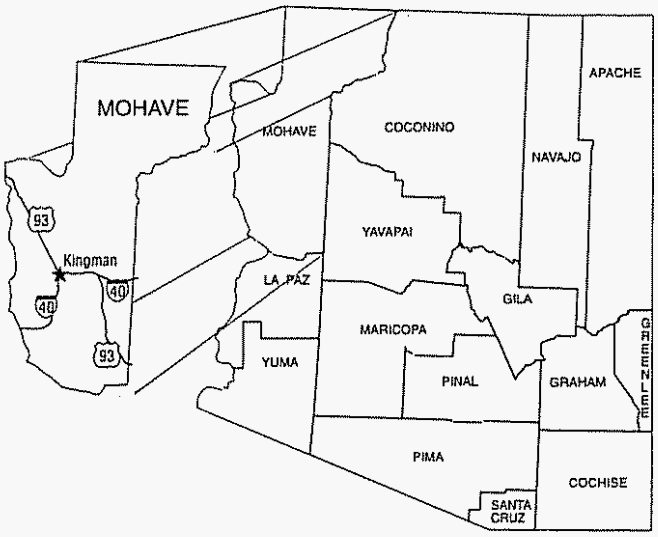
EXHIBIT

A

Profile:

Mohave County, Arizona

Mohave County, at the time of its creation by Arizona's first Territorial Assembly in 1864, actually included portions of present day Nevada. In 1865, the northern portion of Mohave County was split off as Pah-Ute County. And in 1867, parts of both counties – including the present site of Las Vegas – were attached to Nevada, which had become a state in 1864. The much-reduced Pah-Ute County was merged with Mohave County in 1871. Today, most of the historic sites of "Arizona's Lost County" are covered by the waters of Lake Mead.



The area that is now Mohave County began to attract settlers shortly after it was brought into the United States by the Treaty of Guadalupe Hidalgo in 1848. The 1860s saw an influx of miners after gold was discovered, and Mormons who were sent south from Utah by their church.

Mohave County is geographically the second largest in the state. Most of it is classified as desert, but of its 13,470 square miles, 158 square miles are water. The county boasts 1,000 miles of shoreline and is a great water sports center. It also has the longest stretch of historic Route 66. The Colorado River and two man-made lakes, Lake Mohave and Lake Havasu, play an important role in the growth of Lake Havasu City and Bullhead City.

Kingman, the county seat, was not founded until the 1880s with the coming of the railroad. Before being moved to Kingman in 1887, the county seat had been located in the communities of Mohave City, Hardyville, Cerbat, and Mineral Park – none of which exist today. Although these communities did not survive, the forces that led to their establishment – mining, the Colorado River, and the railroad – are still important to the county's economy. Part of Mohave County and all of Colorado City are designated Enterprise Zones.

The U.S. Forest Service and Bureau of Land management own 61 percent of the land; Indian reservations, 6 percent; the state of Arizona, 7 percent; individual or corporate, 18 percent; and other public lands, 8 percent.

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Mohave County At-A-Glance

County Seat:	Kingman
2003 Population:	170,805
2003 Labor Force:	75,806
Unemployment Rate:	4.9%
Major Industries:	Retail Trade, Services, Public Administration, Transportation & Public Utilities, Finance, Insurance & Real Estate

Sources: Population Estimates, Population Statistics Unit, Research Administration and 2003 Preliminary Special Unemployment Report, Arizona Department of Economic Security.

Incorporated Cities

Population

	1990	2000	2003
Arizona	3,665,228	5.130,632	5.629.870
Mohave County	93.497	155,032	170,805
Major Cities/Communities			
Bullhead City	21,951	33.769	35.760
Colorado City	2,426	3,334	3.890
Kingman	13.208	20,069	22,690
New Kingman/Butler	N/A	14.810	16,317*
Lake Havasu City	24,363	41,938	48,730

Source: U S. Census Bureau and Arizona Department of Economic Security. Population Statistics Unit
** Based on county growth rate*

Age Distribution

	% of total
0-14	19.3%
15-24	10 3%
25-44	23 2%
45-64	26 7%
65+	20.5%

Source: U S. Census Bureau, April 1. 2000 Census

Population Composition*

Race	% of total
White	90 1%
African American	0 5%
Native American	2 4%
Asian or Pacific Islander	0 9%
Other	6.1%
Totals	100 0%
Hispanic Heritage*	11.1%

Source: U.S. Census Bureau, April 1, 2000 Census
** Persons of Hispanic heritage can be of any race.*

Labor Force

2003 Civilian Labor Force

	Labor Force	Unemployment Rate
Arizona	2.690.294	5 6%
Mohave County	75,806	4 9%
Major Cities/Communities		
Bullhead City	20.048	5 4%
Colorado City	824	0 0%
Kingman	10,639	3.2%
New Kingman/Butler CDP	8,601	6 9%
Lake Havasu City	21.026	2 6%

Source: Arizona Dept of Economic Security, 2003 Special Unemployment Report

2003 Employment by Sector

Construction	5.925
Education & Health Services	5,600
Financial Activities	1,900
Government	7,375
Information	875
Leisure & Hospitality	5,625
Manufacturing	3,350
Professional and Business Services	3,425
Trade, Transportation and Utilities	10,675

Source: Arizona Department of Economic Security
Figures are organized under the North American Industrial Classification System (NAICS).

2003 Total All Occupations

Employment	44,950
Hourly Compensation	
Median Wage	$10.89
Average Wage	$13.16
Entry Wage	$ 6.24
Experienced	$15.52

2003 Employment by Occupation - Average Wages

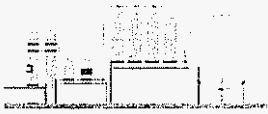
	Employment	*Avg. Wages*
Office & Administrative Support	7,520	$11.62
Construction & Extraction	5,530	$13.67
Food Preparation & Serving Related	5,230	$7.54
Sales & Related	4,660	$11.85
Transportation & Material Moving	3,090	$11.00
Production	2,480	$12.49
Education, Training, & Library	2,440	$13.98
Healthcare Practitioners & Technical	2,400	$26.50
Installation, Maintenance & Repair	2,330	$14.10
Management	1,640	$28.70

Source. Prepared by the Ariz. Dept. of Economic Security, Research Administration in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, April 2004

Major Employers

Employer	*Employment Type*
American Woodmark Corp Kingman	Manufacturer Kitchen Wood Cabinets
Cyprus Climax Metals Co., Kingman	Copper Ore
Ford Proving Grounds, Yucca	Automotive Test Site
General Cable, Kingman	Miscellaneous Fabricated Wire Products
Goodyear, Kingman	Manufacturer Aircraft Components
Guardian Fiber Glass, Kingman	Manufacturer Flourine Products
Havasu Regional Hospital Lake Havasu City	General Medical and Surgical Hospital
Home Depot, Bullhead City, Lake Havasu	Trade
IWX Motor Freight, Kingman	Trucking/Heavy Hauling
Kingman Regional Medical Center Kingman	General Medical and Surgical Hospital
Laidlaw Corp., Kingman	Manufacturer, Coat Hangers
McKee Foods, Kingman	Manufacturer, Snack Foods
Mohave Community College Bullhead City, Colorado City, Kingman, Lake Havasu City	Colleges and Universities
Mohave County, Kingman	Government
Praxair, Inc., Kingman	Industrial Gases
Silver Ridge Village, Bullhead City	Retirement Home
Smith's Food and Drug Centers, Kingman	Grocery Stores
Sterlite Corp. Lake Havasu City	Manufacturer Plastic Household Products
True Serv Kingman	True Value Hardware Distribution
Wal-Mart, Bullhead City, Lake Havasu City	Trade
West Coast Netting, Kingman	Manufacturer
Western Arizona Regional, Bullhead City	Medical Center

Electric Service



Utilities

Major Suppliers:

Citizens Utilities (Lake Havasu City)	(928) 855-2138
Citizens Utilities Electric Division	(928) 753-2124
Mohave Electric Cooperative, Inc	(928) 763-1100

Natural Gas Service

Major Suppliers:

Citizens Utilities Company	(800) 522-4391
Citizens Utilities (Lake Havasu City)	(928) 453-0595
Southwest Gas Corporation	(800) 766-9722

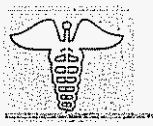
Water and Sewer

For information, see specific community profile or contact the local chamber of commerce directly.

Telephone

Major Suppliers:

Cellular One (Kingman)	(928) 692-1715
Citizens Communications	(928) 453-9009 or (928) 753-9009
Citizens Mohave Wireless	(928) 716-2355
Citizens Utilities Company	(800) 457-0312
South Central Utah Telephone Association	(435) 826-4211



Medical

Major Hospitals:

Western Arizona Regional Medical Ctr., Bullhead City	(928) 763-2273
Havasu Samaritan Regional Hospital, Lake Havasu City	(928) 855-8185
Kingman Regional Medical Center, Kingman	(928) 757-2101

Education

Mohave Community College, Kingman	(928) 757-4331
Lake Havasu City	(928) 855-7812
Bullhead City	(928) 763-3926
Colorado City	(928) 875-2799
Northern Arizona University, Kingman Office	(928) 757-0818
The University of Arizona, Mohave County Cooperative Extension Office	(928) 753-3788

Note: Public libraries are located in Kingman, Bullhead City, Lake Havasu City and Colorado City.

Transportation

Highways

Interstate 40, I-15, U S 93, state Highway 66. state Highway 68, state Highway 95. state Highway 389

Bus Lines

Greyhound Bus Lines

Rail Service

AMTRAK	(800) 872-7245
Burlington Northern Santa Fe Railway	(800) 289-2673

Trucking Service

Arkansas Best Freight Systems (ABF) Freight System Inc., C&R Trucking, Conway Transportation Services. Consolidated Freight Ways (CF), Motor Cargo. Sun Aire Transport Corp., Viking Freight Inc, Yellow Freight System, Inc., Roadrunner Trucking

Air Service

Major Airports

Airport Name: **Laughlin Bullhead Int'l. Airport**
(928) 754-2134
Location: Bullhead City
Functional Class: Commercial Service; Tri-State Regional Airport with scheduled daily service and connections to national/international carriers
Elevation: 692'
Ownership: Public
Use: Public/Military/Commercial
Nav-aids: None
Runway: 16/34 Length: 7.500' Width: 150'

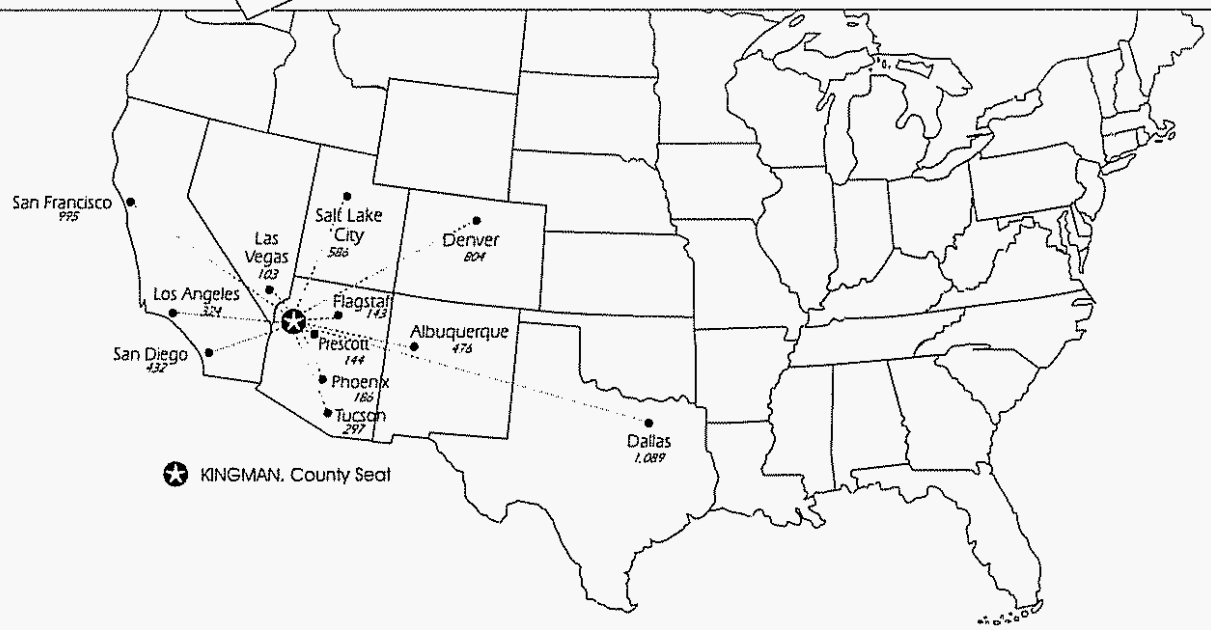
Airport Name: **Colorado City Municipal** (928) 875-8046
Functional Class: Basic Service
Elevation: 4,870'
Ownership: Public
Use: Public
Nav-aids: NDB AWOS
Runway: 20/02 Length: 5,100' Width: 60'
Surface: Asphalt
Runway: 29/11 Length: 6.300' Width: 75'

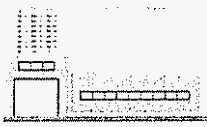
Airport Name: **Kingman** (928) 757-2134
Functional Class: Commercial Service
Elevation: 3.446'
Ownership: Public
Use: Public/Military/Commercial
Nav-Aids: VOR
Runway: 03/21 Length: 6.831' Width: 150'
Surface: Asphalt
Runway: 17/35 Length: 6,724' Width: 75'
Surface: Asphalt. concrete

Airport Name: **Lake Havasu City Airport** (928) 764-3330
Functional Class: Commercial/General Aviation
Elevation: 781' MSL
Ownership: Municipal (Lake Havasu City)
Use: Public/Commercial/Military
Nav-Aids: Needles VOR/GPS EED 115.2
139 degrees at 13.2 NM
Runway: 32/14 Length: 5.500' Width: 100'
Surface: Asphalt

Source: Department of Transportation. Arizona Airports Land Use Compatibility Study

Distance to Major Cities





Industrial Facilities

Bullhead City

A 190-acre park with all utilities. transportation access to state Highway 95 and Bullhead/Laughlin International Airport is available Contact Bullhead/Laughlin International Airport Industrial Park, Tom Griffin, Planning Group, P.O. Box 570, Bullhead City. AZ 86430; (928) 754-2829, for further information Other industrial and commercial properties are available

Colorado City

Commercial/Industrial Park is located at Arizona Avenue and Highway 389 There are 32 one-to-two acre lots. The city is a designated Enterprise Zone Contact Oliver Barlow, Enterprise Zone Administrator at (928) 875-2414 or Kevin Barlow. City Clerk at (928) 875-2646

Kingman

There is one industrial park four miles from town at the Kingman Airport. 4,500 acres zoned industrial. served by rail, air and interstate highway with all utilities are available. For additional information. contact Kingman 2005, (928) 757-2005.

Lake Havasu City

The city's Central Business Park has approximately 20 acres remaining available for light manufacturing. Approximately 200 acres of city-owned property, adjoining the newly completed airport, is undergoing master planning. Contact the Partnership for Economic Development, 314 London Bridge Rd., Lake Havasu City, AZ 86403; (928) 453-3444, for further information.

Mohave County

Interstate 40 industrial corridor now under development, between Kingman and Lake Havasu City. offers large industrial tracts to accommodate warehouse-distribution and manufacturing firms that require direct access to I-40 for same day, on-time deliveries to West Coast markets. The corridor is served by the mainline of the Burlington Northern Santa Fe Railroad and two transcontinental natural gas pipeline corridors For information contact the Mohave County Economic Development Authority, 3160 Shangri La, Kingman, AZ 86401, (928) 692-6970.

Financial Authorities

Industrial Development Authorities

Industrial Development Authority of Bullhead City
Mr. Tony Dias, President
1255 Marina Blvd.
Bullhead City, AZ 86442
(928) 758-4500/Fax: (928) 758-4755
Email: edevsec@bullheadcity com

Industrial Development Authority of Kingman
Robert A. Taylor. City Attorney
310 N. 4th St.
Kingman, AZ 86401
(928) 753-8091/Fax: (928) 753-8007

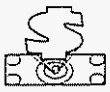
Industrial Development Authority of Mohave County
Mr Dan Hargrove, President
1840 Highway 95
Bullhead City, AZ 86442
(928) 763-2535/Fax: (928) 763-9029

Note: This information is as current as the date of this publication and was taken from reliable sources; however, we do not guarantee its completeness nor does the Arizona Department of Commerce endorse any particular individual.

This information is provided as a service only.

Commercial Banks

Arizona Bank
Bank of America
Bank One
Downey Savings
First Arizona Savings
Mission Bank
Mohave State Bank
Stockmen's Bank
Wells Fargo Bank



Taxes

State Corporate Income Tax

Corporate income tax rate is 6.968 percent effective for taxable years beginning from and after December 31. 2000

Source. Arizona Department of Revenue

Property Tax

Community	*School District*	*City/Fire*	*Countywide*	*Total*
Bullhead City	5.31	0.00*	4.18	9.49
Chloride	4.91	2.97	4.18	12.06
Colorado City	6.86	0.00*	4.18	11.04
Kingman	4.91	0.30	4.18	9.39
Lake Havasu City	6.53	0.80	4.18	11.51

Source: Arizona Tax Research Foundation. 2003 (Rate is per $100 of assessed value)

** Bullhead City residents also pay Bullhead City Fire District rate and Colorado City residents also pay Colorado City Fire District rate.*

Sales Tax

The state imposes a 5.6 percent transaction privilege (sales) tax on most business activities. Mohave County has a 1/4 percent general sales tax. The cities of Bullhead City, Colorado City, Kingman. and Lake Havasu City have a city sales tax of 2 percent Colorado City and Kingman have an additional 2 percent tax on hotel/motel stays and Bullhead City has a 3 percent bed tax.

Payroll Tax

Payroll taxes in Arizona are computed based on federal filing by employers and employees. Generally, withholding for state payroll taxes is between 10 and 37 percent of federal withholding based on employees' income

Source. Arizona Department of Revenue

For Further Information

Bullhead Area Chamber of Commerce
1251 Hwy. 95
Bullhead City, AZ 86429 (928) 754-4121
FAX: (928) 754-5514
Email: info@bullheadchamber.com

Bullhead City Economic Development Authority, Inc.
1848 Hwy. 95, Suite 104
City Complex (928) 704-6374
Bullhead City, AZ 86442 FAX: (928) 704-6376
Email: rlabceda@frontiernet.net

Town of Colorado City
25 S. Central
P.O. Box 70
Colorado City, AZ 86021 (928) 875-2646

Dolan Springs Chamber of Commerce
P.O. Box 274 (928) 767-4473
Dolan Springs, AZ 86441 FAX: (928) 767-6245

Kingman Area Chamber of Commerce
333 W. Andy Devine Ave.
P.O. Box 1150 (928) 753-6253
Kingman, AZ 86402-1150 FAX: (928) 753-1049
www.kingmanchamber.org Email: kgmncofc@ctaz.com

Kingman 2005, Inc./Kingman Airport Authority, Inc.
7000 Flightline Dr (928) 757-2005
Kingman, AZ 86401 FAX: (928) 757-9871
Email: kaaecondev@citilink.net

Lake Havasu Area Chamber of Commerce
314 London Bridge Rd. (928) 855-4115
Lake Havasu City, AZ 86403 FAX: (928) 680-0010
www.havasuchamber.com Email: info@havasuchamber.com

Partnership for Economic Development www.lakehavasu.org
314 London Bridge Rd. (928) 505-7333
Lake Havasu City, AZ 86405-0316 FAX: (928) 505-2095

Mohave Valley Chamber of Commerce
P.O. Box 9101 (928) 768-2777
Ft. Mojave, AZ 86427 FAX: (928) 768-3747
www.mohavevalleychamber.com
Email: info@mohavevalleychamber.com

County profiles are produced by the Communications and Research Division of the Arizona Department of Commerce

Janet Napolitano
Governor of Arizona

Gilbert Jimenez, Director
Arizona Department of Commerce

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EXHIBIT

B

Sprint
Together with NEXTEL
Sprint Nextel
2000 Edmund Halley Drive
Reston, VA 20191

December 1, 2005

Mr. Ron Walker
Mohave County Board of Supervisors
809 E. Beale Street
P. O. Box 7000
Kingman, AZ 86402

Dear Mr.Walker

RE: 2 GHz Relocation – Secondary Licensee Ineligibility for Relocation Reimbursement

In 2000, the Federal Communications Commission ("FCC") established a plan by which 2 GHz Mobile Satellite Service ("MSS") licensees would relocate incumbent Broadcast Auxiliary Service ("BAS") operations in the entire 1990-2025 MHz band to 2025-2110 MHz.[51] In August 2004, the FCC released the MSS 5th Report and Order ("800 MHz R&O") requiring Nextel Communications, Inc. (now Sprint Nextel) to fund the costs of relocating BAS licensees in the 2 GHz spectrum band.[52] Sprint Nextel is required to compensate BAS licensees for their reasonable costs in relocating their operations to comparable facilities in the revised channel plan.

On October 5th 2005, the FCC released a Memorandum Opinion and Order ("MO&O") that clarified a number of issues concerning the 2 GHz BAS Relocation.[53] In particular, the MO&O expressly affirmed the FCC's general policy that secondary BAS licensees are not entitled to assisted relocation or

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51 See 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 95-18, *Second Report and Order and Second Memorandum Opinion and Order*, 15 FCC Rcd 12315 (2000) and *Third Report and Order and Third Memorandum Opinion and Order*, 18 FCC Rcd 23638 (2003). As early as 1997, the FCC ordered the reallocation of 35 MHz of the 2 GHz band from BAS operations to MSS operations.

52 See 800 MHz R&O, ¶¶ 55, 251-253. BAS includes TV pickup ("TVPU") operations, and fixed operations including studio-to-transmitter link ("STL") stations, TV relay stations, and TV translator relay stations as described in 47 C.F.R. § 74.600. For the purposes of the R&O, the term "BAS" also includes Cable Television Relay Services ("CARS") and the Local Television Transmission Service ("LTTS"); see 47 C.F.R. §§ 74.602, 78.18(a)(6), and § 101.801.

53 http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-174A1.pdf.

relocation cost reimbursement during the BAS transition.[94] Pursuant to the FCC's rules and policies, WPJD279, WMU224, WMU463, WPJD278, and WMU464 licensed to Mohave County Board of Supervisors are licensed on a secondary basis in the 2 GHz spectrum band.[95] Accordingly, pursuant to the FCC's decisions, Mohave County Board of Supervisors is not entitled to compensation or reimbursement for any relocation costs that Mohave County Board of Supervisors might incur in complying with the FCC's relocation requirement.

If WPJD279, WMU224, WMU463, WPJD278, or WMU464 are located in a market in which the relocation has already started and Mohave County Board of Supervisors believes it has incurred added relocation expenses prior to this letter as a result of complying with Sprint Nextel Corporation relocation compensation requirements, Mohave County Board of Supervisors should contact the Regional Nextel Relocation Team.

As a secondary licensee, however, Mohave County Board of Supervisors will need to transition concurrently with all other licensees in the market in order to avoid causing interference to primary licensees following the transition.[96] Although Mohave County Board of Supervisors is not eligible for compensation, Sprint Nextel will assist you in scheduling your transition to coordinate with the market relocation schedule.

Should you have any questions regarding this matter, we encourage you to contact your industry trade association or the FCC directly. If there is anything else that Sprint Nextel can do to assist your transition, please contact Tina Slivka at (703) 592-2806.

Sincerely,

Michael Degitz
Vice President, Spectrum Development
703-433-4469

---

94 *See* 800 MHz MO&O, ¶ 107.

95 *See* 47 CFR §§ 74.602(f), 74.832

96 *See* 47 CFR § 2.104(d)(3) "Stations of a secondary service: (i) Shall not cause harmful interference to stations of primary services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (ii) Cannot claim protection from harmful interference from stations of a primary service to which frequencies are already assigned or may be assigned at a later date".

EXHIBIT
C

June 30, 2005

JUL 2005
RECEIVED
MOHAVE COUNTY
MANAGER

County Manager
Mohave County Board of Supervisors
809 E Beale St.
Kingman, AZ 86401

RE: Market, 2GHz Relocation

Dear County Manager:

In February 2005 Nextel Communications, Inc ("Nextel") accepted the rights and responsibilities imposed by the Federal Communications Commission ("FCC"). In exchange for its spectrum and financial contributions to reconfigure the 800 MHz spectrum band to resolve a public safety interference problem, Nextel received 10 MHz of spectrum in the 2 GHz band. As part of the FCC's decision, Nextel is required to reimburse licensees in the 2 GHz spectrum band (1990 MHz – 2110 MHz) for certain costs in their mandated relocation to a new channel plan ("Relocation") to make the 2 GHz spectrum it has received to be usable by Nextel. As you may already be aware, the Relocation must occur in an expedited timeframe (31 months), and may involve your station.

The Relocation requires the conversion of the systems of 2GHz licensees to operate in a new frequency allocation and channel plan. The new frequency allocation utilizes channel widths of 12 MHz, reduced from the current 17MHz. Nextel is required to compensate licensees for their costs in achieving comparable facilities in the new channel plan.

Nextel understands that there may be additional requirements or constraints on non-commercial public broadcast station licensees ("PTV licensees") due to their unique status (e.g., as recipients of government grants or other local, state and/or federal involvement). The purpose of this letter is to outline the basic process we have contemplated and request your input on what, if any, deviations will be required to comply with your circumstances. This feedback will enable us to tailor our process, allowing us to address your specific requirements effectively.

The basic process is as follows:

- Each licensee will identify the 2GHz equipment to be relocated (upgraded or replaced) and develop a budget for the relocation
- Nextel will verify the equipment and budget estimates; and
- Nextel and the licensee will agree to their obligations under the Relocation (e.g. contract stating what equipment will be provided, and the amount of money that Nextel will reimburse to the Licensee) and document the terms in a frequency relocation agreement.

Nextel Communications, Inc.
2000 Edmund Halley Drive Reston, VA 20191

NEXTEL

Nextel envisions that the relocation agreement documenting the obligations of the parties will include the following terms:

- Licensee will create a purchase order for radio equipment, antennas, and control systems ("Big Ticket Items") and send to Nextel for approval;
- Nextel will approve the purchase order and submit the purchase order to the manufacturer on the licensee's behalf
- Licensee will receive shipment of equipment from the manufacturer, indicate that the equipment has been "accepted;"
- Nextel will issue payment to the manufacturer directly for the Big Ticket Items (note: Nextel does not take title to the new equipment);
- Licensees are required to provide estimates for internal labor and services or quotes for external labor and services, including quotes for ancillary equipment over $500;
- Licensee will pay for ancillary equipment and service providers that install this equipment and Nextel will reimburse the Licensee for the reasonable documented expenses; and
- Licensee will ship old equipment to a Nextel recycling center in Abilene, Texas, where Nextel will take title to the old equipment and dispose of it.

Nextel also encourages you to visit our website at http://www.2GhzRelocation.com for additional information on the relocation project.

Please notify all impacted departments (Legal, Technical, Management, Finance, etc.) within your organization about the process outlined in this letter. Nextel would like your input on any potential issues you may have with the process as outlined above. You should contact Shelly Rakoczy at (703-592-7703) or via email at shelly.rakoczy@nextel.com to express any concerns or foreseeable issues or obstacles to completing the relocation as described.

Thank you for your attention to this matter. We look forward to meeting and working with you.

Sincerely,

Michael Degitz
Vice President, Spectrum Development

Nextel Communications, Inc.
2000 Edmund Halley Drive Reston, VA 20191

NEXTEL

CERTIFICATE OF SERVICE

I, William K. Keane, hereby certify that I have caused the attached Petition for Clarification or Reconsideration of Mohave County Board of Supervisors to be deposited in the U.S. Mail, first-class postage prepaid, this 27th day of January 2006, addressed as follows:

Robert S. Foosaner
Senior Vice President and
Chief Regulatory Officer
Sprint Nextel Corporation
2001 Edmund Halley Drive
Reston, VA 20191

Lawrence R. Krevor
Vice President – Spectrum
Sprint Nextel Corporation
2001 Edmund Halley Drive
Reston, VA 20191

William K. Keane