



**Sprint Nextel**  
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May 15, 2006

BY ELECTRONIC FILING

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

Re: WT Docket 02-55  
Preferred Acquisitions, Inc. Request for Waiver

Dear Ms. Dortch:

On December 14, 2005, immediately prior to its five-year construction deadline, Preferred Acquisitions, Inc. filed Applications for Waiver of the Federal Communications Commission's (the "Commission") construction requirements for its 38 Economic Area ("EA") licenses in ten markets across the United States.<sup>1</sup> Sprint Nextel Corporation ("Sprint Nextel") opposed Preferred's waiver request on several counts, contending that Preferred's EA licenses cancelled as a matter of law in December 2005, when it failed to demonstrate compliance with the Commission's construction requirements or justify waiver relief.<sup>2</sup> Preferred's request for waiver and Sprint Nextel's opposition remain pending before the Commission.

Sprint Nextel is committed to timely and efficient completion of 800 MHz band reconfiguration. Prompt resolution of the Preferred matter is vital in removing ongoing uncertainties in the 800 MHz band reconfiguration process. Continued uncertainty will add complications to the retuning process for public safety NPSPAC licensees who are retuning to the lower 1-120 channels.<sup>3</sup> For example, failure to resolve this issue before the Commission has resulted in a scheduling of Alternate Dispute Resolution ("ADR")

<sup>1</sup> Request for Waiver, Preferred Acquisitions, Inc., ULS File Nos. 0002408877 through 0002408914 (dated Dec. 1, 2005; filed Dec. 14, 2005; amended Dec. 22-23, 2005) ("Preferred Request"). Preferred's construction deadline for its 38 EA licenses was December 20, 2005.

<sup>2</sup> See Opposition of Sprint Nextel Corporation (filed Jan. 27, 2006). Preferred filed a reply to Sprint Nextel's opposition on February 8, 2006, and Sprint Nextel filed a Supplemental Response on February 13, 2006.

<sup>3</sup> As a result of Preferred's EA licenses cancelling as a matter of law, Preferred's 1-120 channels are cleared for 800 MHz band reconfiguration purposes.

with the 800 MHz Transition Administrator (“TA”) concerning the retuning of Preferred’s 1-120 channel block licenses.

Accordingly, Sprint Nextel has requested that the mediator suspend the ADR process until the Commission rules on Preferred’s waiver request. Sprint Nextel’s Motion was filed on May 11, 2006.

A copy of this letter has been filed with all parties to the mediation.

Respectfully submitted,

/s/

Lawrence R. Krevor  
Vice President – Spectrum  
Sprint Nextel Corporation

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**CERTIFICATE OF SERVICE**

I hereby certify that on this **15<sup>th</sup> day of May, 2006**, a true copy of the foregoing  
Letter was served electronically upon:

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