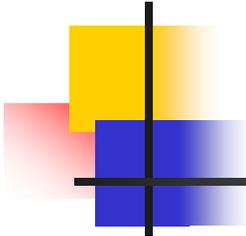




Mohave County Presentation to Commission Staff

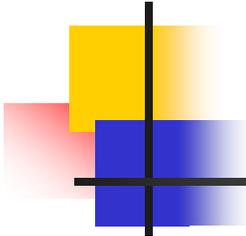
July 11, 2006

Ron Walker, County Manager
Bill Ekstrom, Deputy County Attorney
Yvonne Orr, Translator Manager
Ken Keane, Counsel



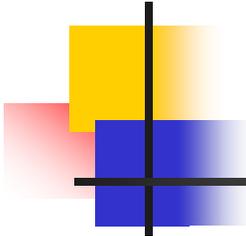
The Issues Presented:

- Whether Sprint Nextel's interpretation of the October 5th MO + O as denying reimbursement eligibility for the County's TV translator relays is correct
- If Sprint Nextel's interpretation were considered correct, and the Order were neither clarified nor reconsidered, whether a waiver should be granted to allow Sprint Nextel credit for relocating the subject TV translator relay stations



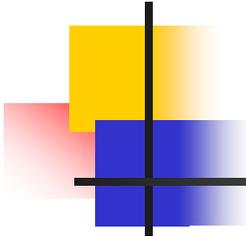
Background

- Mohave County is remote, high desert country -- extremely large (200 miles from north to south and including the Grand Canyon)
- Approximately 155,000 residents (2000 Census), many on fixed incomes and on Indian reservations
- Communities are small (often just a few hundred persons), isolated, and scattered: places like Oatman (pop. 75), Chloride (pop. 353), Wikieup (pop. 369)
- Only one full-service television station in County



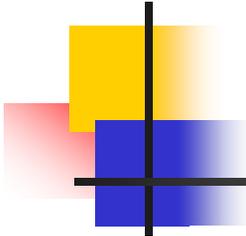
Background (cont.)

- Relay stations at issue used to deliver television station and network programming to 47 translators
- TV translators operated in County since mid-'50s in effort to provide some means of off-the-air programming
- The County's translators provide a vital source of news and information to County residents



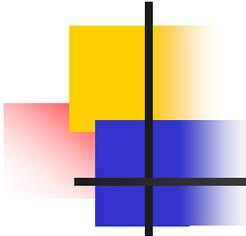
The October 5th Order Should Not Be Read As Nextel Reads It

- The only issue before the Commission in the Order was that posed in the June 20, 2005 joint request by Nextel, NAB and MSTV, i.e. that the Commission clarify that secondary BAS licensees authorized pursuant to applications filed on or after June 27, 2000 (the date established in the MSS Order), but before November 23, 2004 (the date of publication of the 800 MHz Order) were also entitled to reimbursement



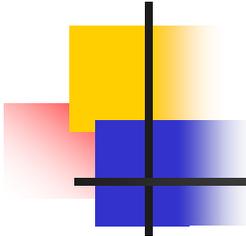
The October 5th Order... (cont.)

- Commission granted that request in order to facilitate the “timely clearing” of the BAS band, noting in passing that this did not “alter our overall relocation policy that secondary operations are not entitled to relocation or reimbursement . . .” (para. 107)



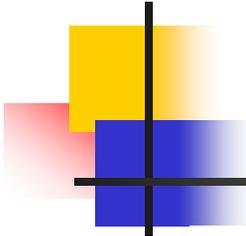
The October 5th Order... (cont.)

- But the 800 MHz R + O adopted the BAS relocation plan filed by Nextel, NAB, and MSTV under which Nextel “commit[ted] to funding the entire cost of relocating all BAS incumbents nationwide. . . .” (quoting from Joint Proposed BAS Relocation Plan, filed May 3, 2004 filing in WT Docket No. 02-55, at 1-2; emphasis added).



The October 5th Order... (cont.)

- Thus, 800 MHz R + O, after defining BAS as including “TV translator relay stations” and saying that “all decisions apply to CARS and LTTS operations in the band, as well as to BAS” (*id.*), held
 - that Nextel would be required to relocate “all BAS licensees” as a condition of its 1.9 GHz license (paras. 252, 326, 347)



The October 5th Order... (cont.)

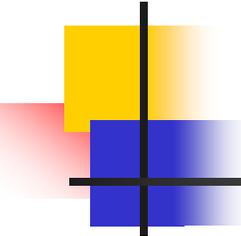
- BAS relocation plan was not intended to be a carbon copy of Emerging Technologies policies
 - integral to the solution to the 800 MHz interference problem
 - 800 MHz relocation policies diverge in numerous important respects from Emerging Technologies
 - use of third-party overseer (Transition Administrator) vs. private negotiations only
 - combined payments in-kind and cash to Treasury for new 1.9 GHz spectrum (vs. straight auction)
 - financial reconciliation upon completion
 - crafted to solve “unique and compelling public interest considerations” (para. 7)

Sprint Nextel is in no position to argue that the petitions for reconsideration should be denied “under well established Commission Rules and Policies” (Opposition at 2), or otherwise.

- The County -- and Sprint Nextel -- viewed the 800 MHz Order as establishing a right of reimbursement for all 2 GHz BAS licensees
- See Chronology

If, for the sake of argument, the Order were read as Sprint Nextel would now read it, it would produce a result at odds with the Commission's stated objectives for 2 GHz relocation

- Get it done promptly (September 7, 2007 is the deadline -- just over a year from now)
- Get it done with a minimum of disruption to the broadcast of essential news and emergency information to the American public (failure to allow reimbursement risks stranding the relays on the old band plan, while everyone around them migrates to the new plan -- a prescription for disruption)



It Would Also Produce A Bizarre Result

- Parties who were licensed and bought equipment after June 2000 knowing they were secondary are allowed reimbursement -- whereas licensees like the County who bought equipment years before June 2000, are not
- Thus, read in context the October 5th Order merely expanded the category of eligibles as Sprint Nextel had asked the Commission to do -- it did not narrow it

If, despite all this, the October 5th Order were not clarified or reconsidered, a waiver should be granted to allow reimbursement for the County, and provide Sprint Nextel credit for same

- Relay stations (and translators they feed) serve critical need for delivery of national and state television programming to thousands of citizens -- for many of whom this represents their only source of TV news and information
- Fulfill most basic Commission mandate, *i.e.* to make available, so far as possible, a nationwide communication system of which free-over-the-air television is a vital part
- Minimal additional cost