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October 25, 2006

**VIA ELECTRONIC MAIL**

Roger Noel, Chief  
Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Sprint Nextel Requests for Special Temporary Authority  
WT Docket No. 05-62

Dear Mr. Noel:

The Enterprise Wireless Alliance (“EWA”) has reviewed thirteen (13) Requests for Special Temporary Authority (“STA”) that have been submitted by Sprint Nextel Corporation, on behalf of its wholly-owned subsidiary FCI 900, Inc. (“Sprint Nextel”). The STA applications seek authority to operate on currently unused channels that are available in the 900 MHz Business/Industrial and Land Transportation (“B/ILT”) Pools in specified Basic Trading Areas (BTAs). According to Sprint Nextel, grant of the STA requests will facilitate reconfiguration of the 800 MHz band by providing Sprint Nextel with additional 900 MHz “green space” spectrum capacity for its commercial operations on a temporary basis while it accommodates incumbent retuning in various NPSPAC regions. Sprint Nextel argues that its STA filings are consistent with Commission statements contained within the *800 MHz R&O*<sup>1</sup> and a subsequent Public Notice in this matter.<sup>2</sup>

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers, all of which use or provide wireless communications products and services. EWA previously acknowledged that there may be instances when Sprint Nextel would require spectrum “green space” from the 900 MHz B/ILT pool of frequencies during 800 MHz band reconfiguration,<sup>3</sup> however, EWA also noted that FCC decisions with respect to this requirement must be carefully tailored

<sup>1</sup> See *Improving Public Safety Communications in the 800 MHz Band Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004) at ¶ 336.

<sup>2</sup> *Public Notice*, DA 04-3013, September 17, 2004.

<sup>3</sup> See EWA Reply Comments filed on June 2, 2005, in response to FCC *Notice of Proposed Rulemaking and Memorandum Opinion and Order*, WT Docket No. 05-62, 20 FCC Rcd 3814 (2005) (“Reply Comments”).

to serve that objective and thereby strike a fair and equitable balance between the interests of incumbent B/ILT licensees and Sprint Nextel.

EWA also noted in its Reply Comments that the record did not contain any information about the geographic areas in which Sprint Nextel expected to require “green space” to facilitate 800 MHz reconfiguration. Further, it was noted that Sprint Nextel is a substantial licensee of 900 MHz SMR spectrum throughout the nation through its MTA authorizations.<sup>4</sup> As such, EWA stated that “green space” should be made available only in those geographic areas in which Sprint Nextel operates its iDEN network; where there are operational 800 MHz public safety systems or systems that will be deployed in the next three years; and where Sprint Nextel has inadequate 900 MHz SMR spectrum to satisfy its “green space” requirements necessary to support 800 MHz reconfiguration.

Thus, the STA requests are consistent with EWA’s position that Sprint Nextel requires additional 900 MHz spectrum capacity only in certain markets where it is needed to accommodate Sprint Nextel’s “green space” requirements to facilitate its 800 MHz reconfiguration responsibilities. EWA anticipates that Sprint Nextel will submit additional STA applications in other geographic areas that also meet that definition. EWA’s expectation, however, is that Sprint Nextel’s need for additional “green space” spectrum that conforms to the technical requirements of its iDEN infrastructure<sup>5</sup> will be temporary and area-specific, not permanent or national in scope.

In EWA’s view, grant of the pending STA applications, and subsequent STA requests that are consistent with them, eliminates the core reason behind the Notice of Proposed Rulemaking in WT Docket No. 05-62;<sup>6</sup> that is, the concern that Sprint Nextel have the opportunity to obtain 900 MHz “green space” necessary to accommodate 800 MHz reconfiguration.<sup>7</sup> As such, EWA requests that the Commission reevaluate the need to conduct an overlay “white space” auction of the 900 MHz B/ILT band as proposed in that proceeding. A nationwide spectrum auction goes substantially beyond what is necessary to permit Sprint Nextel to fulfill its 800 MHz reconfiguration obligations.<sup>8</sup> Instead, EWA endorses the STA application approach that is being pursued by Sprint Nextel as it targets markets only where additional channel capacity is needed and would provide operational authority in time-limited increments, perhaps coterminous with 800 MHz reconfiguration deadlines.

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<sup>4</sup> Sprint Nextel’s 900 MHz spectrum capacity has since been expanded through acquisition of existing stations in many geographic areas where additional spectrum is necessary to accommodate its internal operations subsequent to the Commission’s NPR in WT Docket No. 05-62. Many of Sprint Nextel’s 900 MHz assignors are noted in the supportive documentation that accompanied the requests for STA.

<sup>5</sup> As 25 kHz channel bandwidths are a requirement to function within the iDEN technology, and the 900 MHz B/ILT band provides for 12.5 kHz channel bandwidths, not all potentially available B/ILT channels are acceptable for Sprint Nextel’s “green space” purposes.

<sup>6</sup> See n. 3.

<sup>7</sup> See “Wireless Telecommunications Bureau Freezes Applications in the 900 MHz Band,” *Public Notice*, 19 FCC Rcd 18277 (2004)(“Freeze Order”).

<sup>8</sup> EWA also questions the spectrum management policy benefits associated with conducting an auction where nationwide participation is likely to be limited to a single carrier with only a temporary, geographically limited requirement for the spectrum.

EWA appreciates Sprint Nextel's assurance in its STA applications that "if a co-channel 900 MHz B/ILT licensee is present in the requested market area or an adjacent market, Sprint Nextel will protect the licensee in accordance with the Commission's rules. Under Section 90.621 (b) of the Commission's rules, incumbent licensees must be afforded protection from co-channel interference based on specified separation criteria. Sprint Nextel *will* (emphasis added) protect all co-channel 900 MHz B/ILT licensees as required by Section 90.621 (b) of the Commission's rules."

This commitment assumes that Sprint Nextel, which is seeking STA authority to operate on identified 900 MHz B/ILT channels throughout specified BTAs on a secondary, non-interference basis to site-based licensees, is fully aware of the affected stations that are entitled to protection. In particular, since Sprint Nextel may deploy its requested channels at any of the thousands of sites it operates within a given BTA, every effort must be made to mitigate the potential for interference and to resolve instances of interference expeditiously.<sup>9</sup> EWA's expectation is that Sprint Nextel already has conducted an analysis of incumbent operations on those frequencies it has identified as "not being fully utilized" in its STA applications so as to comply with Rule Section 90.621(b) and that Sprint Nextel will use its spectrum management expertise to ensure ongoing protection to primary stations as their parameters are modified, including by adding channels for which Sprint Nextel has secondary STA approval. In other words, it is imperative that Sprint Nextel remain aware of what frequencies may be used at which of its many sites without compromising the provisions of Section 90.621(b).

It would be helpful for EWA to record within its 900 MHz database those sites and STA channels Sprint Nextel plans to use for its "green space" operations so that EWA may advise Sprint Nextel of any pertinent incumbent licensing actions that would necessitate Sprint Nextel to either terminate or relocate channel assignments, thus promoting interference avoidance and adherence to separation requirements. However, EWA appreciates that receipt of the site information may not be possible. EWA will, however, be pleased to provide Sprint Nextel with a copy of EWA's 900 MHz frequency advisory committee certification transaction data within pertinent BTA areas at the same time it submits application data to the FCC's ULS system. This will serve to facilitate Sprint Nextel's ongoing compliance with Section 90.621(b) and thereby prevent instances of interference.

EWA has conducted a spectrum analysis for each STA application submitted by Sprint Nextel to date to identify the incumbent operations that Sprint Nextel should review as part of its Section 90.621(b) compliance determinations.<sup>10</sup> We have attached

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<sup>9</sup> EWA is aware that CTIA has instituted a web-based interference resolution process specifically designed to report incidences of interference that may be caused by the operation of Commercial Mobile Radio Service carriers. Although that system has been designed to address matters between primary spectrum licensees, it may also be used effectively as an additional resource for resolution of interference problems to primary licensees from Sprint Nextel's secondary STAs.

<sup>10</sup> Absent specific Sprint Nextel site locations, EWA used the center coordinates of each BTA and conducted an analysis on each specific frequency requested identifying incumbent licensee operations that are located within a 113 km (70 mile) radius of those center BTA coordinates. Obviously, EWA could not conduct a more thorough contour analysis without technical information from Sprint Nextel. This

the results of those analyses in Appendix A and have provided this information to Sprint Nextel for its review.<sup>11</sup> EWA will also inform non-affiliated Sprint Nextel incumbent licensees that Sprint Nextel has filed an STA request for secondary, non-interference operation on a frequency or frequencies on which the incumbent is licensed and that Sprint Nextel has advised the FCC that it will be selecting sites that provide at least the minimum separation standard required under FCC rules and regulations. EWA is willing to participate to the extent necessary to facilitate the resolution of interference concerns from incumbent licensees, and, similarly, to work with Sprint Nextel in these matters.<sup>12</sup> EWA notes that it does not anticipate a marked increase in interference notifications provided that Sprint Nextel conducts its “green space” spectrum expansion under the terms of its STA applications. Further, 900 MHz B/ILT incumbents are already aware that Sprint Nextel is currently providing commercial iDEN service at 900 MHz within their immediate geographic vicinity.

EWA supports the granting of the Sprint Nextel STA applications as a means to satisfy its requirement to access 900 MHz spectrum for “green space” in order to accommodate the 800 MHz reconfiguration. This approach also contains assurances on the part of Sprint Nextel to limit the potential for interference to primary 900 MHz B/ILT licensees. Finally, granting these and any subsequent STA applications consistent with these same parameters serves to mitigate the perceived requirement to conduct an overlay “white space” auction for the purpose of satisfying this same spectrum objective.

Sincerely,

/s/

Mark E. Crosby  
President/CEO

Attachment

cc: Lawrence Krevor, Esq.  
Fred Campbell  
Catherine Seidel  
Kathy Harris  
David Furth

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rudimentary analysis, however, does assist in identifying potentially affected incumbent licensees, and supports Sprint Nextel’s statements that there is spectrum available within these markets that may be used for its “green space” requirements.

<sup>11</sup> EWA is aware that the list of potentially affected incumbents listed in Appendix A may include licensees that have already agreed to assign, or are currently engaged in negotiations to assign their 900 MHz spectrum capacity to Sprint Nextel.

<sup>12</sup> EWA has a long-standing Memorandum of Understanding with the Commission regarding its participation in interference resolution matters.

**Appendix A**  
**Incumbents Potentially Affected**

**BTA 025 – Atlantic City, NJ – 44 Channels**

FleetTalk Partners – 939.1500 MHz  
George Harms Construction – 937.2125 and 937.2250 MHz

**BTA 029 – Baltimore, MD – 52 Channels**

ARINC - 935.1625, 935.6375, 939.2000, 936.2000, 939.6875 and 939.9500 MHz  
Bank of America – 935.1625 and 939.6875 MHz  
Chrysler Corporation - 935.6500, 937.6375 and 939.7500 MHz  
PSEG – 935.9750, 936.2000, 936.9125, 936.9250, 938.2500, and 938.3875 MHz  
Triangle Communications – 936.1875 MHz  
Conestoga Copiers – 936.1875 MHz  
General Motors - 936.4500, 936.4625, 936.4750, 936.4875, 936.5000 and 938.4000 MHz  
E.I. Dupont - 938.1625, 938.1750 and 939.2500 MHz

**BTA 051 – Boston, MA – 8 Channels**

Northeast Utilities – 936.9250 MHz  
Industrial Wireless – 937.8875, 937.9000, 937.9125 and 937.9250 MHz

**BTA 151 – Ft. Myers, FL – 76 Channels**

Communications Service – 936.7125 and 936.7375 MHz  
Florida Power – 936.6875, 937.1375, 937.2000, 937.6750, 937.7250, 937.7500,  
938.1625, 938.6875, 938.7250, 938.7375, 939.1500, 939.1750, 939.7125 and  
939.7375 MHz  
Thomas Kelly – 937.6750 MHz  
Progress Energy – 936.2125, 937.2125, 737.7000 and 939.4500 MHz

**BTA 212 – Jacksonville, FL – 111 Channels**

Embarq Florida – 936.9750 MHz  
Florida Power – 937.1500, 937.8875, 937.9125, 937.9625, 938.9250, 939.6375, 939.6500  
and 939.9125 MHz  
Prime Therapy – 936.6750, 936.6875, 936.7000, 936.7125 and 936.7500 MHz  
Progress Energy – 935.2250, 936.2000, 937.2250, 939.2250 and 939.6875 MHz  
Rinker Materials – 936.9000, 937.9000, 938.0000 and 939.5000 MHz

### **BTA 239 – Lakeland, FL – 40 Channels**

ARINC – 936.2375, 936.4625, 939.7000, 939.7250 and 939.7500 MHz  
Cam Jo, Inc. – 936.4750 MHz  
Certified Plumbing – 938.2125 MHz  
Embarq Florida – 936.4125 and 936.4625 MHz  
Florida Communications – 938.2125 MHz  
Florida Light – 936.4125, 937.1375, 937.9750, 938.1625, 939.5000, 939.6750  
and 939.7375 MHz  
Broadband of Knology – 938.7500 and 939.2125 MHz  
Thomas Kurian – 939.6875 and 939.7125 MHz  
Pinellas County Schools – 937.8875, 939.1375, 939.4875 and 939.6375 MHz  
Progress Energy – 937.1375, 937.1500, 937.9875, 938.1375, 938.1500, 938.1750,  
938.2250, 938.7375, 938.7500, 939.2250, 939.6625, 939.7000, 939.7250 and  
939.7500 MHz  
Rinker Materials – 936.4250, 936.4750 and 938.1750 MHz  
Southern Company – 938.1625 MHz  
Tropicana Products – 936.4250 MHz  
Walt Disney World – 937.8875, 937.9000, 937.9875, 938.0000, 939.1375, 939.1500,  
939.2125, 939.2250, 939.6375, 939.6500, 939.6625, 939.6750, 939.6875,  
939.7000, 939.7125, 939.7250, 939.7375 and 939.7500 MHz

### **BTA 289 – Melbourne, FL – 52 Channels**

Embarq Florida – 935.2125 MHz  
Florida Power – 937.9000, 937.9250, 937.9750, 938.7500, 939.5000 MHz  
Thomas Kurian – 935.1875 MHz  
Progress Energy – 937.1625, 938.6750, 938.7250, 938.7375, 938.7500  
and 939.1875 MHz  
Rinker Materials – 939.6750 MHz  
Sea World – 938.1875 and 938.7125 MHz  
Universal City – 935.2250 and 936.1375 MHz  
Walt Disney World – 937.8875, 937.9000, 937.9125, 937.9875, 938.0000, 939.1375,  
939.1500, 939.1625, 939.1750, 939.2000, 939.2125, 939.2250, 939.2375,  
939.2500, 939.6375, 939.6375, 939.6500, 939.6625, 939.6750, 939.6875,  
939.7000, 939.7125, 939.7250, 939.7375 and 939.7500 MHz

### **BTA 293 – Miami/Ft. Lauderdale, FL – 8 Channels**

ARINC – 935.2125 MHz  
Beach Signs, Inc. – 936.2500 MHz  
Florida Power – 936.2375 MHz  
Genuine Parts – 936.2500 MHz  
Industrial Wireless – 936.2500 MHz  
Rinker Materials – 935.2250 MHz  
Southern Shuttle – 938.8875 MHz

**BTA 318 – New Haven, CT – 24 Channels**

Daniel Finley Allen – 937.6375, 937.6500, 937.6625 and 937.6750 MHz  
David Fenton, Jr. – 936.2125, 936.2250, 937.6375, 937.6750 and 938.1375 MHz  
FleetTalk Partners – 936.7125, 936.7250, 936.7375, 936.7500, 937.2375, 937.6375,  
937.6500, 937.6625 and 937.6750 MHz  
Industrial Communications – 936.2125, 936.2250, 936.7250, 937.2250, 937.6375,  
937.6750 and 938.1375 MHz  
Lincoln Oil – 936.2125 and 936.2250 MHz  
Vitos Oil – 936.2125 and 936.2250 MHz

**BTA 321 – New York, NY – 24 Channels**

AAR – 935.9875 MHz  
Bayer Health Care – 939.1375 MHz  
Daniel Finley Allen – 935.1875, 937.2125, 937.2250 and 938.7375 MHz  
Scott Detweiler – 939.1500 MHz  
FleetTalk Partners – 935.1875, 935.4125, 935.4250, 935.6875, 936.4125, 936.4250,  
936.7125, 936.7250, 936.7375, 936.7500, 937.1500, 937.2125, 937.2250,  
938.7375, 938.7500 and 939.1500 MHz  
George Harms Construction – 937.2125 and 937.2250 MHz  
Northeast Utilities – 935.7000 MHz  
Kenneth Varley – 935.6875 MHz

**BTA 346 – Philadelphia, PA – 58 Channels**

Adamar of New Jersey – 937.7125 and 938.2250 MHz  
Ballys Park Place – 936.7250 and 939.2250 MHz  
ConocoPhillips – 936.2500 and 937.7250 MHz  
Scott Detweiler – 939.1500 MHz  
FleetTalk Partners – 935.4000, 936.7125, 936.7250, 936.7375, 936.7500  
and 939.1500 MHz  
George Harms Construction – 937.2125 and 937.2250 MHz  
MAC Corporation – 936.2500, 936.7500 and 939.2000 MHz  
Trump Plaza – 935.1500, 938.2125 and 939.1875 MHz  
Rochelle Zucker – 936.2375 MHz

**BTA 440 – Tampa/St. Petersburg, FL – 26 Channels**

Florida Power – 935.3875, 935.4000, 935.4125, 935.4250, 937.1375, 937.9375,  
937.9625, 937.9750, 937.9875, 938.000, 938.4750, 938.9875, 939.0000  
and 939.1750 MHz  
Prime Therapy – 939.1625 MHz  
Progress Energy – 935.4250, 937.9875 and 938.4875 MHz  
Tropicana Products – 935.9250 and 936.4250 MHz

**BTA 461 – Washington, DC – 66 Channels**

ARINC – 935.1625, 936.2000, 936.7000, 936.7375 and 939.6875 MHz

State of Maryland – 936.7000 MHz

Potts & Callahan – 936.7375 MHz

Wireless US, LLC – 935.6750 MHz