

ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20554

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DEC 28 2006

Federal Communications Commission  
Office of the Secretary

In the Matter Of )  
)  
)  
City of Boston, Massachusetts )  
and Sprint Nextel )  
)  
Mediation No. TAM-11155 )

WT Docket No. 02-55

To: The Commission

**PETITION FOR DE NOVO REVIEW**

The City of Boston, through counsel, hereby petitions the Commission to set for evidentiary hearing those matters in dispute between the City and Sprint Nextel in their efforts to negotiate a Frequency Reconfiguration Agreement as a portion of the process of rebanding the 800 MHz radios operated by the City.<sup>1</sup> In accord with the procedures adopted under Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order*, 19 FCC Rcd 14969 (2004) (the 800 MHz Order), the City hereby requests an evidentiary hearing before an Administrative Law Judge for the purpose of assisting the parties in resolving those issues in dispute.<sup>2</sup>

In accord with the procedures adopted under the 800 MHz Order, the parties attempted to negotiate in good faith a Frequency Reconfiguration Agreement, engaged in mediation, provided Proposed Resolution Memoranda, submitted Statements of Position, and have had adopted by the Public Safety and Homeland Security Bureau a *Memorandum Opinion and Order* regarding the

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<sup>1</sup> The Commission merged two agreements under negotiation into a single decision under the above captioned Mediation TAM No.

<sup>2</sup> See, the 800 MHz Order at ¶ 194.

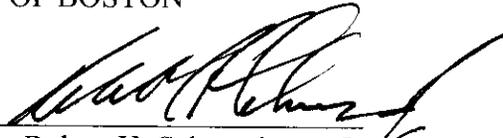
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subject negotiations.<sup>2</sup> This petition is deemed an appeal of that *Memorandum Opinion and Order*.

Therefore, this matter is ripe for an evidentiary hearing before an Administrative Law Judge.

Respectfully submitted,  
CITY OF BOSTON

By

  
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<sup>2</sup> See, In the matter of City of Boston, Massachusetts and Sprint Nextel, *Memorandum Opinion and Order*, Mediation No. TAM-11155, WT Docket 02-55 (DA 06-2556) released December 20, 2006.

## Certificate Of Service

I certify that on this 28<sup>th</sup> day of December, 2006, a copy of the foregoing Petition For De Novo Review was sent to the following persons:

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