



**Sprint Nextel**  
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**James Goldstein**  
Director, Government Affairs

January 9, 2007

BY ELECTRONIC FILING

David L. Furth  
Associate Bureau Chief  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: City of Boston, MA and Sprint Nextel  
Mediation No. TAM-11155  
WT Docket No. 02-55

Dear Mr. Furth:

In the *Memorandum Opinion and Order (MO&O)* released on December 20, 2006 (DA 06-2556) in the above-referenced matter, the Public Safety and Homeland Security Bureau (“Bureau”) concluded, among other things, that certain management and tracking software was not operationally necessary to retune systems licensed to the City of Boston, and that Sprint Nextel consequently was not obligated to fund the purchase of such software. In reaching this conclusion, the Bureau rejected an argument advanced by the City of Boston that the software in question was necessary because its radios would need to be “touched” more than once as part of the retuning process.

Sprint Nextel Corporation (“Sprint Nextel”) fully supports the Bureau’s decision in the *MO&O*, but is concerned that certain statements in paragraphs 21-22 of the *MO&O* may create confusion regarding the reimbursability of costs related to “second touches” to public safety radios during the Federal Communications Commission’s (“Commission”) 800 MHz reconfiguration process. See *Petition for Reconsideration of City of Memphis, Tennessee, et al.*, WT Docket No. 02-55 (Dec. 21, 2006). Sprint Nextel urges the Bureau to clarify that its statements regarding second touches in the *MO&O* should be interpreted in light of the specific facts and circumstances presented in that case, *i.e.*, the City’s purported justification for certain management and tracking software. The Bureau should also make clear that its rejection of the City’s demand for such software was based on multiple factors and that such clarification would in no way undercut or modify the Bureau’s holding on the contested software issue.

Please contact me at (703) 433-4212 should you have any questions.

Sincerely,

[/s/ James B. Goldstein](#)

James B. Goldstein  
Director – Spectrum Reconfiguration  
Sprint Nextel Corporation

cc: Michelle Carey  
Michael Wilhelm

**Certificate of Service**

I, James B. Goldstein, hereby certify that on this 9th day of January 2007, I caused true and correct copies of the foregoing letter to David L. Furth, to be sent by electronic mail and by first-class, postage-prepaid mail to:

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/s/ James B. Goldstein  
James B. Goldstein