

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Improving Public Safety Communications in the 800 MHz Band	)	WT Docket No. 02-55
	)	
Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels	)	
	)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems	)	ET Docket No. 00-258
	)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service	)	ET Docket No. 95-18
	)	

To: The Commission

**ENTRAVISION HOLDINGS, LLC'S COMMENTS IN SUPPORT OF  
REPLY TO OPPOSITION FILED BY  
FOX TELEVISION STATIONS, INC. AND GRAY TELEVISION LICENSEE, INC.**

Entravision Holdings, LLC ("Entravision"), the licensee of Station KNVO, McAllen, Texas, hereby submits these Comments in Support of the Reply to Opposition ("Stations' Reply") filed in the above-referenced dockets by Fox Television Stations, Inc. and Gray Television Licensee, Inc. (collectively, "Stations") on April 5, 2007.

**COMMENTS IN SUPPORT**

The Stations' Reply accurately and convincingly captures the crux of the issue regarding why BAS short-term operations should be eligible for reimbursement from Sprint Nextel as part

of the relocation reimbursement plan in the above-captioned proceedings. Specifically, short-term operations are no different from the associated BAS operations and should be treated similarly in the reimbursement process. Since all BAS operations are to be reimbursed and short-term operations lawfully operate in conjunction with the underlying primary station license, equipment costs associated with the rebanding of such short-term operations must also be reimbursed.

Stations' Reply makes clear that the Commission did not intend to distinguish between short-term operations and BAS operations generally.<sup>1</sup> The Commission could have easily excluded short-term operations from reimbursement had it intended to do so. Instead, as the Stations point out, the Commission's relocation orders repeatedly indicate the intent to relocate "all BAS operations" and "all BAS incumbents" in the affected band.<sup>2</sup> Sprint Nextel's Opposition attempts to make a primary/secondary distinction between short-term BAS facilities and separately licensed facilities. However, the "secondary" nature of short-term operations relates to the Section 74.24(c) requirement that short-term operation is on a "secondary, non-interference basis to regularly authorized stations." This secondary status relates only to interference concerns, not reimbursement issues.

Entravision further supports the Stations' well-taken assertion that leaving short-term BAS facilities out of the relocation plan would be inequitable.<sup>3</sup> Entravision, like Stations and other similarly situated BAS incumbents, made substantial investments in BAS equipment that

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<sup>1</sup> See "Reply to Opposition" filed on Apr. 5, 2007 by Fox Television Stations, Inc. and Gray Television Licensee, Inc., at 2 ("Because there is no practical distinction between short-term facilities and BAS facilities licensed under Part 74 of the Commission rules, the Commission's intent is clear: All BAS facilities should be treated similarly.").

<sup>2</sup> *Id.* See also Entravision Holdings, LLC Comments in Support of Petition for Clarification filed on March 29, 2007 at 5.

<sup>3</sup> See *supra* note 1, at 3.

they have lawfully operated under Section 74.24, for a substantial term of years, without separate licenses. This is equipment that the affected broadcasters would continue to employ usefully but for the fact that they are required by the Commission to relocate involuntarily as part of the transition plan benefiting only Sprint Nextel. In Entravision's case, the **BAS** equipment at issue provides critical news and information for Station KNVO's viewers along the common border with Mexico where public safety concerns are significant and often of homeland security importance. It would be inequitable and a waste of broadcasters' scarce resources, particularly in a period where substantial funds have been expended on the digital transition, to require **BAS** incumbents to self-fund the purchase of new, unanticipated, and unbudgeted **BAS** short-term equipment. **BAS** incumbents had no notice before they acquired the **BAS** equipment that they would be expected to relocate *and* pay to replace their lawfully operated short-term equipment prior to the equipment's obsolescence.

### **CONCLUSION**

For the foregoing reasons, Entravision requests that the Commission grant Stations' Petition and require Sprint Nextel to reimburse broadcasters for equipment lawfully operated

pursuant to the Section 74.24 short-term operation rule when the equipment has been in service on or prior to November 22,2004.

Respectfully submitted,

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April 6,2007

CERTIFICATE OF SERVICE

I, Michelle W. Cohen, hereby certify that on April 6, 2007, I caused a copy of the foregoing Comments in Support of Petition for Clarification to be mailed first-class postage prepaid mail to the following:

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