



**Sprint Nextel**  
2001 Edmund Halley Drive  
Reston, VA 20191  
Office: (703) 433-4140 Fax: (703) 433-4142

Lawrence R. Krevor

May 16, 2007

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, NW  
Washington, DC 20554

Re: WT Docket No. 02-55

Dear Chairman Martin:

In an April 20, 2007 letter to the Federal Communications Commission (the Commission), Sprint Nextel Corporation (Sprint Nextel) recommended that the Commission revise its 800 MHz retuning cost standard to permit more negotiating flexibility and thereby facilitate 800 MHz band reconfiguration. In a May 9, 2007 letter filed in this proceeding, a group of public safety organizations voiced support for Sprint Nextel's recommendation that the current standard has impeded retuning negotiations.

Sprint Nextel is complying with the current stringent standard, which requires licensees to certify that retuning costs "are the minimum necessary to provide facilities comparable to those presently in use." (800 MHz *Report and Order* ¶ 198.) Sprint Nextel takes this requirement seriously in light of its obligation under the Commission's anti-windfall payment process and the federal False Claims Act to document the permissibility of all reconfiguration expenditures. The current cost standard has made negotiations more difficult and time consuming. Indeed, these concerns prompted Sprint Nextel's April 20 recommendation for the Commission to adopt a more flexible standard.

Sprint Nextel urges the Commission to act promptly on other recommendations to facilitate 800 MHz reconfiguration. In a February 15, 2007 letter to the Commission, public safety representatives and Sprint Nextel jointly recommended that the Commission direct the Transition Administrator and all affected licensees to conduct wide-area planning and coordination to ensure Phase II retuning is done expeditiously and without undue disruption to incumbent systems, as required by the Commission's reconfiguration decisions. Commission support for this activity is just as important as broadening negotiating flexibility. Sprint Nextel's April 20 letter also recommended that the Commission replace the current 180 day voluntary/mandatory negotiation period with a single 90-day mandatory negotiation period commencing when an incumbent provides its retuning costs estimates and statement of work.

The vast majority of incumbent licensees and Sprint Nextel have worked in good faith to move 800 MHz reconfiguration forward and have achieved substantial progress. More than 1,000 incumbent licensees have successfully retuned – all without increasing interference or significantly disrupting incumbent operations. Over 200 public safety NPSPAC licensees have signed retuning agreements and another 250 are actively engaged in retuning planning funded by Sprint Nextel.

Reconfiguring the 800 MHz band has proven to be more complex and time consuming than initially anticipated. The answer to these challenges and to future retuning success is continued good faith and hard work by Sprint Nextel and incumbent licensees, along with their vendors and consultants, coupled with pragmatic adjustments to the reconfiguration process. These adjustments should include prompt action by the Commission on all of the pending proposals described above.

Sincerely,

[Lawrence R. Krevor](#)

Lawrence R. Krevor  
Vice President – Spectrum

cc: The Honorable Michael J. Copps  
The Honorable Jonathan S. Adelstein  
The Honorable Deborah Taylor Tate  
The Honorable Robert M. McDowell  
Michelle Carey  
Bruce Gottlieb  
Barry Ohlson  
Aaron Goldberger  
Angela Giancarlo  
Chief Derek Poarch  
David Furth