

Before the
Federal Communications Commission
Washington, D.C. 20554

FCC 07M-37
06611

In the Matter of)
)
) PS Docket No. 07-69
CITY OF BOSTON)
)
) Mediation No. TAM-11155
and)
)
)
SPRINT NEXTEL CORPORATION)
)
)
Relating to Rebanding Issues in the 800 MHz)
Band)

MAILED
OCT 11 2007
FCC

ORDER

Issued: October 5, 2007

Released: October 9, 2007

This is a ruling on Joint Request for Termination of Proceeding filed by City of Boston (“Boston”) and Sprint Nextel Corporation (“Nextel”) on October 3, 2007.

Boston and Nextel have reached agreement on all outstanding issues which were to be heard in this proceeding, and state that there is no remaining dispute to be resolved through hearing before the Presiding Judge. Boston and Nextel further state that their agreement to terminate will be reflected in a Frequency Reconfiguration Agreement (“FRA”) to be submitted to the 800 MHz Transition Administrator (“Transition Administrator”) for review and approval.¹ The Joint Request suggests that the FRA and agreement be submitted to the Presiding Judge for *in camera* inspection.

For cause shown, IT IS ORDERED that this proceeding IS STAYED, and all filing deadlines, procedural dates, depositions and other discovery ARE SUSPENDED *sine die*.²

IT IS FURTHER ORDERED that by **October 15, 2007**, Boston and Nextel shall reflect their agreement in an FRA to be submitted to the Enforcement Bureau for review and comment, and transmitted to the Presiding Judge for *in camera* inspection.

IT IS FURTHER ORDERED that by **October 22, 2007**, the FRA or Enforcement Bureau shall acknowledge by written comment whether it has objection to the agreement. If there is no

¹ It appears that an agreement has not been finalized as of the date of this ruling. Therefore, termination of this proceeding at this time would be premature. Also, this proceeding will not be terminated without the Enforcement Bureau’s participation by comment and consent. The *Hearing Designation Order*, 22 FCC Red. 6775, 6778(2007), designated the Chief, Enforcement Bureau a party to this proceeding.

² In their Joint Request, Nextel withdraws all extant notices of deposition. There have been no subpoenas issued by the Presiding Judge.

objection, the FRA SHALL BE SUBMITTED to the Transition Administrator for review and approval.

IT IS FURTHER ORDERED that when the FRA with agreement is fully executed, reviewed by the Enforcement Bureau and submitted to the Transition Administrator for approval, the Presiding Judge shall be informed by written pleading wherein the parties shall jointly request termination of this proceeding.³

FEDERAL COMMUNICATIONS COMMISSION⁴



Richard L. Sippel
Chief Administrative Law Judge

³ The Bureau may choose merely to note its review and approval below the parties' signatures to the FRA, and also on the request to terminate.

⁴ Courtesy copies of this *Order* were e-mailed to each counsel of record on date of issuance.