

ORIGINAL

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

DO NOT FILE COPY ORIGINAL

In the Matter of

Improving Public Safety in Communications ) WT Docket 02-55  
in the 800 MHz Band )

Consolidating the 800 and 900 MHz )  
Industrial/Land Transportation and Business )  
Pool Channels )

Amendment of Part 2 of the Commission's Rules ) ET Docket No. 00-258  
Allocate Spectrum Below 3 GHz for Mobile and )  
Fixed Services to Support the Introduction )  
of New Advanced Wireless Services, )  
including Third Generation Wireless Systems )

Petition for Rule Making of the Wireless ) RM-9498  
Information Networks Forum Concerning the )  
Unlicensed Personal Communications Service )

Petition for Rule Making of UT Starcom, Inc. ) RM-10024  
Concerning the Unlicensed Personal )  
Communications Service )

To: The Commission

FILED/ACCEPTED  
OCT 30 2007  
Federal Communications Commission  
Office of the Secretary

Motion to Strike

The City of Boston ("Petitioner"), lead petitioner in the Petition for Partial Reconsideration ("Petition") of the Commission's Second Memorandum Opinion and Order in Improving Public Safety Communications in the 800 MHz Band, *Second Memorandum Opinion and Order*, WT Docket No. 02-55, FCC 07-102 (rel. May 30, 2007) (*MO&O*), hereby moves to strike Sprint Nextel's Opposition, dated October 16, 2007, as sorely out of time. In support, Petitioner submits:

Petitioner tendered the Petition on June 14, 2007. Under Section 1.45(b), the Opposition should have been filed, if at all, by June 25, 2007. The Commission may waive Section 1.45(b)

No. of Copies rec'd 0 + 6  
List ABCDE

of its rules if asked. To its own detriment, Sprint Nextel failed to ask the Commission to waive the filing requirement.

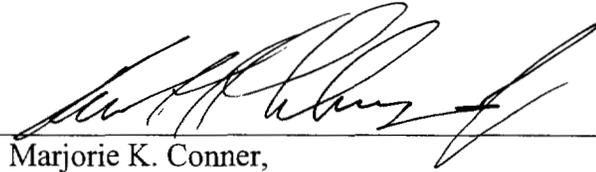
Rather, Sprint Nextel in its hubris, expected the Commission to accept its Opposition whenever Sprint Nextel got around to filing it. This cavalier attitude toward the Commission's filing requirements cannot be condoned.

Petitioner respectfully requests that the Commission strike Sprint Nextel's Opposition and proceed, forthwith, to a determination of the merits of the Petition.

Respectfully submitted,

THE CITY OF BOSTON, MASSACHUSETTS

By:



Marjorie K. Conner,  
Marjorie K. Conner, P.L.L.C.  
Counsel to Schwaninger & Associates, PC  
Robert H. Schwaninger, Jr.  
The City's Counsel

Schwanger & Associates, P.C.  
1331 H Street, NW  
Suite 500  
Washington, D.C. 20005  
(202) 347-8580  
(202) 347-8607 (fax)  
[rschwanger@sa-lawyers.com](mailto:rschwanger@sa-lawyers.com)

Marjorie K. Conner, P.L.L.C.  
700 West View Terrace  
Alexandria, Virginia 22301  
(703) 706-5917  
(703) 997-2518 (fax)  
[mkconner@mkconnerlaw.com](mailto:mkconner@mkconnerlaw.com)