

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

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

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ORDER

Issued: October 18, 2007

Released: October 19, 2007

By *Order* FCC 07M-37, issued October 5, 2007, City of Boston (“Boston”) and Sprint Nextel Corporation (“Nextel”) were to include in a proposed dispositive FRA, an agreement that there was no remaining dispute to be resolved through hearing. *Order* FCC 07M-37 was intended to facilitate the clear intent of a pleading filed by Boston and Nextel on October 3, 2007, styled “Joint Request for Termination of Proceeding. In that pleading it was represented that all issues were resolved between the two parties. Therefore, *Order* FCC 07M-37 stayed all litigation to enable Boston and Nextel to submit their assumedly finalized agreement on October 15, 2007, for consideration and comment by the Enforcement Bureau (“Bureau”), and the Transition Administrator.

Instead, on October 15, 2007, Nextel filed alone “Nextel Communication, Inc.’s Status Report” (“Status Report”). Nextel’s Status Report disclosed for the first time a newly-raised dispute for reimbursement by Nextel of legal fees incurred by Boston. In light of the late raising of such a potentially contentious issue to be resolved before termination, there presently is no finalized agreement and no finalized FRA to ask the Bureau or the Transition Administrator to consider.

The Bureau reacted on October 16, 2007, by filing “Enforcement Bureau’s Motion to Suspend Filing Deadlines.” Under *Order* FCC 07M-37, the Bureau had been expected to submit written comment as to whether it had objection to the agreement that was to be finalized as part of a final FRA. Since there is no final agreement, there is now no requirement for a Bureau comment.¹

¹ The Order of review was to be first the Bureau and then the Transition Administrator. The Bureau now has offered the reverse order of review by the Transition Authority and then the Bureau. The Bureau’s preference of an appropriate order for review will be taken into consideration.

Accordingly, **IT IS ORDERED** that all further procedures required under Order FCC 07M-37, ARE CANCELLED.

IT IS FURTHER ORDERED that neither the Enforcement Bureau nor the Transition Administrator need file any comment to the incomplete Boston/Nextel termination agreement.

IT IS FURTHER ORDERED that Boston and Nextel will resolve the newly-raised issue regarding payment by Nextel of Boston's legal fees **by November 19, 2007**, and if not, this case will be returned to hearing status by order of the Presiding Judge.

FEDERAL COMMUNICATIONS COMMISSION²



Richard L. Sippel
Chief Administrative Law Judge

² Courtesy copies of this *Order* were e-mailed to each counsel of record on date of issuance.