

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

In the Matter of	)	
	)	
County of Genesee, New York	)	WT Docket No. 02-55
	)	Mediation No. TAM-43102
and	)	
	)	
Sprint Nextel Corporation	)	

**OPPOSITION TO MOTION FOR LEAVE TO INTERVENE**

Nextel Communications, Inc. (“Nextel”), a wholly owned subsidiary of Sprint Nextel Corporation, hereby files this Opposition to the Oakland County, Michigan (“Oakland or County”) *Motion for Leave to Intervene* filed on October 11, 2011 by Oakland County, Michigan. The County invokes an irrelevant case to claim standing for purposes of intervention, while ignoring 800 MHz reconfiguration cases that plainly reject non-party licensee participation in post-mediation review by the Bureau as inappropriate.

The relevant case precedent is the City of Boston, where other incumbent 800 MHz licensees, as a group, filed a Petition for Reconsideration of an issue decided by the Bureau on *de novo* review of the City of Boston’s mediation record. The issue decided there was whether Boston established its need for a “second touch” of its radios. The Petitioners asserted that they had standing to petition for reconsideration because they had a direct interest in the outcome of this issue. Specifically, they expressed concern that the precedent they disfavored might later apply to their own reconfiguration projects and that the common issue of concern conferred standing.

The Bureau dismissed the Petition for Reconsideration for lack of standing, observing:

“the Boston Order is limited to the facts presented in the record of that proceeding as does not adversely affect Petitioners.”<sup>1</sup> The same reasoning and result should apply in this case.

Oakland County has nothing unique or helpful to add to the County of Genesee review. Oakland’s Petition’s arguments are virtually identical, down to the typos, to Genesee’s, as they are represented by the same counsel.

As the Bureau has previously observed in the context of yet another mediation review process: “the Commission’s rules make no provision for the filing of comments in adjudicatory proceedings.” and the Bureau in that case dismissed unauthorized pleadings on that basis.<sup>2</sup> The Bureau should deny Oakland’s motion for leave to intervene for the same reasons the Bureau did in the *City of Boston* and take the opportunity to remind and admonish non-parties, who have no particular insight into the underlying mediation facts and circumstances, from making unauthorized filings.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.



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<sup>1</sup> City of Boston and Sprint Nextel, *Memorandum Opinion and Order*, 22 FCC Rcd 2361 at ¶ 2 (PSHSB 2007).

<sup>2</sup> State of Indiana and Sprint Nextel Corporation, *Memorandum Opinion and Order*, 26 FCC Rcd 5067 (PSHSB 2011).

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2011, a true copy of the foregoing Opposition to Motion for Leave to Intervene was served electronically upon:

**PSHSB800@fcc.gov**

**Alan Tilles**  
**atilles@shulmanrodgers.com**

A handwritten signature in black ink, appearing to read "Patrick McFadden", is written over a horizontal line.

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