April 4, 2014

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Notice, WT Docket 02-55

Dear Ms. Dortch:

On April 2, 2014, Lawrence Krevor, Vice President – Spectrum for Sprint Corporation ("Sprint") and James Goldstein, Senior Counsel for Sprint spoke via telephone with Michael Wilhelm, Deputy Chief, Policy and Licensing Division of the Public Safety and Homeland Security Bureau ("Bureau") and Roberto Mussenden, Staff Attorney for the Bureau to discuss the above-captioned proceeding.

Sprint noted that the 800 MHz Transition Administrator ("TA") typically undertakes a detailed post-retuning audit process intended to confirm Sprint's external expenditures for anti-windfall payment resolution purposes. The TA's requirements are, however, effectively an audit of the records of each state or local public safety communications operator that has completed the Commission-required retuning of its public safety communications system, is operating on its TA-prescribed replacement channels pursuant to a TA-approved Frequency Retuning Agreement and has so certified in accordance with the Commission's requirements. It creates excessive delay in closing completed retuning transactions and imposes unnecessary costs and administrative burdens on all participants while providing no cognizable benefit for the Commission, public safety communications operators or Sprint.

The fundamental purpose of the Commission's 800 MHz Reconfiguration Program is to separate technically-incompatible networks to eliminate the risk of random interference that could disrupt essential public safety communications. Sprint agreed to pay for the program in return for replacement spectrum separated from public safety operations. The Commission's goals have been achieved and Sprint provided (or has agreed to provide) the necessary funding for nearly all retunes across the United States. The TA's audit program, however, is essentially an after-the-fact review of the completion certifications and the underlying material provided by state and local government law enforcement or public safety communications officials. Sprint explained that the certification information and invoices it provides, in combination with Sprint's payment records, definitively demonstrates that Sprint has carried out its funding responsibilities. Sprint directed the Bureau to Sprint's *ex parte* submission of March 25, 2014.[1] With that

[1] *See* Ex Parte Letter from James B. Goldstein, Sprint to Marlene Dortch, FCC Secretary, dated March 25, 2014 submitted in WT Docket 02-55.

information, the Commission (or Bureau) can then conclude that the anti-windfall payment provision of the Commission's 800 MHz Report and Order has been satisfied.

Given the above, Sprint suggested that the Commission take this opportunity to give clear guidance that, absent compelling evidence to the contrary, the TA accept an incumbent's certifications that it has completed the work required by its Frequency Retuning Agreement ("FRA") and funded by Sprint, and that Sprint be credited with making the payments required by the FRA for purposes of anti-windfall payment analysis.[2]

During the discussion, Bureau staff asked whether Sprint had similar concerns or recommendations to make regarding the TA's review of *Sprint's internal expenses* in support of its own 800 MHz band reconfiguration. Sprint indicated an overall desire for simplification of the documentation review process for Sprint's internal costs. Sprint does not, however, offer any specific recommendations for changes to the Commission's previously-adopted cost review standards for Sprint's internal 800 MHz expenditures.

Pursuant to Section 1.106 of the Commission's Rules, Sprint hereby files this *ex parte* letter into the docket of the above-referenced proceeding.

Sincerely,

/s/ James B. Goldstein

James B. Goldstein
Senior Counsel – Legal and Government Affairs
Sprint Corporation

cc Michael Wilhelm
Roberto Mussenden

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[2] The Commission is currently considering the supporting information it should require to credit Sprint's payments of incumbent public safety and other incumbent licensee reconfiguration costs against the anti-windfall payment contingency in the Commission's 800 MHz Band Reconfiguration Decision. *See* Petition for Declaratory Ruling filed by Sprint Nextel Corporation, WT Docket 02-55 (filed Jan. 22, 2013) ("Sprint Petition").