



April 11, 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 9, 2014, Lawrence Krevor, Vice President – Spectrum for Sprint Corporation (“Sprint”) spoke via telephone with Erin McGrath, Legal Advisor for Commissioner O’Reilly, to discuss the above-captioned proceeding.

Mr. Krevor and Ms. McGrath discussed the 800 MHz Transition Administrator’s (“TA”) current process for reviewing Sprint’s external expenditures to credit them for anti-windfall payment analysis.¹ Sprint noted that the TA’s requirements are effectively an unnecessary and unwarranted audit of the records of each state or local government public safety communications operator (or law enforcement agency) that it 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.

Mr. Krevor stated Sprint’s position that an 800 MHz incumbent’s Commission-required certification that it has completed reconfiguration consistent with its Frequency Retuning Agreement (FRA) with Sprint, along with Sprint’s proof that it has provided all financial support required under the FRA, is sufficient to credit Sprint’s financial support against the anti-windfall contingency in the Commission’s 800 MHz Reconfiguration Decision.

Given the above, Sprint respectfully submitted 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.

¹ 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”).

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: Erin McGrath, Legal Advisor to Commissioner O'Reilly