July 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 July 10, 2014, Patty Tikkala, Vice President – Network, James Goldstein, Senior Counsel and Gardner Foster, Senior Counsel for Sprint Corporation ("Sprint") met with Erin McGrath, Legal Advisor for Commissioner O'Reilly to discuss the above-captioned proceeding.

Sprint highlighted that the multi-year 800 MHz band reconfiguration effort is nearing completion. Sprint described that 39 of 55 Regions are 100% complete with physical retuning, and ten other Regions have only one licensee left to fully separate public safety and commercial providers to mitigate the risk of interference -- with all funding provided by Sprint and no disruption to mission-critical operations. Sprint provided a map (attached herein) to demonstrate the extensive progress stakeholders have made since this Commission initiative was started in 2004.

Given this progress, Sprint stressed that the pending Sprint Petition for Declaratory Ruling provides an important opportunity for the Commission to provide further direction and guidance to stakeholders and to simplify and streamline remaining tasks to close out this decade-long project.[1] The participants discussed the current process for reviewing Sprint's external expenditures to credit them against the anti-windfall payment contingency. Sprint noted that the current process has effectively become an unnecessary and unwarranted audit of the records of each state or local government public safety communications operator (or law enforcement agency) after it has completed the Commission-required retuning of its public safety communications system and is operating on its prescribed replacement channels. Sprint stated that 800 MHz band reconfiguration was not intended to be an auditing program, but an interference mitigation solution through incumbent retuning funded by Sprint. Moreover, Sprint noted that the need for in-depth post-retuning audit and review has been substantially alleviated

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[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 ("800 MHz Decision"). *See* Petition for Declaratory Ruling filed by Sprint Nextel Corporation, WT Docket 02-55 (filed Jan. 22, 2013) ("Sprint Petition").

by the 800 MHz Transition Administrator's ("TA") up-front review and prior approval of every Frequency Retuning Agreement ("FRA") between Sprint and each 800 MHz incumbent before retuning commences and Sprint provides funding.[2]

Given the above, certification from Sprint and each 800 MHz incumbent that Sprint has funded the FRA (and any TA-approved amendments thereto), and that the incumbent is operating on its replacement channels, and has stopped operating on its old channels, is all that is necessary to credit Sprint's financial support against the anti-windfall contingency in the 800 MHz Decision. Sprint stressed that the Commission should also specify that Sprint will receive anti-windfall credit when such certifications are made and provided to the TA (or Commission staff).[3] This improved process will better assure that Sprint receives timely credit for its funding support of 800 MHz band reconfiguration so that the Commission can complete its anti-windfall assessment.[4]

Sprint's advocacy herein is directed to streamlining, simplifying and concluding the Commission's anti-windfall payment review consistent with Sprint's documented and well-established financial support for successfully retuning the vast majority of 800 MHz public safety incumbents. Nothing in Sprint's advocacy is intended to prevent the TA or Commission staff from continuing to guard against and prevent "gold plating" or other forms of waste, fraud or abuse.

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[2] This additional safeguard, combined with the TA's involvement in pre-FRA mediation, provides substantial and effective assurance for the Commission that the expenses and retuning work included in each FRA are reasonable and necessary to assure that incumbents are retuned to comparable facilities, as required by the 800 MHz Decision. There is no public interest benefit to re-reviewing those items; rather the Commission's goal should be assuring that they were effectuated through the certifications discussed herein. The Commission can simplify and expedite post-retuning review, as detailed above, with full confidence in the accuracy of its anti-windfall conclusion.

[3] Sprint does not object to providing reasonable documentation in support of its own certifications. Sprint recognizes that there may be circumstances in which the reviewing entity may need additional support for a particular retuning cost; in such cases, Sprint should be timely credited with all expenses not in question while the parties continue working to resolve any such concerns or discrepancies.

[4] The Commission should further clarify that determination of whether Sprint's 800 MHz Reconfiguration funding has exceed the anti-windfall payment contingency trigger does not require the kind of audit or review applicable to a federal procurement or a federal contracting program.

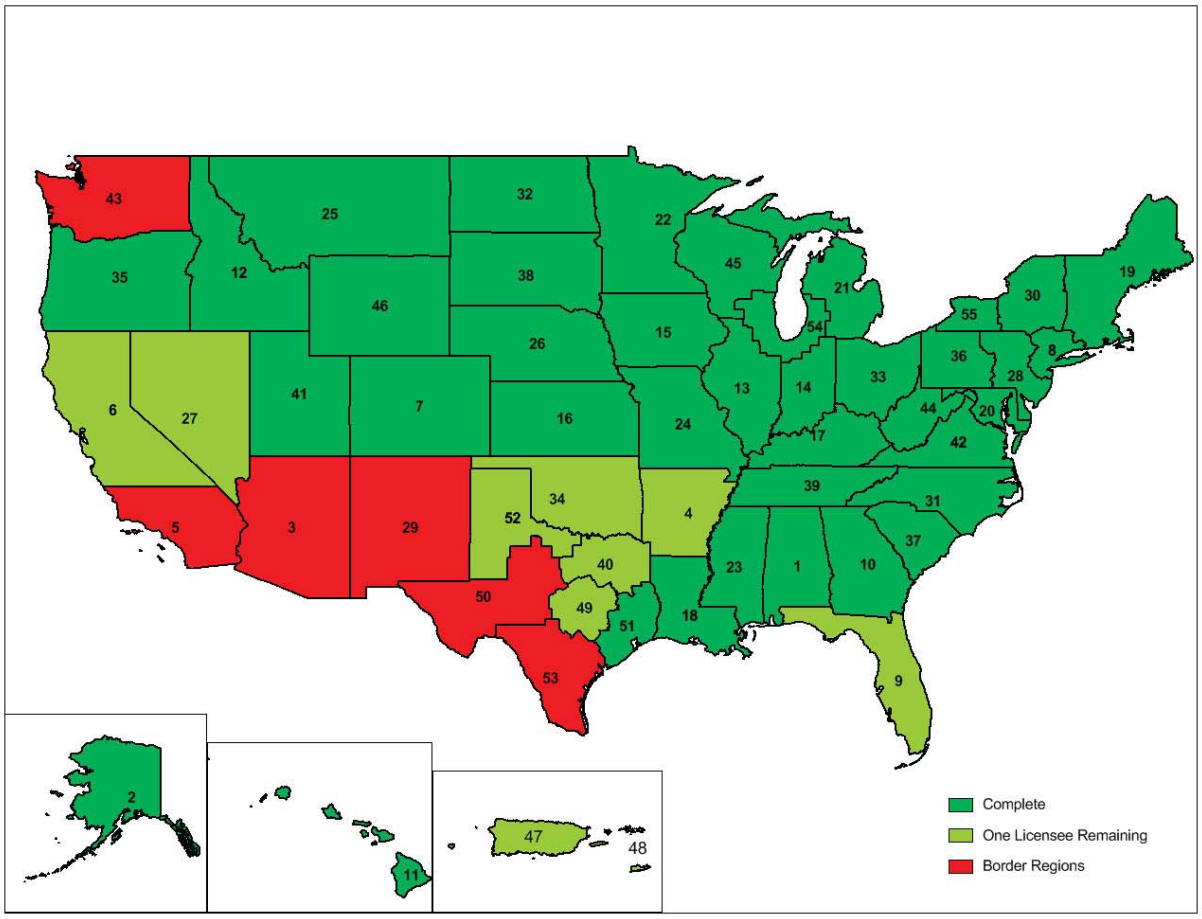
Pursuant to Section 1.106 of the Commission's Rules, Sprint hereby files this *ex parte* letter into the docket of the above-referenced proceeding.

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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