

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

In the Matter of)
)
Improving Public Safety Communications in) WT Docket No. 02-55
the 800 MHz Band)
)
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)

COMMENTS

The Wireless Communications Association International, Inc. (“WCA”), in response to the Commission’s January 3, 2003 *Public Notice* in the above-captioned proceeding,¹ hereby submits its comments with respect to the December 24, 2002 “Supplemental Comments of the Consensus Parties” filed by Nextel Communications, Inc. *et al.*² For the reasons set forth below,

¹ “Wireless Telecommunications Bureau Seeks Comment on ‘Supplemental Comments of the Consensus Parties’ Filed in the 800 MHz Public Safety Interference Proceeding – WT Docket 02-55,” DA 03-19 (rel. Jan. 3, 2003) (announcing February 3, 2003 deadline for comments). By *Order* released on January 16, 2003, the Commission extended the comment deadline to February 10, 2003. *See Improving Public Safety Communications in the 800 MHz Band – Consolidating the 800 MHz Industrial/Land Transportation and Business Pool Channels*, WT Docket No. 02-55, DA 03-163 (rel. Jan. 16, 2003).

² Supplemental Comments of the Consensus Parties, Nextel Communications, Inc. *et al.*, WT Docket No. 02-55 (filed Dec. 24, 2002) (the “Nextel Supplemental Comments”). Given the state of the record, it is odd that Nextel continues to claim that its filings in this proceeding represent a “consensus.” The list of parties who have joined Nextel’s Supplemental Comments does not include the substantial number of other parties who have previously opposed or raised serious questions about Nextel’s plan for eliminating the interference Nextel is causing to public safety operations. *See, e.g.*, Supplemental Comments of the Michigan Department of State Police, WT Docket No. 02-55 (filed Sept. 24, 2002); Supplemental Comments of the City of Baltimore, Maryland, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of the City of New York, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of the Office of the Chief Technology Officer, Government of the District of Columbia (filed Sept. 23, 2002); Supplemental Comments of the State of Hawaii, WT Docket No. 02-55 (filed Sept. 23, 2002); Reply Comments of the County of Maui, Hawaii, WT Docket No. 02-55 (filed Sept. 20, 2002); Supplemental Comments of the City of Fort Lauderdale, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of the City of Philadelphia, WT Docket No. 02-55 (filed Sept. 23, 2002).
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Nextel's proposed "swap" of a hodgepodge of 700/800/900 MHz spectrum for nationwide, unencumbered spectrum in the 1910-1915/1990-1995 MHz band is unnecessary for resolution of the interference Nextel is causing to public safety operations in the 800 MHz band. The Commission can and should resolve the problem without capitulating to Nextel's demand for that spectrum.

Nextel's Supplemental Comments confirm what Nextel's proposed surrender of its 700/800/900 MHz spectrum is really about, and it is not public safety. As has been obvious for some time, that spectrum is a "throw-in" designed to create the illusion that the 1910-1915/1990-1995 MHz band is "replacement" spectrum and nothing more. When one pulls back the curtain,

23, 2002); Supplemental Comments of the Washington State Interoperability Executive Committee, WT Docket No. 02-55 (filed Sept. 23, 2002); Further Comments of Southern LINC, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of Preferred Communication Systems, Inc., WT Docket No. 02-55 (filed Sept. 24, 2002); Pinnacle West Capital Corporation Comments, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of Mobile Relay Associates, WT Docket No. 02-55 (filed Sept. 23, 2002); Second Reply Comments of Small Business in Telecommunications, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of United Telecom Council, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of Central Maine Power Company, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of Exelon Corporation, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of SCANA Corporation, WT Docket No. 02-55 (filed Sept. 23, 2002); Further Comments of Consumers Energy Company, WT Docket No. 02-55 (filed Sept. 23, 2002); Reply Comments of Entergy Corporation, WT Docket No. 02-55 (filed Aug. 7, 2002); Supplemental Comments of Alliant Energy, WT Docket No. 02-55 (filed Sept. 23, 2002); Comments of Carolina Power and Light Company, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of East Bay Municipal Utility District, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of the National Association of Manufacturers and MRFAC, Inc., WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of Port of Seattle, WT Docket No. 02-55 (filed Sept. 20, 2002); Comments of the New York City Transit Authority, WT Docket No. 02-55 (filed Sept. 20, 2002); Supplemental Comments of Laidlaw Transit, Inc. and American Medical Response, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of the San Francisco Bay Area Rapid Transit District, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of UTAM, Inc., WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of NEC America, Inc., WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of the Satellite Industry Association, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of Iridium Satellite LLC, WT Docket No. 02-55 (filed Sept. 23, 2002); Supplemental Comments of Verizon Wireless, WT Docket No. 02-55 (filed Sept. 23, 2002); Further Comments of Cellular Telecommunications & Internet Association, WT Docket No. 02-55 (filed Sept. 23, 2002); Further Comments of ALLTEL, AT&T Wireless, Cingular Wireless and Coupe Communications, Inc., WT Docket No. 02-55 (filed Sept. 23, 2002).

however, it becomes clear that Nextel's hodgepodge of 700/800/900 MHz spectrum cannot be equated with a nationwide license for clear spectrum at 1910-1915/1990-1995 MHz, and that Nextel's demand for the latter thus is more akin to ransom than a *quid pro quo*, the "hostage" being Nextel's willingness to fund its plan to reduce the interference it is causing to public safety operations.³

By now the Commission is well aware of WCA's stake in this matter.⁴ In its *Second Report and Order* in ET Docket No. 00-258, the Commission formally reallocated the 2110-2155 MHz band for Advanced Wireless Services ("AWS," also commonly referred to as third generation or "3G" wireless services) and declared that MDS licensees in the 2150-2162 MHz band would be relocated to some unidentified spectrum at some undetermined point in the future.⁵ In anticipation of that decision, WCA, along with the major holders of Multipoint Distribution Service ("MDS") licenses in the 2150-2162 MHz band, submitted a compromise proposal (the "MDS Industry Compromise") that, if adopted, would permit the Commission to move MDS licensees out of the 2150-2162 MHz band (MDS channels 1/2/2A) and into the

³ Nextel's Supplemental Comments appear to admit as much. See Nextel Supplemental Comments at 4 n.6 ("Nextel's funding offer was and is expressly conditioned on the Commission adopting the comprehensive Consensus Plan for correcting CMRS-public safety interference substantially as proposed, including granting Nextel a replacement 10 MHz nationwide CMRS license at 1910-1915/1990-1995 MHz.").

⁴ See Letter from The Wireless Communications Association International, Inc. *et al.*, ET Docket No 00-258, IB Docket No. 01-185, ET Docket No. 95-18 and WT Docket No. 02-55 (filed Aug. 29, 2002) (the "MDS Industry Comments"); Letter from The Wireless Communications Association International, Inc. *et al.*, WT Docket No. 02-55 (filed Sept. 23, 2002); Letter from Paul J. Sinderbrand, Esq., to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No 00-258, IB Docket No. 01-185, and WT Docket No. 02-55 (filed October 28, 2002).

⁵ See *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, 17 FCC Rcd 23193, 23212-13 (2002).

1910-1916/1990-1996 MHz band, thus creating a contiguous block of spectrum at 2110-2155 MHz that may be auctioned for AWS.⁶ Nextel has opposed the MDS Industry Compromise, claiming that the Commission could better serve the public interest by giving Nextel a nationwide license for the 1910-1915/1990-1995 MHz band as a *quid pro quo* for its commitment to fund its plan to ameliorate the interference it is causing to public safety operations.⁷ To bolster its case, Nextel has offered to return approximately a 10 MHz hodgepodge of spectrum in the 700/800/900 MHz bands, consisting of (1) 4 MHz of its Guard Band spectrum in the 700 MHz band in certain markets (to be available exclusively for public safety),⁸ (2) a “running average” of approximately 2.5 MHz of its spectrum in the 800 MHz band, and (3) a “running average” of 4 MHz of its spectrum in the 900 MHz band (to be

⁶ See Letter from The Wireless Communications Association International, Inc., *et al.*, to Michael K. Powell, Chairman, Federal Communications Commission, ET Docket No. 00-258 (filed July 11, 2002). The full text of the proposal, titled “A Compromise Solution for Relocating MDS From 2150-2162 MHz,” was attached to that letter and is referred to herein as the “MDS Industry Compromise.” On the date of this filing, the Commission released a *Third Notice of Proposed Rulemaking* in ET Docket No. 00-258, in which it seeks comment on, among other things, what relocation spectrum should be identified for MDS licensees who must vacate the 2150-2162 MHz band. See *Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, ET Docket No. 00-258 *et al.*, FCC 03-16, at ¶¶ 72-73 (rel. Feb. 10, 2003).

⁷ See Letter from Regina M. Keeney, Counsel for Nextel Communications, Inc., to the Federal Communications Commission, ET Docket No. 00-258 (Aug. 9, 2002); Reply Comments of Nextel Communications, Inc., WT Docket No. 02-55, at 49-51 (filed Aug. 7, 2002) (the “Nextel Reply Comments”). With no technical support whatsoever, Nextel has suggested that the Commission simply leave MDS channel 2 at 2156-2162 MHz and relocate MDS channel 1 to the 2162-2168 MHz band, meaning that MDS would occupy the 2156-2168 MHz band. *Id.* at 51. WCA has already shown that this proposal will not work for a variety of reasons, not the least of which is the fact that Nextel’s proposed 1 MHz guardband between 3G at 2110-2155 MHz and MDS at 2156-2168 MHz is grossly inadequate. See MDS Industry Comments at 8-9.

⁸ See Joint Reply Comments of Aeronautical Radio, Inc., Nextel Communications, Inc. *et al.*, WT Docket No. 02-55, at 25 (filed Aug. 7, 2002) (stating that “public safety gains access to 4 MHz of spectrum in 40 markets at 700 MHz”) (the “Joint Nextel Reply Comments”).

available to 800 MHz B/ILT and SMR licensees who wish to relocate to that spectrum voluntarily).⁹

While Nextel insists that its demand for the 1910-1915/1990-1995 MHz band “is inextricably linked to the relocation of public safety and other 800 MHz incumbents to new spectrum,”¹⁰ and that it must be given that spectrum in order to be made “whole,”¹¹ the fact remains that the interference Nextel is causing to public safety operations can be resolved without awarding Nextel a nationwide license for the 1910-1915/1990-1995 MHz band. Indeed, WCA has already demonstrated that the putative justification for awarding Nextel that spectrum, *i.e.*, Nextel’s proposed surrender of its 700/800/900 MHz spectrum, bears no meaningful relationship to the interference Nextel is causing to public safety operations and is not necessary to solve that problem. In particular:

- Nextel’s guard band spectrum at 700 MHz is burdened by encumbrances that render it unusable for public safety operations, and both the Commission and Nextel have acknowledged as much.¹² Also, the

⁹ See, e.g., Nextel Reply Comments at 8; Nextel Supplemental Comments at 13. As noted by other parties to this proceeding, Nextel’s “running average” concept effectively is a concession that Nextel’s spectral holdings are not consistent from market to market, and thus for that reason alone are not comparable to a paired block of nationwide spectrum at 1910-1915/1990-1995 MHz. See, e.g., Further Comments of ALLTEL Communications, Cingular Wireless LLC, AT&T Wireless Services, Inc., and Coupe Communications, Inc., WT Docket No. 02-55, at 13 n. 47 (filed Sept. 23, 2002) (“For example, based on recent site-based data submitted by the FCC to Congress, Nextel does not have equal spectrum holdings throughout the top 100 markets in the United States – it holds as much as 23.35 MHz in one market (Scranton, PA) and as little as 2.85 MHz in another (McAllen, TX). Moreover, its spectrum holdings...are not contiguous.”).

¹⁰ Nextel Reply Comments at 35 n.75.

¹¹ See *id.* at 8 (“The Consensus Plan calls for Nextel to be ‘made whole,’ *i.e.*, to receive suitable replacement spectrum in return for Nextel’s contribution of 4 MHz in the 700 MHz band, 4 MHz in the 900 MHz band, and 2.5 MHz in the 800 MHz band to the realignment plan.”); Nextel Supplemental Comments at 13.

¹² See MDS Industry Comments at 3, 6; *Improving Public Safety Communications in the 800 MHz Band (Notice of Proposed Rulemaking)*, 17 FCC Rcd 4873, 4899 (2002) (“In connection with the feasibility of the Nextel relocation proposal, we note that the 700 MHz Guard Band Block B spectrum to which Nextel
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Commission has pointed out that “equipment for use in this band is not yet available,” and that Nextel “does not hold Guard Band Block B spectrum in nine of the fifty-two Major Economic Areas.”¹³

- Similarly, Nextel’s proposed surrender of some 900 MHz spectrum is not essential to the mitigation of interference because (1) Nextel does not hold the spectrum nationwide; and (2) under Nextel’s revised plan, B/ILT and high-site SMR licensees are not required to move to the 900 MHz band to retain co-primary status.¹⁴ Indeed, the fact that B/ILT and SMR relocation to the 900 MHz band is optional is, by itself, a tacit admission by Nextel that the spectrum plays no meaningful role in its plan to reconfigure the 800 MHz band for the benefit of public safety.

Nextel’s Supplemental Comments offer no legitimate response to any of the above. This is not surprising, given Nextel’s belief that the interference problem is attributable to the “mixed use” structure of the 800 MHz band, not a shortage of spectrum:

[T]he Consensus Plan recognizes that the underlying cause of CMRS—public safety interference is the Land Mobile Radio Band’s mixed spectrum allocation for different communications services with conflicting design principles and communications goals. . . *The fundamental remedial action*

proposes to relocate displaced 800 MHz licensees is heavily encumbered by incumbent television stations”) (internal citations omitted) (hereinafter the “*Nextel/800 MHz NPRM*”); Joint Nextel Reply Comments at 25 n. 69 (filed Aug. 7, 2002) (“Public safety use of the 700 Guard Band spectrum will, of course, be subject to TV station incumbency and will be limited by interference potential from adjacent 700 MHz CMRS operations, absent a legislative change to the 700 MHz allocations.”); Comments of Nextel Communications, Inc., WT Docket No. 99-168 *et al.*, at 4 (filed May 3, 2002) (“There are over 100 incumbent broadcast television stations operating in the upper 700 MHz band alone, and . . . these stations will likely continue to operate on this spectrum for years to come. This obviously prevents public safety systems from operating on this spectrum, and creates great uncertainty about when this band will be available for non-broadcast use.”); *Motorola, Inc.*, 16 FCC Rcd 8451, 8463 (WTB, 2001) (“[T]here are incumbent broadcasters on portions of [the 700 MHz Guard Band] spectrum, and current FCC rules do not require these incumbents to move off the spectrum until December 31, 2006, *at the earliest.*”) (emphasis added).

¹³ See MDS Industry Comments at 3, quoting *Nextel/800 MHz NPRM*, 17 FCC Rcd at 4899 (internal citations omitted). See also Comments of the American Public Transportation Association, WT Docket No. 02-55, at 2 (filed May 6, 2002) (“The proposed 700 MHz alternative is also unacceptable because there are currently no Transportation Management Systems using that band. In our view it would be unwise and inappropriate to expose public transit agencies and their 14 million daily riders to the risk and uncertainty associated with this unfamiliar and unchartered territory.”).

¹⁴ See MDS Industry Comments at 6.

*necessary to correct CMRS – public safety interference at 800 MHz is to separate high-site and low-site system architectures into two distinct spectrum blocks, with the low-site block adjacent to the architecturally compatible Cellular allocation.*¹⁵

Moreover, even where Nextel bothers to discuss its 700 MHz and 900 MHz spectrum, it either completely ignores the issues raised by WCA and others, or offers palliative amendments to its proposal that effectively are unresponsive. For instance, at no point does Nextel challenge WCA's assertion that its 700 MHz Guard Band spectrum is of no utility to the public safety community, nor does Nextel retrench from its own prior admissions that incumbency problems will render the spectrum unusable for the foreseeable future.¹⁶ Rather, Nextel merely reiterates its intent to return its 700 MHz Guard Band spectrum to the Commission and leaves the matter there, apparently under the mistaken assumption that the act of relinquishing the spectrum is by itself sufficient to overcome its irrelevance to curing the interference Nextel is causing to public safety operations.¹⁷ In other words, the Commission's initial skepticism about Nextel's 700 MHz spectrum in this proceeding was prescient – Nextel's surrender of that spectrum is immaterial to any resolution of the interference issue and should be treated as such.

¹⁵ Nextel Supplemental Comments at 8-9 (emphasis added); *see also id.* at 39 (“[T]he Consensus Plan [800 MHz band] realignment in-and-of-itself will eliminate the vast majority of intermodulation interference experienced today by public safety communications systems in the 800 MHz band”). In addition, if Nextel's surrender of its 700/800/900 MHz spectrum were truly critical to resolution of the interference Nextel is causing to public safety operations, then Nextel is left to explain why its plan includes a variety of other remedial measures that will have a far more immediate impact on the interference Nextel is causing to public safety operations. Those measures include (1) new standards for limiting out-of-band emission limits and intermodulation interference to licensees in the “rebanded” 800 MHz spectrum; (2) procedures and requirements for all parties to cooperate in identifying sources of interference experienced by noise-limited systems in the non-cellular channel block, and (3) prospective equipment and system design standards. *See* Nextel Supplemental Comments at 39-44 and Appendix F.

¹⁶ *See* note 12 *supra*.

¹⁷ *See* Nextel Supplemental Comments at 8.

Nextel fares no better with regard to its proposed surrender of its 900 MHz spectrum. In fact, Nextel reiterates that B/ILT and SMR licensees will have no obligation to move from the 800 MHz band to Nextel's 900 MHz spectrum, thus confirming that the spectrum is not a required component of its plan to reconfigure the 800 MHz band for the benefit of public safety.¹⁸ Ironically, Nextel underscores the point by noting that under its plan relocation will not be necessary for most 800 MHz B/ILT and SMR licensees.¹⁹ In a similar vein, Nextel highlights why relocation to 900 MHz is not a desirable solution to the problem: "Remaining at 800 MHz minimizes the cost and disruption of relocating [B/ILT and SMR licensees] since, in the vast majority of cases, their existing equipment can easily be retuned within the 800 MHz band."²⁰

¹⁸ *See id.* at 13, 25.

¹⁹ *Id.* at 10 ("Under the Consensus Plan, over 70% of all high-site SMR and B/ILT incumbent licensees would not be relocated; those that would be retuned . . . would remain at 800 MHz") (emphasis in original). Even if there were an immediate need to move B/ILT and SMR licensees to Nextel's 900 MHz spectrum, Nextel's plan would not accommodate it. This is because Nextel's plan does not require Nextel to vacate all of its 900 MHz spectrum until six months after completion of "Phase II retuning." *Id.* at 34. According to the timeline set forth in Appendix D to Nextel's Supplemental Comments, Phase II retuning is not scheduled to be completed in Regions 1-14 until 33 months after the effective date of any Commission *Order* approving Nextel's proposal; in Regions 15-55, Phase II retuning is not scheduled to be completed until 42 months after the effective date of that same *Order*. This means, in effect, that B/ILT and SMR licensees could have to wait as long as four to five years before they could move to Nextel's 900 MHz spectrum.

²⁰ *Id.* at n. 15. Given Nextel's admission that 800 MHz B/ILT and SMR licensees would be far better off if they remained in the 800 MHz band, it is unlikely that any of the purported "incentives" offered in Nextel's Supplemental Comments will prompt B/ILT and SMR licensees to conclude otherwise and endure the cost and inconvenience of moving to Nextel's 900 MHz spectrum. For example, although Nextel has offered to set aside \$150 million to fund the relocation of non-public safety licensees, it has explicitly refused to pay all the costs of relocating B/ILT or SMR licensees to its 900 MHz spectrum. *See id.* at 25 ("B/ILT and [SMR] incumbents electing to voluntarily relocate to 900 MHz would receive relocation compensation for the costs they would have incurred for relocating within 800 MHz . . . they would not receive compensation for any identified additional costs involved in moving to 900 MHz."). Furthermore, although Nextel is offering to give relocating B/ILT and SMR licensees a "two for one" channel bonus if they move to 900 MHz, that additional spectrum will not be available until after completion of Phase II retuning unless those licensees (1) elect to move within 60 days of the effective date of any Commission *Order* approving Nextel's proposal, and (2) agree to forego any reimbursement of their relocation costs. *Id.* at 25-26.

Equally important, both Nextel and its supporters have emphasized that Nextel's current funding commitment will be sufficient to cover any retuning of B/ILT and SMR licensees to new frequencies within the 800 MHz band, further obviating any need for those licensees to move to Nextel's 900 MHz spectrum.²¹

In sum, Nextel's Supplemental Comments reaffirm the irrelevance of Nextel's 700/800/900 MHz spectrum to the public safety problem, and that Nextel's fabricated *quid pro quo* with the 1910-1915/1990-1995 MHz band should be disregarded entirely. In contrast, the public interest benefits of the MDS Industry Compromise are well documented – indeed, as of now it remains the *only* workable solution to clearing the 2150-2162 MHz band and allowing an auction of the full 2110-2155 MHz band for 3G. Acceptance of Nextel's disingenuous proposal, which at best is just one of many ways the Commission can address the public safety interference problem, will preclude that solution to no one's benefit except, of course, Nextel.²²

²¹ *Id.* at 6 (“The Private Wireless Coalition is highly confident that [Nextel's funding commitment] will cover the reasonable costs of retuning/relocating B/ILT and [SMR] incumbents to comparable channels in accordance with the realigned non-cellularized channel block at 806-816/851-861 MHz, new Guard Band at 814-816/859-861 MHz, and cellularized channel block at 816-824/861-869 MHz, as set forth in the Consensus Plan. Nextel is also highly confident that that its commitment will cover the reasonable retuning/relocation costs of B/ILT and [SMR] incumbents, as described above, as well as the required relocation of 800 MHz incumbent public safety licensees pursuant to the Consensus Plan”).

²² The Commission has before it a number of different proposals (including the one the Commission itself advanced in the *Nextel/800 MHz NPRM*) which offer the Commission alternatives for addressing the interference problem without requiring the Commission to award spectrum in the 1.9 GHz band to Nextel. *See, e.g., Nextel/800 MHz NPRM*, 17 FCC Rcd at 4884-85 (discussing rebanding plan proposed by the National Association of Manufacturers) and at 4887-88 (discussing Commission's rebanding proposal); Comments of the District of Columbia Office of Chief Technology, WT Docket No. 02-55, at 6-11 (filed May 6, 2002); Comments of the Maryland Department of Budget and Management, Office of Information Technology, WT Docket No. 02-55, at 5-13 (filed May 6, 2002); Comments of TRW/Ohio MARCS Program Office, WT Docket No. 02-55, at 5-8 (filed May 6, 2002); Comments of M/A Com, Inc., WT Docket No. 02-55, at 10-16 (filed May 6, 2002); Reply Comments of Motorola, Inc., WT Docket No. 02-55, at 6-19 (filed Aug. 7, 2002).

WHEREFORE, for the reasons set forth above, The Wireless Communications Association International, Inc. requests that the Commission deny Nextel's opposition to the MDS Industry Compromise and grant that proposal as promptly as possible.

Respectfully submitted,

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