

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
SPRINT NEXTEL CORPORATION ) WT Docket No. 02-55
Petition for Declaratory Ruling )

ORDER OF MODIFICATION

Adopted: October 1, 2014

Released: October 1, 2014

By the Chief, Public Safety and Homeland Security Bureau:

1. On January 22, 2013, Sprint Nextel Corporation (Sprint) filed a Petition for Declaratory Ruling (Petition) asking the Commission (1) to eliminate the \$850 million "floor" for the letter of credit securing Sprint's performance of its 800 MHz rebanding obligations, immediately reduce the letter of credit amount to \$457 million, and allow subsequent incremental reductions as rebanding progresses; and (2) to declare that Sprint is no longer required to make an "anti-windfall" payment to the United States Treasury.

2. On September 17, 2014, the Commission released a Memorandum Opinion and Order and Order of Proposed Modification (Proposed Modification Order) in which, inter alia, it proposed modifying Sprint's licenses for 1.9 GHz and 800 MHz spectrum to delete the requirement that the letter of credit not fall below the \$850 million floor. Pursuant to the provisions of Section 316(a)(1) of the Communications Act of 1934, as amended, the Commission afforded Sprint 30 days to oppose the license modification. It delegated authority to the Public Safety and Homeland Security Bureau (Bureau) to issue a license modification order "consistent with this decision and the requirements of Section 316, including 316's 30-day protest period, in the event that no protests are filed."

3. On September 22, 2014, Sprint filed notice with the Commission that, "Sprint hereby formally informs the Bureau that it accepts the modified condition on its 800 MHz and 1.9 GHz G Block licenses, as described in paragraphs 14 and 26 of the Commission's Modification Order, and will not file any 'protest' thereof."

4. We find that modifying Sprint's licenses in this manner will serve the public interest by ensuring that the underlying purpose of the initial floor has been served, while eliminating an

1 Petition for Declaratory Ruling, filed January 22, 2013, by Sprint Nextel Corporation (Petition) at 4.

2 Sprint Nextel Corporation, Petition for Declaratory Ruling, Memorandum Opinion and Order and Order of Proposed Modification, \_\_ FCC Rcd \_\_ (2014), FCC 14-136 (rel. Sept. 17, 2014).

3 47 U.S.C. §316(a)(1).

4 Section 316 requires that "the holder of the license or permit . . . shall be given reasonable opportunity, of at least thirty days, to protest" the proposed modification of its license(s). 47 U.S.C. § 316(a)(1).

5 Sprint Nextel Corporation, Petition for Declaratory Ruling, Memorandum Opinion and Order and Order of Proposed Modification, \_\_ FCC Rcd \_\_ (2014), FCC 14-136 (rel. Sept. 17, 2014) at ¶14.

6 Letter to Marlene H. Dortch, Secretary, FCC from James B. Goldstein, Senior Counsel – Legal and Government Affairs, Sprint Corp., Sept. 22, 2014.

unnecessarily burdensome obligation upon Sprint, for the reasons set forth in the *Proposed Modification Order*. In light of Sprint's representation that it will not protest the *Proposed Modification Order* and its waiver of the 30-day period within which to protest it, and the significant ongoing burden associated with the \$850 million amount of the letter of credit, we see no reason to delay the modification of Sprint's licenses.

5. Accordingly IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that all licenses held by Sprint in the 1.9 GHz and 800 MHz bands, which licenses contain the condition that the letter of credit securing Sprint's performance shall not fall below \$850 million, ARE HEREBY MODIFIED by adding the following sentence at the end of the current condition: "Provided, however, that effective October 1, 2014, the licensee need not comply with paragraph 331 of said *800 MHz Report and Order* but only to the extent that said paragraph provides that: 'At no time during the life of the letter(s) of credit shall the balance fall below \$ 850 million.'"

6. IT IS FURTHER ORDERED that the staff of the Public Safety and Homeland Security Bureau SHALL SEND this Order of Modification by certified mail, return receipt requested, to Sprint.

7. IT IS FURTHER ORDERED that this Order of Modification WILL BE EFFECTIVE upon release.

8. IT IS FURTHER ORDERED that the staff of the Public Safety and Homeland Security Bureau SHALL COORDINATE with the Wireless Telecommunications Bureau to ensure that the Universal Licensing System is updated in accordance with this Order of Modification and with the Commission's rules.

9. This action is taken pursuant to delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392, and paragraph 14 of its *Memorandum Opinion and Order and Order of Proposed Modification*.<sup>7</sup>

FEDERAL COMMUNICATIONS COMMISSION

David G. Simpson, Rear Admiral, USN (Ret.)  
Chief  
Public Safety and Homeland Security Bureau

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<sup>7</sup> See *supra* n.2.