

**NEXTEL 700 GUARD BAND CORPORATION
ANNUAL GUARD BAND MANAGER REPORT
OCTOBER 1, 2002**

Pursuant to the Federal Communications Commission's ("Commission") Public Notice, Nextel 700 Guard Band Corporation ("Nextel") hereby submits its first annual report for 700 MHz Guard Band Managers ("Managers").¹ Nextel currently is a Manager for 42 of the 52 four MHz Major Economic Area ("MEA") B Block Guard Band licenses (the "Licenses") located throughout the United States. Nextel sets forth below the information requested by the Commission. This report addresses Licensee use of the Guard Band spectrum from December 21, 2000 to August 1, 2002.²

I. Call Signs and Market Areas.

The following is the list of the Licenses, call signs and market areas for which Nextel is the Licensee/Manager:

WPRR260 (Boston); WPRR261 (New York City); WPRR262 (Buffalo); WPRR263 (Philadelphia); WPRR264 (Washington); WPRR265 (Richmond); WPRR266 (Charlotte-Greensboro-Greenville); WPRR267 (Atlanta); WPRR268 (Jacksonville); WPRR269 (Tampa-St. Petersburg-Orlando); WPRR270 (Miami); WPRR271 (Pittsburgh); WPRR272 (Cincinnati-Dayton); WPSK923 (Columbus); WPRR273 (Cleveland); WPRR274 (Detroit); WPRR275 (Milwaukee); WPRR276 (Chicago); WPRR277 (Indianapolis); WPRR278 (Minneapolis-St. Paul); WPRR279 (Knoxville); WPRV445 (Louisville-Lexington-Evansville); WPRR280 (Birmingham); WPRR281 (Nashville); WPRR282 (Memphis-Jackson); WPRR283 (Kansas City); WPRR284 (St. Louis); WPRR285 (Houston); WPRR286 (Dallas-Fort Worth); WPRR287 (Denver); WPRR288 (Tulsa); WPSK924 (Oklahoma City); WPRR289 (San Antonio); WPRR290 (Phoenix); WPRV446 (Spokane-Billings); WPRR291 (Salt Lake City); WPRR292 (San Francisco)

¹ See 700 MHz Guard Band Managers' First Annual Report is Due October 1, 2002, *Public Notice*, 17 FCC Rcd 8577 (2002) (reiterating the reporting information requested from Licensee/Managers).

² Thirty-seven of Nextel's 42 Guard Band licenses were granted on December 21, 2000 as a result of Nextel being the winning bidder for these licenses in Auction No. 33. See Wireless Telecommunications Bureau Grants 700 MHz Guard Bands Auction Licenses; Auction Event No. 33, *Public Notice*, 16 FCC Rcd 1499 (2000). Nextel was granted three additional guard band licenses on June 6, 2001 as a high bidder for these licenses in Auction No. 38. Wireless Telecommunications Bureau Grants Eight 700 MHz Guard Bands Licenses; Auction Event No. 38, *Public Notice*, 16 FCC Rcd 11952 (2001). The two remaining stations were assigned to Nextel from Black Rock Partners L.P. This assignment was effective on October 22, 2001.

Oakland-San Jose); WPRR293 (Los Angeles-San Diego); WPRR294 (Portland); WPRR295 (Seattle); WPSK925 (Hawaii); WPRR296 (Puerto Rico).³

II. Guard Band Spectrum Use and Number of Spectrum Users.

Since becoming a Guard Band Licensee in December 2000, Nextel has continued to monitor developments in the 700 MHz band that affect its ability to lease fully or to otherwise utilize the Guard Band spectrum. As the Commission is aware, the Guard Band spectrum was auctioned subject to existing analog television broadcast use of the band. While Nextel holds 42 of the 52 MEA B Block licenses nationwide, Nextel and all other Guard Band licensees are precluded, by Commission rules, from either directly, or indirectly through a spectrum lease, allowing operations that cause harmful interference to incumbent broadcast operations.⁴ No near term, large scale voluntary relocation of interfering broadcast operations appears imminent.⁵ As a result, nationwide or regional leasing of spectrum for commercial service, as a practical matter, is largely precluded at this time. While existing analog broadcast operations do not block use of the 4 MHz licensed to Nextel in all of its markets, the analog broadcast incumbency issue affects the general interest of commercial entities in using the spectrum, at least in the near term.

There are other impediments to Nextel leasing the Guard Band spectrum for commercial use. Potential users of the Guard Band must have access to equipment that meets the Commission's interference specifications.⁶ Largely due to the broadcast incumbency on these frequencies, there is little, if any readily available equipment that can operate at the Guard Band

³ As all of the above licenses are associated with the same FCC Registration Number, Nextel is filing a single, consolidated report. *See* Electronic Filing for the 700 MHz Guard Band Managers' Reports will be Available Through the Internet Beginning September 4, 2002, *Public Notice*, DA 02-1995, 2002 FCC Lexis 3956 (rel. Aug. 9, 2002). Exhibit A to this report is a map showing the locations of the various Licenses. Exhibit B to this report provides additional details regarding Nextel's guard band licenses.

⁴ 47 C.F.R. § 27.60.

⁵ The timetable for the transition of current broadcasting to digital television at new frequencies is still uncertain. Current law suggests the end of 2006 as the earliest possible date when broadcasters might vacate Guard Band spectrum, but this date is highly unlikely to be met.

⁶ The Commission has recognized that, at least until the incumbent broadcasters can be relocated, use of this band may be limited. As such, the Commission is not requiring Managers to provide substantial service in their service areas until January 1, 2015, eight years after the date on which incumbent broadcasters may be required to be relocated off this spectrum. *Id.* at 5331-32 ("A Guard Band Manager can satisfy the substantial service requirement by leasing the predominant amount of its licensed spectrum in at least 50 percent of the geographic area covered by its license at the license-renewal mark. A Guard Band Manager can also satisfy the substantial service requirement by providing coverage to 50 percent of the population of the Guard Band Manager's service area at the license-renewal mark.") (internal citations omitted).

frequencies other than for public safety radio systems.⁷ Due to all these factors, during the period covered in this report, there was no significant demand for lease of the Guard Band spectrum held by Nextel.

Commission rules permit Guard Band Manager affiliates to use Guard Band spectrum up to a specified 49.9% of the total licensed spectrum in each licensed market. Nextel subsidiaries and affiliates have made no use of the Guard Band spectrum in any of Nextel's markets. The only uses of Nextel Guard Band spectrum were in response to requests by the Salt Lake Organizing Committee for the 2002 Olympic Winter Games ("2002 Olympic Committee") to use Nextel's Salt Lake City License both for the 2002 Winter Games and the 2002 Paralympic Winter Games. Nextel authorized the use of channels 762-764 MHz and 792-794 MHz of the Salt Lake City License (Call Sign WPRR291) for low-power wireless use within 100 kilometers of Salt Lake City, Utah. The spectrum was used for wireless microphone and wireless intercom systems from January 28, 2002 through March 1, 2002 for both the Olympic and Paralympic games. Other than this short term use of a license to support Olympic and Paralympic events reported above, Nextel has had no specific requests to lease any Guard Band spectrum to third parties. Nextel has and will consider all requests for use of its Licenses, being careful to assure that any potential use of its Licenses will not cause interference to parties that must be protected under current Commission rules.

As the Commission is aware, since the licensing of the Guard Band spectrum, the Commission initiated a rulemaking to address increasing incidents of interference in the interleaved 800 MHz band between Public Safety licensees and commercial and private radio licensees.⁸ Several plans for solving this interference have been presented, and the Commission has before it a Consensus Plan, submitted by seven of the leading national public safety organizations, most private wireless associations and Nextel, for further consideration.⁹ As part of a comprehensive realignment of the 800 MHz band, the Consensus Plan proposes that Nextel turn-in its near-nationwide 700 MHz Guard Band licensees for reallocation and assignment for public safety use. In exchange for this and other exchanges of spectrum in the 800 MHz and 900 MHz bands, Nextel would receive replacement spectrum in the 1.9 GHz band.

The 700 MHz Guard Band spectrum could be put to near-term use by public safety entities where currently unimpaired by broadcast incumbency. At least one major manufacturer

⁷ Nextel notes that a search of the Commission's Office of Engineering and Technology Equipment Authorization Reporting Page currently does not list 700 MHz equipment authorized to operate pursuant to Part 27 of the Commission's rules, 47 C.F.R. Part 27.

⁸ Improving Public Safety Communications in the 800 MHz Band; Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, *Notice of Proposed Rulemaking*, 17 FCC Rcd 4873 (2002). The Commission stated it intended to "move swiftly" to improve public safety operations in the 800 MHz band. *See id.* at ¶3.

⁹ Wireless Telecommunications Bureau Seeks Comment on "Consensus Plan" Filed in the 800 MHz Public Safety Interference Proceeding, *Public Notice*, DA 02-2202 (rel. Sep. 6, 2002).

is selling dual band 700 MHz/800 MHz public safety handsets; these units can be operated at 700 MHz as base station equipment becomes available.

Assuming that the Commission adopts the Consensus Plan, Nextel will no longer be the licensee of this spectrum. In the event the Commission does not adopt an 800 MHz band plan to address public safety interference that includes a spectrum swap involving the 700 MHz Guard Band spectrum held by Nextel, Nextel intends to meet its substantial service requirements on the Guard Band by the 2015 license renewal date.

III. Number of Spectrum Users Affiliated with Nextel.

As noted above, Nextel affiliates have made no use of the Guard Band spectrum licensed to Nextel in any market during the reporting period. All use of the Guard Band Licenses in this reporting period has been by parties unaffiliated with Nextel.

IV. Amount of Spectrum Used by Nextel's Affiliates in Licensed Service Area and Amount of Spectrum Used Pursuant to Agreements with Unaffiliated Third Parties.

As stated above, the Nextel Guard Band Manager Licensee has had no spectrum users that are affiliates in any licensed market. Nextel did authorize temporary use of its Salt Lake City License (Call Sign WPRR291) to the 2002 Olympic Committee and the Paralympic Organizing Committee, neither of which is an affiliated third party. The use of Nextel's Salt Lake City License was for a period coinciding with the 2002 Winter Olympic and Paralympic Games, and thus, the Salt Lake City Guard Band License is no longer being used for any purpose by the 2002 Olympic Committee.

V. General Nature of Spectrum Use.

As reported above, the spectrum was used by the 2002 Olympic Committee for wireless microphone and wireless intercom systems used in connection with the 2002 Winter Olympic and Paralympic Games.

VI. Length of Term of Each User Agreement.

The agreement for short-term use of the Guard Band spectrum was specified in letter agreements between Nextel and the relevant users. As noted above, the 2002 Olympic Committee used the Salt Lake City License (Call Sign WPRR291) from January 28, 2002 through March 1, 2002 for both the 2002 Olympic and Paralympic winter games.

EXHIBIT A

**NEXTEL 700 GUARD BAND CORP
MEA Licenses, B - Block Frequencies
(762 - 764.0000 / 792 - 794.0000 MHz)**

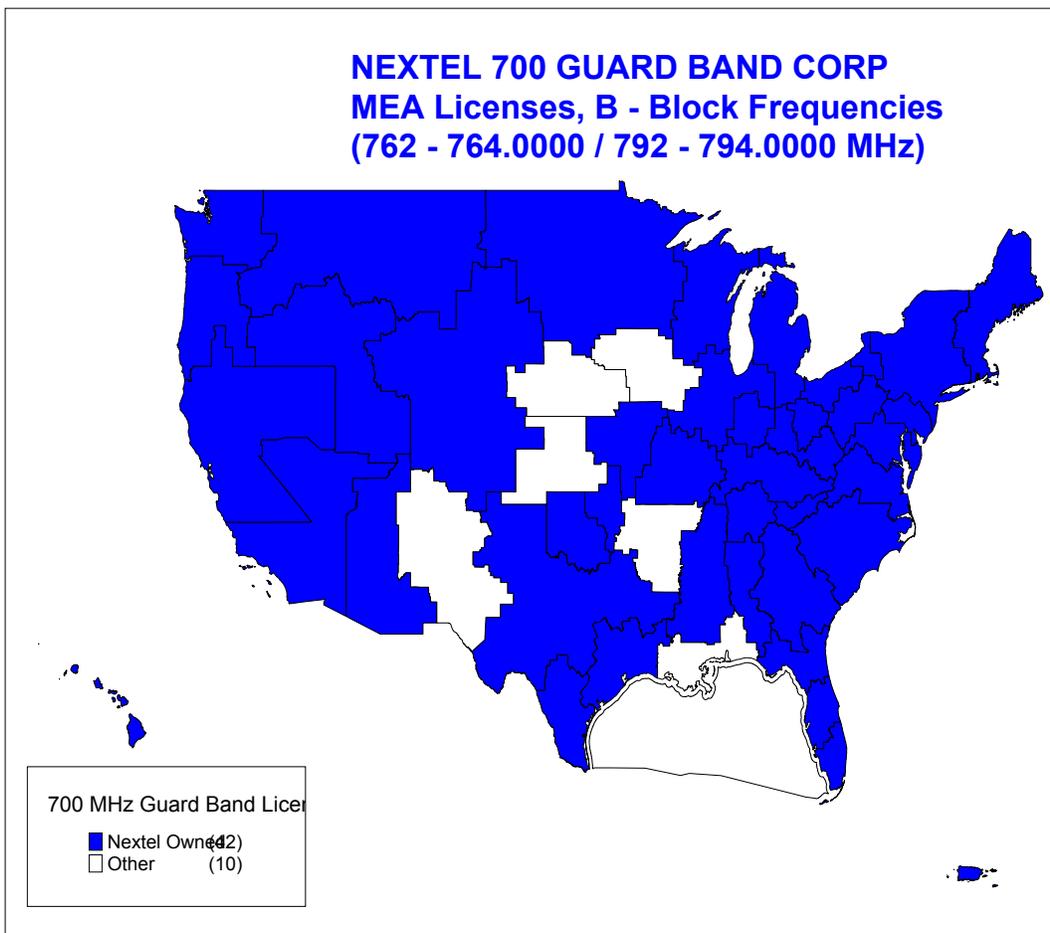


EXHIBIT B

<u>ENTITY</u>					<u>CALL SIGN</u>	<u>MARKET NAME</u>	<u>MARKET</u>	<u>BLOCK</u>	<u>FREQUENCIES</u>
NEXTEL	700	GUARD	BAND	CORP	WPRR260	Boston	MEA001	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR261	New York City	MEA002	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR262	Buffalo	MEA003	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR263	Philadelphia	MEA004	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR264	Washington	MEA005	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR265	Richmond	MEA006	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR266	Charlotte-Greensboro-Greenville	MEA007	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR267	Atlanta	MEA008	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR268	Jacksonville	MEA009	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR269	Tampa-St. Petersburg-Orlando	MEA010	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR270	Miami	MEA011	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR271	Pittsburgh	MEA012	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR272	Cincinnati-Dayton	MEA013	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPSK923	Columbus	MEA014	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR273	Cleveland	MEA015	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR274	Detroit	MEA016	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR275	Milwaukee	MEA017	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR276	Chicago	MEA018	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR277	Indianapolis	MEA019	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR278	Minneapolis-St. Paul	MEA020	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR279	Knoxville	MEA022	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRV445	Louisville-Lexington-Evansville	MEA023	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR280	Birmingham	MEA024	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR281	Nashville	MEA025	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR282	Memphis-Jackson	MEA026	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR283	Kansas City	MEA029	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR284	St. Louis	MEA030	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR285	Houston	MEA031	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR286	Dallas-Fort Worth	MEA032	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR287	Denver	MEA033	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR288	Tulsa	MEA036	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPSK924	Oklahoma City	MEA037	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR289	San Antonio	MEA038	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR290	Phoenix	MEA040	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRV446	Spokane-Billings	MEA041	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR291	Salt Lake City	MEA042	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR292	San Francisco-Oakland-San Jose	MEA043	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR293	Los Angeles-San Diego	MEA044	B	762-764.0 / 792-794.0 MHz
NEXTEL	700	GUARD	BAND	CORP	WPRR294	Portland	MEA045	B	762-764.0 / 792-794.0 MHz

