

February 7, 2005

BY ELECTRONIC FILING

John Muleta, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: WT Docket No. 02-55  
*Ex Parte Presentation*

Dear Mr. Muleta:

Pursuant to paragraphs 167 and 345 of the Report and Order in WT Docket 02-55, *Improving Public Safety Communications in the 800 MHz Band*, as amended by the Second Erratum, dated October 6, 2004, Nextel Communications (“Nextel”), Southern Communications Services, Inc. (“Southern”), and Nextel Partners (“Nextel Partners”) hereby submit this filing in the above-captioned proceeding.

In the Report and Order, the Commission recognized the unique spectrum situation in the southeastern United States, wherein Nextel, Nextel Partners and Southern operate 800 MHz iDEN® networks, and each holds an amount of spectrum that could not be accommodated in the 817-824 MHz/862-869 MHz ESMR band. Accordingly, the Commission determined that the ESMR band would be extended to more fully accommodate all three parties, from 813.5 – 824 MHz/858.5 – 869 MHz. Noting that Nextel and Southern had reached a near-final agreement on the distribution of channels and costs of retuning, the Commission gave Nextel and Southern additional time in which to finalize their agreement and account for and recommend a channel re-distribution for all other incumbents in that territory.

Pursuant to the Report and Order, Nextel, Nextel Partners and Southern have reached a definitive agreement. This comprehensive agreement covers all aspects of the 800 MHz band reconfiguration process, clearly establishing each party’s responsibility for costs and timing of retuning, as well as provisions for the timing and responsibility for retuning other affected 800 MHz incumbents in the Southeast.

While a definitive agreement has been reached, the parties are unable to provide a copy of the ratified agreement at this time. Recent unanticipated changes to the agreement at the request of Nextel Partners caused a delay in obtaining the signatures of the parties. The parties will submit to the Commission a signed ratified agreement, within the next few days.

Pursuant to section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Sincerely,

Lawrence R. Krevor

/s/

Vice President – Government Affairs  
Nextel Communications

Christine M. Gill

/s/

McDermott Will & Emery LLP  
Counsel for Southern LINC

Todd B. Lantor

/s/

Chief Regulatory Counsel  
Nextel Partners