

## **ATTACHMENT A TO PUBLIC INTEREST STATEMENT**

The Description of the Transaction and Public Interest Statement (the "Public Interest Statement") to which this submission is appended as Attachment A requests that the Federal Communications Commission ("Commission") consent to the transfer of control of the 900 MHz licenses held by Machine License Holding, LLC ("MLH") from Velocita Wireless Holding Corp. ("Velocita") to NCI 900 Spectrum Holdings, Inc., a wholly owned subsidiary of Sprint Nextel Corporation (collectively "Sprint Nextel"). In footnote 14 to the Public Interest Statement, Sprint Nextel stated that it does not anticipate that the proposed transaction will have any near term impact on Velocita's customer base. This Attachment provides additional information regarding Sprint Nextel's planned gradual integration of Velocita's 900 MHz spectrum into its iDEN® network and its commitment to Velocita's existing customers.

Initially, Sprint Nextel will fully maintain the Velocita two-way messaging and data system's national footprint while transitioning excess 900 MHz channel capacity from Velocita's system to Sprint Nextel's iDEN® system. As detailed in the Public Interest Statement, Sprint Nextel will have to shift a substantial portion of its iDEN® network traffic from 800 MHz band channels to 900 MHz band channels in order to maintain high-quality network performance and avoid service disruptions during the 800 MHz Band Reconfiguration process<sup>1</sup>. Existing excess capacity, coupled with the introduction of network efficiencies, will enable Sprint Nextel to immediately utilize some number of 900 MHz channels in Sprint Nextel's iDEN® system without shrinking the Velocita system's footprint or otherwise negatively impacting Velocita customers. The availability of even a small amount of additional 900 MHz spectrum will significantly improve Sprint Nextel's ability to maintain seamless service during the reconfiguration of the 800 MHz band.

Sprint Nextel appreciates the need to ensure that existing customers are given appropriate notice and an opportunity to transition to other service arrangements prior to any transition that could affect their service. First, pursuant to the Stock Purchase Agreement, Sprint Nextel will be assuming control of

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<sup>1</sup> The Commission specifically referenced the need to make 900 MHz spectrum available to Sprint Nextel as "green space" during the 800 MHz band reconfiguration process. See *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd at 15127-28, para. 336 (2004).

Velocita as an existing legal entity. Thus, the transaction will not disturb, and Sprint Nextel is committed to comply with, Velocita's existing agreements and contract obligations. Customers that have entered into agreements with Velocita will continue to receive the service and system coverage that they currently receive pursuant to the terms of their agreements.

Further, prior to any reduction in the Velocita system's footprint Sprint Nextel will provide affected customers with six months notice of its intent to migrate the 900 MHz channels to its iDEN® system. Follow-up notices will be provided at three months and six weeks prior to the transition date<sup>2</sup>. These notices will include special discount offers for migration to Sprint Nextel services that will be available to Velocita customers. In addition to the Sprint Nextel suite of services which are available, these customers also have the option of availing themselves to the host of data services available from other wireless carriers; these services include EVDO, 1XRTT, EDGE and GPRS to name a few.

In any rare and unanticipated circumstances where six months notice of service discontinuance cannot be provided to Velocita customers, *e.g.*, due to exigent requirements of the 800 MHz Reconfiguration process in a particular market area, Sprint Nextel will provide a minimum of three months notice. As described above, special discount offers for migration to Sprint Nextel services and information concerning other service options, as well as a follow-up notice six weeks prior to the transition date, also will be provided.

In sum, Sprint Nextel reiterates that it is committed to comply with all of Velocita's existing contractual obligations and to provide Velocita's end user customers and resellers notice well in advance of any planned network changes that could affect their service. As indicated above, customer notices will include special discount offers for migration to Sprint Nextel service and information regarding other service options. Furthermore, Sprint Nextel states again that its intent is to initially utilize excess capacity in the Velocita system without shrinking footprint, and to minimize the impact on current Velocita customers while gradually migrating Velocita's 900 MHz spectrum to Sprint Nextel's iDEN® system to support its operations during the course of the 800 MHz Band Reconfiguration process.

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<sup>2</sup> Velocita and Sprint Nextel note that a large number of the end-users on the Velocita network are customers of resellers. Sprint Nextel will work closely with all resellers to best ensure that every reseller has the opportunity to provide similar notice to its customers as Sprint Nextel intends to provide to its own direct customers.