IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA Plaintiff, v. MOTOROLA, INC. and NEXTEL COMMUNICATIONS, INC. Defendants.	)	Case No. 1:94CV02331 (TFH)

MOTION TO ENTER ORDER MODIFYING CONSENT DECREE

Plaintiff United States of America moves this Court to enter the order modifying the Consent Decree entered in this case, and in support of this motion, states as follows:

1. On June 14, 1999, Nextel moved for modification of the Consent Decree entered by this Court on July 25, 1995.

2. The United States tentatively consented to the termination subject to the following conditions:

   a. that Nextel publish at its own expense a notice of the proposed modification, the reasons therefor, and the opportunity to file comments

thereon, in two consecutive issues of (1) *The Wall Street Journal* and (2) *Wireless Week*;

b. that the United States publish a notice of the motion, the reasons therefor, and the opportunity to file comments thereon, in the *Federal Register*;

c. that copies of all comments received by the United States within thirty (30) days after the last publication of notices, and the United States' response thereto, be filed with the Court within thirty (30) days; and

d. that the Court refrain from ruling upon the motion to modify until such time as it has received copies of any comments and the United States's response to those comments.

3. The United States received comments within the thirty (30) day comment period from the Alliance for Radio Competition, Chadmoore Wireless Group, Inc., Geotek Communications, Inc., Hughes Network Systems, Intek Global Corporation, Mobex Communications, Inc., Radio Communications Systems, Inc., Small Business in Telecommunications, Sunbelt Two-Way Radio, Inc., and Wilmington Trust Company, and hereby files those comments and its response with the Court.

4. As of the date of this motion, all of the foregoing conditions have been fulfilled.

5. In response to a comment submitted by Chadmoore Wireless Group, Inc., the United States and Nextel have agreed that an amendment to Paragraph 4 of the Proposed Order filed on June 14, 1999 was warranted, and both the United States and Nextel have

stipulated that the Order, as amended, may be entered by the Court.

A proposed Order Modifying the Consent Decree is attached to this motion.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES:

/s/
DONALD J. RUSSELL
Chief
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/s/
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Dated: August 26, 1999