

7/25/05

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
TW-A325  
Washington, DC 20554

RE : WT Docket 05-63, Merger of Sprint Communications, Inc. and Nextel Corporation  
Ex Parte Filing

Catholic Telemedia Network (CTN) is a major licensee and operator of Educational Broadcast Services. CTN currently serves 153 Catholic Schools in the Greater San Francisco Bay Area with educational programming. This programming includes educational tapes from our library, CNN student News, the National Geographic channel and the ANNENBERG CHANNEL for teacher professional development.

Sprint has asked us to comment on concerns over the conduct in which Sprint handles lease negotiations with EBS licensees. Most notably, IMWED and Media Access Project have suggested that Sprint has used “superior size to impose terms on small EBS licensees that compromise the educational nature of the EBS band” and further suggests that “they will exert considerable influence over EBS licensees who are, generally, smaller and less sophisticated.”

As a long time operator of EBS spectrum providing distance learning services to our community for over 30 years, we are pleased with the long standing relationship we have with Sprint. Our institution benefits by generating the right mix of value and operational support through the lease benefits derived from our EBS spectrum. During CTN's negotiation of new lease terms with Sprint in 2002, we found Sprint to be flexible in responding to our desired lease terms. Negotiations were conducted in an open, ethical, and professional manner, and under no point in the process did we feel compelled, strong armed, or “influenced” by Sprint to accept terms we did not feel were commercially reasonable or unlawful as IMWED implies. Sprint conducted negotiations in good faith and was responsive to the educational mission of our institution in developing a lease structure that supports our mission by providing equipment, complimentary access to tower facilities, operating support, services and lease revenues. Furthermore, we are comfortable with meeting our educational requirements through the airtime we retained.

We are well represented by some of the finest attorneys, Mr. Edward Lavergne of Fish and Richardson and Dane Erickson of Hamitt and Edison our consulting engineer and collaborate with some of the best educators in the EBS community to ensure we are making a fully informed decision on our lease arrangement for our institution. To generalize that EBS licensees are “less sophisticated” as MAP does, is a discredit to our institution, our decision making process, and the educational community at large. We appreciate the relationship we have with Sprint and look

forward to continued good relations with Sprint and Nextel once their merger is approved.

Sincerely,

R.J. Loiacono  
Executive Director--CTN

EBS Licensee