



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

Poudre School District is a major licensee and operator of Educational Broadcast Services. Our district has its own television station that produces and broadcasts educational programming both on cable and over our EBS spectrum. Sprint has asked me to comment on concerns over the conduct in which Sprint handles lease negotiations with EBS licensees. Apparently, IMWED and Media Access Project have suggested that Sprint used “superior size to impose terms on small EBRS licensees that compromise the educational nature of the EBRS band” and further suggested that “they will exert considerable influence over EBRS licensees who are, generally, smaller and less sophisticated.”

As a long time operator of EBS spectrum, we are pleased with the 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 Poudre’s negotiation of new lease terms with Sprint, 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 retain and although we understood there would be financial differences in the terms, in no way did Sprint refuse to lease from us if we desired to retain more than 5% of our capacity. At all times Sprint provided us with the information that we asked for, listened to our requests, and were amenable to our requests.

We are well represented by attorneys including our own district-contracted firm of Harden Hass Haag and Hallberg and by the specializing attorney, Todd D. Gray of Dow, Lohnes & Albertson, pllc. We also collaborate with others 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.

Media & Instructional Technology
Insert Department Name Here

I appreciate the FCC's interest in protecting the integrity of the EBS spectrum. I believe that our work with Sprint has been in the best interest of our district and with a purpose in making good use of this spectrum for Poudre School District and other educational entities. Please contact me if you have further questions.

Sincerely,

Judy S. MacDonald, Ph.D.
Director

Sincerely,

EBS Licensee