



2000 Pennsylvania Avenue, Suite 4400  
Washington, D.C. 20006

October 3, 2005

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: Amendment of Parts 1, 21, 73, 74 and 101 of the  
Commission's Rules to Facilitate the Provision of Fixed  
and Mobile Broadband Access, Education and other  
Advanced Services in the 2150-2162 and 2500-2690 MHz  
Bands, WT Docket No. 03-66  
**Notice of Ex Parte Presentation**

Dear Ms. Dortch:

On September 27, 2005, Gerard Salemme, Brandon Bullis and Nadja Sodos-Wallace of Clearwire Corporation, ("Clearwire") met with Daniel Gonzalez of Chairman Martin's office.<sup>1</sup> They discussed Clearwire's position on a number of the outstanding issues in this rulemaking that have already been put forth in its various pleadings.

In particular, Clearwire emphasized its continued support for the existing technical rules that have already been adopted in this proceeding and its opposition for industry requests for more complicated rules. Clearwire has already successfully deployed in 16 markets using these rules. It plans to deploy in many more by the end of the year. As is evidenced by these successful launches, the current rules work and are essential to our continuing to provide service. Any changes to the existing rules will force us to cease launching service and spend an inordinate amount of time and resources redesigning equipment and system design to no real benefit. Clearwire stands by its promise to work with any party who experiences interference as a result of its complying with the current rules. Clearwire also emphasized that requests for any restriction on deployment within the 2.5 GHz band prior to the completion of transition should be rejected. Adoption of such rules would serve only to impede deployment of new services to the public.

In addition, Clearwire emphasized the need for the Commission to require operators and licenses to make a showing of substantial service expeditiously. In contrast to a number of the other parties to this proceeding, who have requested that the substantial service showing not be required until five years after the completion of transition (July 10, 2014), Clearwire has recommended that the substantial service showing be required five years from the effective date of the new rules. Allowing a longer period delays deployment and transition to the new band, and permits spectrum to continue to be warehoused.

Clearwire also discussed its belief that the FCC should expeditiously auction vacant or defaulted EBS spectrum (white space) and defaulted BTA licenses. Doing so would get the

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<sup>1</sup> Clearwire is aware that under the Commission's rules, this notice should have been filed one business day after the meeting. To the extent necessary, Clearwire requests a waiver of that rule to permit this letter to be included in the record.

spectrum in the hands of those who most value it and would ensure deployment of new services to the public.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this presentation is being filed electronically. Should any questions arise concerning this matter, kindly contact the undersigned.

Sincerely,

/s/ R. Gerard Salemm

R. Gerard Salemm  
Nadja S. Sodos-Wallace

cc (w/attachment): Daniel Gonzalez