

# clearwire

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October 6, 2006

Via Electronic Filing

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

**RE: Notice of Oral Ex Parte Communication**

AT&T Inc. and BellSouth Corporation, Application for Approval of Transfer of Control, WC Docket No. 06-74; IP-Enabled Services, WC Docket No. 04-36

Dear Ms. Dortch:

Yesterday, October 5, 2006, Gerard Salemme and Terri Natoli of Clearwire Corporation ("Clearwire"), a licensee, lessee, and operator of 2.5 GHz spectrum, held a telephonic meeting with Bruce Gottlieb of Commissioner Copps office and later met with Barry Ohlson and Scott Bergmann of Commissioner Adelstein's office to discuss Clearwire's interest in the AT&T/Bellsouth merger proceeding. During the meetings, Clearwire briefly explained its current and planned wireless broadband network deployment in the 2.5 GHz band, the broadband services it provides to residential and other subscribers, its future spectrum needs, and the development of WiMax technology for 2.5 GHz broadband operations and services. Clearwire then reiterated the position it advocated in its comments and reply comments in this proceeding that, as a condition of the merger approval, the parties should be required to divest, at a minimum, BellSouth's 2.5 GHz spectrum holdings. All views expressed by Clearwire regarding its merger-related concerns about the 2.5 GHz and 2.3 GHz spectrum are a matter of record before the Commission in Clearwire's filings in WC Docket No. 06-74.

In addition to the above, Clearwire indicated it shares many of the views most recently set forth in this proceeding by multiple cable providers in an *ex parte* letter dated September 27, 2006 discussing interconnection issues they are encountering in deploying IP-voice services over their cable broadband facilities. Clearwire discussed its on-going efforts to roll out its facilities-based IP-telephony service over its wireless broadband facilities, generally, and the difficulties it has similarly encountered, and is continuing to encounter, in obtaining interconnection to the Public Switched Telephone Network (PSTN) with AT&T in Texas (one of many states within the potential AT&T/BellSouth merged footprint where Clearwire has deployed, or will be deploying, operational wireless broadband networks and IP-voice service over those broadband facilities). Clearwire explained that it too, like the cable companies, had hoped to be able to enter into private commercial interconnection arrangements for IP-to-IP based interconnection. Clearwire explained, however, that after months of pursuing such interconnection arrangements for its Texas markets, to no avail, Clearwire eventually formed a separate CLEC entity, and obtained state certification to provide wholesale CLEC services, in order to obtain interconnection through the traditional wireline interconnection model. Clearwire went on to explain that even this interconnection method has been frustrated by AT&T's insistence, to date, on imposing

unreasonable, unnecessary and costly requirements on Clearwire's CLEC, which has further delayed Clearwire's ability to offer facilities-based IP-voice service to Texas consumers. Clearwire indicated that if facilities-based IP-telephony services over wireless broadband, or other intermodal platforms like cable, are to flourish to provide consumers, especially residential consumers, real competitive choice for telephone service, facilities-based IP-telephony providers must be given the ability to interconnect with incumbent local telephone providers, which are the only access to the PSTN in many local exchange areas throughout the country. Consequently, because the combination of AT&T and BellSouth represents the largest ILEC merger yet, and because, as the cable companies indicate, the merged entity has a greater incentive and ability to exercise its market power over interconnection, Clearwire has no choice but to support the cable companies' plea that the Commission condition approval of the merger on AT&T extending some form of reasonable interconnection rights to all facilities-based IP-voice service providers, regardless of the broadband platform over which those voice services are provided.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this presentation is being filed electronically. If you have any questions regarding this matter, please do not hesitate to contact the undersigned at 202-429-0107 or at Terri.Natoli@Clearwire.com.

Sincerely,



Terri B. Natoli

Chairman Kevin J. Martin  
Commissioner Michael J. Copps.  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell  
Michelle Carey  
Fred Campbell  
Jessica Rosenworcel  
Scott Deutchman  
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Scott Bergman  
Barry Ohlson  
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