

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Application to Transfer Control of Licenses,)
Authorizations, and *de facto* Transfer Leases held by) WT Docket No. 08-94
Sprint and Clearwire to New Clearwire)

Chicago Instructional Technology Foundation, Inc. (“CITF”)

Comments in Support of Application

CITF is the licensee of EBS Station WLX-630, operating on the D channel group at Chicago. For more than a decade, CITF has delivered instructional television programming to K-12 schools and other educational sites in the greater Chicago area. Today, CITF’s receive sites include not only schools but also such locations as churches and Children’s Hospital.

In August, 2006, CITF and other EBS licensees entered into an excess capacity agreement with a subsidiary of Clearwire Corporation. Under the terms of this agreement, CITF obtained the contractual right to a very significant number of free wireless broadband accounts for use in the non-profit and educational sector, as well as the right to obtain an even greater number of such accounts at a special educational rate, and other beneficial education-related rights. The number of free and reduced-rate broadband Internet access accounts to which CITF is entitled depends upon the capacity of the wireless broadband system which Clearwire operates. However, CITF estimates that a fully built-out network in the Chicago metropolitan area would result in CITF’s obtaining access rights to well over 10,000 such accounts on either a free or reduced-

price basis, to the benefit of educational institutions, students, faculty, and others in the non-profit sector.

CITF believes that this aspect of its agreement with Clearwire has the potential to move CITF into a whole new sphere of educational service using EBS, and to make a significant difference in the way data services are used by the non-profit and educational communities in Chicago.

However, axiomatically, if CITF is to obtain such contractual benefits, it is first necessary for Clearwire to construct a wireless broadband data network in Chicago. And, even more basically, CITF's ability to benefit from its transaction with Clearwire depends upon Clearwire's continuing to operate as a stable entity.

As it happens, the vast bulk of EBS and BRS spectrum that would be used to construct a Chicago wireless broadband network is controlled by Sprint rather than Clearwire. According to various public filings by Clearwire, it typically requires the use of at least 30 MHz of spectrum in order to even consider building a network in a given locality, and based on information contained in the above-captioned application,¹ CITF expects spectrum requirements to be even greater in areas of dense population such as Chicago, in that capacity demands rapidly consume spectrum resources. CITF, by itself, can supply excess capacity on only 16.5 MHz of spectrum in the EBS Lower Band Segment.

Although it has been almost two years since CITF entered into its excess capacity agreement with Clearwire, Clearwire remains "spectrum locked" in Chicago such that it has not launched data services there, and, therefore CITF has not been able to benefit from its contractual right to a share of the capacity of the Clearwire network. In contrast,

¹ See the public interest statement, Exhibit 1, at pp. 49-50.

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Dated: July 24, 2008