

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)	
)	
SPRINT NEXTEL CORPORATION)	DA 08-1477
)	WT Docket No. 08-94
and)	
)	
CLEARWIRE CORPORATION)	
)	
For Approval to Transfer Control)	

To: Secretary, Federal Communications Commission

For distribution to: The Commission

**COMMENTS OF INDIANA HIGHER
EDUCATION TELECOMMUNICATION SYSTEM**

The Indiana Higher Education Telecommunication System (“IHETS”), by its attorneys, hereby submits comments in support of the merger proposed by Sprint Nextel Corporation (“Sprint”) and Clearwire Corporation (“Clearwire”), and the grant of the above-referenced applications. The merger, which will result in a newly formed entity called Clearwire Corporation (“New Clearwire”), would allow for the swift development and provision of a nationwide advanced wireless broadband service. This new service, in turn, could provide a tremendous benefit to IHETS and other Educational Broadband Service (“EBS”) licensees. Grant of the captioned applications would help ensure that the development of the proposed nationwide broadband service is adequately funded, so that Sprint and Clearwire can compete effectively for subscribers and provide benefits to educators.

I. Background

IHETS is a consortium of Indiana's public and independent colleges and universities and affiliated members, including K-12 schools, public libraries, Indiana Public Broadcasting Stations, and state government. This consortium was originally formed in March of 1967, with

the passage of the Indiana Higher Education Telecommunications Act. For the past 40 years, IHETS has used advanced technologies to increase educational access, enhance instruction, enrich student learning, meet state needs for economic and workforce development, facilitate research collaborations, and efficiently conduct business.

All Indiana colleges and universities are members of the IHETS consortium and, as such, have equal representation within the IHETS governance structure, and are eligible for and entitled to receive its services. Over the years, member institutions have increasingly used IHETS to expand outreach and educational services to a wide range of organizations. To maximize the opportunity for collaboration among educational providers statewide, in 1999 IHETS expanded to include representation from K-12 schools, public libraries, state government, and public broadcasting.

IHETS' mission is to advance the education, research and public service activities of its member institutions and affiliates by offering and coordinating technology and e-learning services. IHETS also provides a vital forum for interaction, collaboration, and sharing among its members and affiliates. Included in its coordinating role is oversight for the I-Light fiber optic network.

IHETS uses reliable, cost-effective, and flexible technologies for consortium-driven projects requiring advanced communication and collaboration, including: (i) video conferencing, (ii) audio conferencing, (iii) web conferencing (audio and video), (iv) State Universities Voice Network (SUVON), and (v) webcasting (streaming video and audio). These fully managed services include pre- and post-installation consultation, Help Desk support, trouble-shooting, regular maintenance and system upgrades, and user training.

Also, IHETS supports the consortium's efforts and initiatives that deliver, increase, and enhance educational access for K-20 students and lifelong learners by: (i) providing a searchable online database cataloging course schedules/inventory by semester; (ii) serving as an online information clearinghouse for other educational opportunities related to distance education; (iii)

facilitating and coordinating inter-institutional student registration; (iv) disseminating information and instructional technologies for professional development; and (v) coordinating formal and informal demonstrations, training and technical support sessions.

Over the years, IHETS consortium members have leased excess capacity on their EBS spectrum to Sprint and Clearwire. Due in part to the arrangements with these commercial lessees, IHETS has been able to provide various online services, and the lease payments have allowed IHETS to expand its service offerings and educational resources. Access to the advanced, high-speed nationwide broadband network proposed by Sprint and Clearwire would allow IHETS to further expand its services and the educational resources available to consortium members.

II. Discussion

A recent report by the State Education Technology Directors Association (“SETDA”) highlighting the significant need for broadband services in schools, noted that access to high-speed broadband in the schools would: (i) allow teachers and students to take advantage of a wide range of new educational tools and resources available for learning anytime and anywhere; (ii) advance teachers professional development by allowing them to engage in professional learning communities and to access new educational resources, such as curriculum cadres and education portals; (iii) allow school administrators to conduct online assessments and access data for effective decision making; and (iv) help students to overcome the digital divide in rural and low socio-economic areas.¹

In conjunction with this report, the Executive Director of SETDA stated that:

[T]echnology makes a significant impact on student achievement in all subject areas and grades – not to mention providing unprecedented opportunities for on-going and sustainable professional development that

¹ See, *U.S. Education System Must Step-Up High-Speed Broadband Efforts to Maximize the Potential of Technology for Student Achievement and the 21st Century Global Economy*, released July 5, 2008.

improves teacher practice within the classroom. High speed broadband is essential to making change happen. *Id.*

Approval of the Sprint-Clearwire merger would promote the deployment of a new integrated nationwide broadband network within the very near future, thus expediting the availability of high-speed advanced broadband services to the educational community.

As discussed in the exhibit attached to Sprint and Clearwire's lead applications,² the proposed merger would enable New Clearwire to receive essential funding for the construction and operation of the broadband infrastructure necessary to deploy next-generation nationwide mobile wireless broadband services. Specifically, New Clearwire would receive a \$3.2 billion investment. Also, the proposed transaction would provide New Clearwire with sufficient spectrum resources to deploy the proposed nationwide broadband network, and to do so in only 2½ years.³ Neither Sprint nor Clearwire alone has sufficient financial or spectrum resources to deploy a stand-alone nationwide broadband network or provide advanced broadband services.⁴ Thus, unless they combine their spectrum assets, infrastructure and expertise, neither Sprint nor Clearwire alone would be able to provide EBS licensees with high-speed broadband access, advanced broadband services or a nationwide mobile broadband network any time in the near future.

New Clearwire, on the other hand, would have the capacity, scale and funding necessary to deploy a nationwide mobile wireless broadband network and advanced broadband services in the 2.5 GHz band within the relatively near future. Under the Sprint-Clearwire proposal, New Clearwire would assume Sprint and Clearwire's existing EBS spectrum leases,⁵ thereby affording the EBS licensees an opportunity to have their spectrum rapidly integrated into an

² See Exhibit 1 attached to each of FCC File No.0003462540 and FCC File No.0003368272 (the same exhibit, entitled "Description of the Transaction and Public Interest Statement," is attached to each application).

³ *Id.*, Exhibit 1 at p.1.

⁴ *Id.*, Exhibit 1 at p.2.

⁵ *Id.*, Exhibit 1 at p.35.

advanced nationwide high-speed broadband network capable of supporting numerous new educational services. The involved EBS licensees would obtain the full benefits of 2.5 GHz advanced wireless services sooner than might otherwise be possible. They would also benefit from acquisition or use of advanced infrastructure facilities and IP-based system architecture that they could not afford on their own.

The proposed merger would not only give the EBS licensees a financially and competitively stronger lessee, but the high-speed broadband network New Clearwire will build would enable EBS licensees to further their respective educational missions by providing them with the ability to offer new tools for learning and development across a robust, nationwide broadband platform. Thus, the proposed merger would serve to strengthen the innovative and effective partnership between education and business, which is in the public interest.

Also, New Clearwire, through the development of the proposed broadband network, would be better able to address several licensing and technical challenges in the 2.5 GHz band, to the benefit of EBS licensees. EBS licensees historically have been plagued by network deployment and operational challenges arising from the unique service and licensing schemes imposed on the 2.5 GHz band. The merger would mitigate geographic coverage anomalies resulting from different channel group boundaries that typically constrain or delay deployment, limit coverage, and increase deployment costs. The New Clearwire proposal would minimize the number of adjacent service area boundaries that otherwise require resource-intensive coordination and accommodation. The proposal could also eliminate any service coverage gaps in an EBS licensee's service area resulting from avoiding adjacent operator interference, thus enhancing New Clearwire's ability to deploy its advanced broadband service throughout an EBS licensee's entire service area and, in turn, facilitating the EBS licensee's ability to improve coverage of its service area and better meet its educational mission.⁶

⁶ *Id.*, Exhibit 1 at pp.31-33 & 36.

III. Conclusion

Approval of the proposed Sprint and Clearwire merger and grant of the captioned applications would expedite the deployment of a high-speed nationwide mobile broadband network and the delivery of advanced broadband products and services in the 2.5 GHz band. This, in turn, will enable IHETS and other EBS licensees, through their spectrum leases with Sprint or Clearwire and subsequently New Clearwire, to obtain the full benefits of next-generation nationwide wireless broadband services to further their educational missions, as well as the economic benefits from their spectrum leases. Therefore, the Commission should approve the merger and grant the captioned applications.

Respectfully submitted,

**INDIANA HIGHER EDUCATION
TELECOMMUNICATION SYSTEM**



By: _____

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July 24, 2008

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CERTIFICATE OF SERVICE

I, Steve Denison, a paralegal at the law firm of Rini Coran, P.C., hereby certify that I have caused a copy of the foregoing "COMMENTS OF INDIANA HIGHER EDUCATION TELECOMMUNICATION SYSTEM" to be sent by electronic mail this 24th day of July, 2008, to each of the following:

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