

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

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

**To:** Secretary, Federal Communications Commission

**For distribution to:** The Commission

**COMMENTS OF THE SOURCE FOR LEARNING**

The Source for Learning, Inc. (“SFL, Inc.”), by its attorneys, hereby comments in support of the merger proposed by Sprint Nextel Corporation (“Sprint”) and Clearwire Corporation (“Clearwire”), and the grant of the above-referenced applications. If approved, the merger would allow for the expeditious development and provision of a nationwide advanced wireless broadband service by a newly formed entity called Clearwire Corporation (“New Clearwire”). This new service, in turn, could provide a tremendous benefit to Educational Broadband Service (“EBS”) licensees such as SFL, Inc. 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 needed benefits to educators.

**I. Background**

SFL, Inc., a non-profit educational organization formerly known as Network for Instructional TV, Inc., was founded over a quarter century ago for the purpose of promoting the

effective use of instructional video, especially in underserved schools.<sup>1</sup> SFL, Inc.'s mission has expanded over the years as technology has advanced from video to the Internet to Web 2.0 tools. SFL, Inc. has expertise in the productive use of not only video, but the newest broadband technologies, to provide K-12 and early learning educational resources and services. Specifically, SFL, Inc. provides web-based learning resources to assist educators, early childhood professionals and families, and is an award-winning leader in the use of technology to deliver instructional materials.<sup>2</sup>

SFL, Inc., together with certain locally controlled educational organizations it formed, holds EBS licenses in 22 cities in 13 states and the District of Columbia. Over the years it has leased excess capacity on this EBS spectrum to commercial operators, including Sprint and Clearwire. In cooperation with its commercial lessees, SFL, Inc. initially provided video services, but is now transitioning to the provision of WiMAX services to educators and students. Also, royalties from leasing excess capacity have allowed SFL, Inc. to create new services, and expand its suite of educational resources for use by teachers, families and students.

## **II. Discussion**

In conjunction with a recently released report highlighting the significant need for broadband services in schools, the Executive Director of the State Education Technology Directors Association (“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 improves teacher practice within the classroom. High speed broadband is essential to making change happen.<sup>3</sup>

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<sup>1</sup> SFL, Inc. changed its name to better reflect its expanded mission and services.

<sup>2</sup> TeachersAndFamilies.com won the USA Today Best Bet for Education (Sept., 2002) and PreschoolFirst.com received a Laureate Medal, in the ComputerWorld Honors Program (June, 2007).

<sup>3</sup> See, *U.S. Education System Must Step-Up High-Speed Broadband Efforts to Maximize the Potential of Technology for Student Achievement and the 21<sup>st</sup> Century Global Economy*, released July 5, 2008.

The SETDA report 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. *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,<sup>4</sup> 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.<sup>5</sup> Neither Sprint nor Clearwire alone has sufficient financial or spectrum resources to deploy a stand-alone nationwide broadband network or provide advanced broadband services.<sup>6</sup> 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.

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<sup>4</sup> 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).

<sup>5</sup> *Id.*, Exhibit 1 at p.1.

<sup>6</sup> *Id.*, Exhibit 1 at p.2.

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,<sup>7</sup> thereby affording the EBS licensees an opportunity to have their spectrum rapidly integrated into an 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 to help their constituents and other educational entities. 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

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<sup>7</sup> *Id.*, Exhibit 1 at p.35.

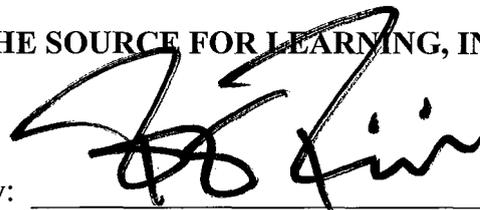
in an EBS licensee's service area resulting from avoiding adjacent operator interference, thus enhancing New Clearwire's ability to deploy its advanced broadband service throughout an EBS licensee's entire service area and, in turn, facilitating the EBS licensee's ability to improve coverage of its service area and better meet its educational mission.<sup>8</sup>

### **III. Conclusion**

Approval of the proposed Sprint and Clearwire merger and grant of the captioned applications would expedite the deployment of a nationwide mobile WiMAX broadband network and the delivery of new broadband products and services in the 2.5 GHz band. This, in turn, will enable 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 crucial educational missions, as well as the economic benefits from their spectrum leases. Therefore, the Commission should approve the merger and grant the captioned applications without delay.

Respectfully submitted,

**THE SOURCE FOR LEARNING, INC.**



By: \_\_\_\_\_

Robert J. Rini  
Lorretta K. Tobin

July 24, 2008

Its Attorneys

Rini Coran, PC  
1615 L Street, N.W., Suite 1325  
Washington, D.C.  
(202) 296-2007

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<sup>8</sup> *Id.*, Exhibit 1 at pp.31-33 & 36.

## 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 THE SOURCE FOR LEARNING" to be sent by electronic mail this 24<sup>th</sup> day of July, 2008, to each of the following:

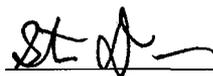
B. Lynn F. Ratnavale  
Broadband Division  
Wireless Telecommunications Bureau  
[lynn.ratnavale@fcc.gov](mailto:lynn.ratnavale@fcc.gov)

Susan Singer  
Spectrum and Competition Policy Division  
Wireless Telecommunications Bureau  
[susan.singer@fcc.gov](mailto:susan.singer@fcc.gov)

Neil Dellar,  
Office of General Counsel  
[neil.dellar@fcc.gov](mailto:neil.dellar@fcc.gov)

Gloria Conway  
Media Bureau  
[gloria.conway@fcc.gov](mailto:gloria.conway@fcc.gov)

Best Copy and Printing, Inc.  
[FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com)



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Steve Denison