

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

In the Matter of)	
)	
Applications of Sprint Nextel Corporation and Clearwire Corporation)	WT Docket No. 08-94 DA 08-1477
)	
For Consent to Transfer Control of Licenses And Authorizations)	File Nos. 0003367640 <i>et al.</i>
)	

**COMMENTS OF HISPANIC INFORMATION
AND TELECOMMUNICATIONS NETWORK, INC.**

Hispanic Information and Telecommunications Network, Inc (“HITN”) submits these comments in support of a series of applications (“Applications”) filed by Clearwire Corporation (“Clearwire”) and Sprint Nextel Corporation (“Sprint”) seeking approval by the Federal Communications Commission (“FCC” or “Commission”) of the transfer of control of licenses, authorizations, and *de facto* transfer spectrum leases held by Sprint and Clearwire to a new wireless broadband company called Clearwire Corporation (“New Clearwire”).¹ HITN encourages the Commission to approve the Applications as expeditiously as possible as New Clearwire will benefit educational and minority access to new, advanced wireless broadband telecommunications, accelerate the deployment of mobile broadband nationwide, strengthen WiMAX as a competitive service, bring new and innovative services to consumers, and serve the public interest, convenience, and necessity.

Founded in 1981, HITN is a not-for-profit 501(c) corporation whose mission is to promote educational opportunities for Hispanic Americans through multiple media outlets and

¹ Sprint Nextel Corporation and Clearwire Corporation Seek FCC Consent to Transfer Control of Licenses and Authorizations, *Public Notice*, WT Dkt. No. 08-94, DA 08-1477 (rel. June 24, 2008).

telecommunications services. HITN holds 83 station authorizations in the Educational Broadband Service (“EBS”) for facilities throughout the United States and Puerto Rico and is the largest holder of EBS licenses in the United States. In 1987, and because of its national position in EBS (formerly ITFS), HITN formed HITN-TV, the first and only independent 24-hour-a-day Spanish language public interest television channel in the United States. Today, HITN-TV is carried by DirecTV, Dish Network, Comcast Cable, Time Warner Cable, and Charter Communications and is presently available in over 15 million U.S. households. Tomorrow, HITN-TV will be a mobile wireless broadband content service available nationwide over the New Clearwire WiMAX network. HITN remains the first and only non-profit Latino managed and controlled public interest television network offering educational content to the nation’s largest minority group and to all who share an interest in Hispanic news, information, and culture.

Commission grant of the Applications will benefit EBS licensees like HITN as such grant will stimulate deployment of 2.5 GHz wireless broadband services on those licenses, furthering EBS licensees’ educational missions as well as economic benefits from their spectrum leases. EBS licensees need commercial operators like the New Clearwire to design, construct, and operate the mobile wireless network. Without an active service that is competitively viable, educational entities may not achieve the highest and best use of their educational reservation pursuant to EBS leases and the associated educational services may not be offered to the public. Rapid deployment by New Clearwire is also beneficial for EBS licensees as many spectrum leases tie royalty payments to educators to successful service deployment in the market. With many educators experiencing severe budget shortfalls, this added revenue is crucial to the

continued provision of quality education and will reduce the need for additional tax burden on the public.

The transfer will enable HITN, as an EBS licensee partnered with Clearwire, to promote a new nationwide WiMAX service to minorities, especially Hispanics. HITN's long-term lease agreements with Clearwire require an educational capacity reservation that mandates access to New Clearwire's services for the purpose of serving the underserved educational, minority and non-profit communities. HITN intends to use this reservation to create a nationwide WiMAX service that furthers its goal of promoting educational opportunities for Hispanic Americans and other minorities.

New Clearwire makes the Commission's vision for the Broadband Radio Service ("BRS") and EBS a reality and can rapidly turn the 2.5 GHz spectrum band into a major success story. Before the Commission restructured the band in 2004,² much of the spectrum had laid fallow for decades. Even today, some stations remain unconstructed, the public is receiving minimal service from the 2.5 GHz spectrum, and educators are not receiving the benefit of their licenses. New Clearwire has the potential to bring the full value of the 2.5 GHz spectrum to educators while also building a viable nationwide mobile wireless network to benefit the general American public. This is the best, and likely only, chance for 2.5 GHz to be put into active use providing service to the public in the short term.

Approval of the Applications will accelerate deployment of a nationwide broadband network utilizing the 2.5 GHz spectrum. New Clearwire is committed to building a network that will cover half the U.S. population in three years, bringing the reality of a mobile wireless

² See In the Matter of Amendment of Parts 1, 21, 73, 74, and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Report and Order and Further Notice of Proposed Rulemaking*, WT Dkt. No. 03-66, FCC 04-135 (rel. July 29, 2004).

network to the nation.³ Construction of a completely new facilities-based mobile wireless network is a highly capital intensive enterprise, requiring enormous investment. Individually, Sprint and Clearwire face tightened credit markets tepid of investing in new telecommunications businesses. Securing the capital financing necessary to build out two separate, competing 2.5 GHz networks is unattainable at this time. Granting the Applications, however, will permit Clearwire and Sprint to pool their resources and create a stronger service which can attract more financing. In the Applications, Clearwire and Sprint state that five world-class technology companies have pledged a total of \$3.2 billion investment into New Clearwire contingent upon approval of the transfer.⁴ Granting the Applications would inject new financing that is currently nearly impossible to raise to facilitate deployment of a next-generation facilities-based network.

Grant of the Applications would also resolve several technical issues that have inhibited deployment in the 2.5 GHz to date. By combining the existing networks of Clearwire and Sprint, the Commission would alleviate the “Swiss cheese” geographic coverage of the service attributable to the piecemeal licensing of 2.5 GHz over the past several decades.⁵ The transfer would reduce duplication of facilities while minimizing the number of adjacent service area boundaries that require resource-intensive coordination, resulting in faster deployment, greater coverage, less regulatory burden on the Commission, and decreased costs.

The transfer of the licenses to New Clearwire also makes WiMAX a direct and viable new competitor with other technologies and established nationwide wireless companies. With

³ See Description of the Transaction and Public Interest Statement, File No 0003462540 et al. at 20 (amended June 24, 2008) (“Public Interest Statement”).

⁴ Public Interest Statement at 1, 12. New Clearwire would receive financing from five of the nation’s leading technology, telecommunications and media companies: Intel Corporation, Google Inc., Comcast Corporation, Time Warner Cable, and Bright House Networks.

⁵ Due to piecemeal licensing of 2.5 GHz, geographic service areas contain a patchwork of licenses with different channel group boundaries even among a single licensee’s channels. The inconsistent boundaries may be economically challenging to a single operator’s build-out.

tested speeds up to 6 Mbps downstream, this WiMAX network will deliver services more than five times faster than today's current wireless services.⁶ Having a single nation-wide system would ensure greater coverage without gaps in lower socio-economic areas and would limit the need for roaming agreements. With the additional resources available, New Clearwire will also be a serious competitor to fiber and cable and add a much needed "third pipe" to the house.⁷ The result will be more competition, lower prices, and better service for consumers.

Other wireless services are not standing still. Verizon Wireless and AT&T, for example, have recently announced plans to deploy mobile broadband based on Long Term Evolution,⁸ but as has been widely reported in the press, these technologies are at least 2-3 years away from any meaningful deployment. New Clearwire, however, is the only service free from conflicting business interests such as the requirement of wireline companies to continually invest to upgrade more cost intensive wireline networks. New Clearwire's sole business focus is deploying fourth-generation broadband services. Accordingly, New Clearwire will bring the best possible wireless broadband services to more people, more quickly than any other operator.

Finally, New Clearwire has stated its intention to permit consumers to download and use any software applications, content, or services they desire, subject only to reasonable management practices, law enforcement, and public safety considerations.⁹ New Clearwire will also permit a number of unaffiliated firms to purchase access to its wireless broadband service on a non-exclusive wholesale basis and resell that service directly to consumers in competition with New Clearwire and other wireline and wireless providers. The use of open software, content,

⁶ Public Interest Statement at 3.

⁷ *Id.* at 19.

⁸ *AT&T, Verizon bet they'll catch Sprint in 4-G wireless race*, Washington Post, Marketwatch, May 23, 2008; Public Interest Statement at 17.

⁹ *Id.* at 21.

and services described in the Applications will foster new and innovate services to mobile wireless broadband.

The Applications are overwhelmingly in the public interest, convenience, and necessity. A successful and thriving New Clearwire will finally bring to fulfillment the Commission's long developing vision for the 2.5 GHz band as a viable mobile wireless broadband service and competitor to wireline services. The transfer will enable New Clearwire to immediately receive the capital funding necessary to build and operate a nationwide mobile wireless broadband service which neither Sprint nor Clearwire alone possesses sufficient resources to deploy. The transfer will benefit the educational community as it brings to them the benefits of next-generation wireless services through their educational reservations and much needed resources through their spectrum leases. HITN encourages the Commission to grant the Applications as expeditiously as possible.

Respectfully submitted,

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July 24, 2008

CERTIFICATE OF SERVICE

I, Norman Liu, hereby certify that copies of the foregoing *Comments of Hispanic Information and Telecommunications Network, Inc.* were served this 24th day of July, 2008 on the following parties via electronic mail at the following addresses:

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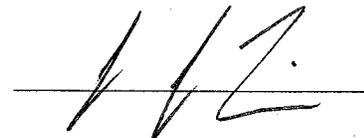
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A handwritten signature in black ink, appearing to read "N. Dellar", is written over a horizontal line.