

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

In the Matter of	)	
	)	
Applications of Sprint Nextel Corp. and	)	
Clearwire Corporation for Consent to	)	WT Docket No. 08-94
Transfer Control of 2.5 GHz Licenses and	)	
Authorizations	)	DA 08-1477
	)	
File Nos. 0003462540, <i>et al.</i>	)	

**JOINT EBS COMMENTS IN SUPPORT  
OF THE PROPOSED NEW CLEARWIRE TRANSACTION**

The fifty-six undersigned Educational Broadband Service (EBS) licensees, educators, and interested parties (Joint EBS Parties) support the above-captioned applications filed by Sprint Nextel Corporation (Sprint) and Clearwire Corporation (Clearwire) to transfer their 2.5 GHz licenses and spectrum leases to a new wireless broadband company called New Clearwire Corporation (New Clearwire). The proposed transaction will promote the public interest and benefit Educational Broadband Service (EBS) licensees across the country.

The Joint EBS Parties are actively involved in developing and operating in the 2.5 GHz band, including holding licenses to operate EBS stations in various parts of the country and have entered into agreements to lease excess capacity on our stations to Sprint. It is our understanding that these excess capacity leases will be transferred to New Clearwire upon approval by the Commission of the proposed New Clearwire transaction.

We urge the FCC to expeditiously approve the New Clearwire transaction. The transaction will combine the 2.5 GHz assets of Sprint and Clearwire and allow New Clearwire to receive an investment of \$3.2 billion from a number of the country's leading technology and communications companies. The combination of these assets and this significant investment will promote the deployment of an advanced, nationwide wireless network in the 2.5 GHz band that will benefit consumers and the EBS community alike.

As the Commission has recognized, in the past the 2.5 GHz band has been underutilized and “the regulatory history of the band has been marked by changing and sometimes conflicting policy goals, which have tended to suppress investment, innovation, and responsiveness to changes in wireless technology and demand for services.”<sup>1</sup> The Commission took an important step toward addressing these issues when it adopted an order in 2004 to reconfigure the 2.5 GHz band and revise aspects of its rules governing the band. In adopting this decision, the Commission sought to promote a number of public interest objectives, including “promoting availability of broadband to all Americans, including broadband technologies for educators . . . promotion of the economic viability of services in this band . . . facilitating speed of transition and deployment in the band . . . and the continued promotion of spectrum-based education services.”<sup>2</sup>

The Joint Parties believe these same objectives can be furthered by the proposed New Clearwire transaction. The application submitted by Sprint and Clearwire describes how the combination of their 2.5 GHz assets and the infusion of much-needed capital will

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<sup>1</sup> 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, *Report and Order and Further Notice of Proposed Rulemaking*, 19 FCC Rcd 14165, ¶ 9 (2004).

<sup>2</sup> *Id.* ¶ 5.

allow New Clearwire to deploy a nationwide, advanced WiMAX broadband network. This will not only benefit the American consumer by creating greater competition in the provision of broadband services, it will also benefit the educational community in a number of ways.

If the New Clearwire transaction is approved, the Joint Parties' EBS stations will become part of a state-of-the-art wireless broadband network that has nationwide reach. This advanced network will allow us to serve our students and communities more effectively. For example, the greater speed, mobility, and reach of the network may allow us to expand the educational resources we can deliver to our communities. New Clearwire's WiMAX platform should also expand the ecosystem of wireless devices, creating economies of scale that lower the cost of devices our organizations and students use to connect with each other.

The Sprint and Clearwire application states that without the combination of their 2.5 GHz assets and the infusion of capital created by their proposed transaction, they will not be able to fund the deployment of a nationwide, advanced wireless network. The Joint EBS Parties recognize the challenges facing commercial operators in constructing such a network. The proposed transaction will provide much-needed capital and synergies for New Clearwire, and also strengthen the lessor-lessee partnership between New Clearwire and EBS licensees. This partnership is important in providing the resources necessary to develop spectrum-based educational programs. It also provides an important source of lease payments that EBS licensees use to enhance their educational mission.

The Joint EBS Parties accordingly support the proposed New Clearwire transaction, and urge the Commission to act quickly in approving the above-captioned applications. The New Clearwire transaction will benefit the EBS community by creating an advanced, nationwide broadband network in the 2.5 GHz band and by promoting broadband educational opportunities.

Respectfully submitted,

/s/ Chuck McKee

Chuck McKee  
Shekinah Network  
Licensee of WLX919, WLX950, WLX975,  
WLX978, WLX994, WNC373, WNC407,  
WNC426, WNC533, WNC552, WNC661,  
WNC732, WNC767, WNC773, WNC787,  
WNC798, WNC810, WNC868, WNC892,  
WNC893, WNC904, WNC956, WND210,  
WND321, WND329, WND348, WND401,  
WND465, WND476, WND515, WND581,  
WND627, WQFG870  
6312 East 110<sup>th</sup> Street  
Tulsa, OK 74137-7200  
(918) 296-9006

/s/ George W. Bott

George W. Bott  
Rockne Educational Television  
Licensee of WNC353  
P.O. Box 457  
Hamlin, NY 14464  
(585) 964-9121

/s/ Father Edward Anthony

Father Edward Anthony  
Franciscan Canticle, Inc.  
Licensee of WLX814  
611 S. Palm Canyon Drive, #7  
Palm Springs, CA 92264  
(760) 323-1817

/s/ Bert Schmidt

Bert Schmidt  
Hampton Roads Educational  
Telecommunication Association, Inc.  
Licensee of WHF350, WHR737,  
WHN710, WHR993, WHR940, WHG412,  
WGZ628, WHF233, WHF243, WLX255,  
WHR941, WHG411, WLX256, WHR526  
5200 Hampton Boulevard  
Norfolk, VA  
(757) 889-9400

/s/ Keith Ouweneel

Keith Ouweneel  
Weld County School District RE-1  
Licensee of WNC608  
P.O. Box 157  
Gilcrest, CO 80623  
(970) 350-4201

/s/ Lisa Dinga

Lisa Dinga  
Innovative Technology Education Fund  
Licensee of WHR806  
1001 Craig Road, Suite 260  
St. Louis, MO 63146  
(314) 831-0345

/s/ Randy Williams  
Randy Williams  
Victoria Independent School District  
Licensee of WLX775  
P. O. Box 7159  
Victoria, TX 77902-1759  
(361) 788-9325

/s/ David Boyd  
David Boyd  
Lowndes County Public Schools  
Licensee of WNC346  
105 East Tuskeena Street  
P.O. Box 755  
Hayneville, AL 36040  
(334) 548-2131

/s/ Dr. James Richburg  
Dr. James Richburg  
Okaloosa Walton College  
Licensee of WLX931  
100 College Boulevard  
Niceville, FL 32578  
(850) 729-5365

/s/ George W. Bott  
George W. Bott  
The Learning Paradigm, Inc.  
Licensee of WND626  
PO Box 457  
7568 Sandy Harbor Drive  
Hamlin, NY 14464  
(585) 964-9121

/s/ Peter Mattaliano  
Peter Mattaliano  
Rutgers, The State University of New  
Jersey  
Licensee of WHR872  
96 Davidson Road, Room 170E  
Busch Campus  
Piscataway, NJ 08854  
(732) 932-4726

/s/ Mark Rozewski  
Mark Rozewski  
University of Southern Indiana  
Licensee of WLX878, WLX880, WLX881  
8600 University Boulevard  
Evansville, IN 47712  
(812) 465-1863

/s/ Jerry Wareham  
Jerry Wareham  
ideastream  
Licensee of WAJ20  
1375 Euclid Avenue  
Cleveland, OH  
44115-1835  
(216) 916-6100

/s/ Brian Brooks  
Brian Brooks  
Anaheim City School District  
Licensee of KVP26  
1001 S. East Street  
Anaheim, CA 92805  
(714) 517-7500

/s/ Ray Rushing  
Ray Rushing  
Texas State Technical College – Harlingen  
Licensee of WNC244, WNC240  
3801 Campus Drive  
Waco, TX 76705  
(254) 753-0913

/s/ Dr. Bill Arceneaux  
Dr. Bill Arceneaux  
The Foundation for Excellence in  
Louisiana Public Broadcasting  
Licensee of WNC492, WQCQ857,  
WND331, WQCK957, WQCL437,  
WQCI690  
7733 Perkins Road  
Baton Rouge, LA 70810  
(225) 767-5660

/s/ Richard Rodriguez  
Richard Rodriguez  
Vista Unified School District  
Licensee of WND578  
4680 North Avenue  
Oceanside, CA 92056  
(760) 726-2170, ext. 2929

/s/ Kathryn A Hott  
Kathryn Hott  
Springfield Local Schools  
Licensee of WNC247  
6900 Hall Street  
Holland, OH 43528  
(419) 867-5605

/s/ Kent Keyser  
Kent Keyser  
San Diego Community College District  
Licensee of WND373  
3375 Camino del Rio South, Suite 125  
San Diego, CA 92108-3883  
(619) 388-6939

/s/ Scott Burns  
Scott Burns  
San Diego State University  
Licensee of WHQ403, WHR611,  
WHG344, WHG345  
5500 Campanile Drive – Room 1620  
San Diego, CA 92182  
(619) 594-6018

/s/ Steve Clemons  
Steve Clemons  
San Diego County Office of Education  
Licensee of WBS375, WDD752, WCX487  
6401 Linda Vista Road, Room 205  
San Diego, CA 92111-7399  
(858) 292-3511

/s/ Matt Evans  
Matt Evans  
Oceanside Unified School District  
Licensee of WND576  
4680 North Avenue  
Oceanside, CA 92056  
(760) 966- 4079

/s/ Martin L. Wind  
Martin L. Wind  
Diocesan Telecommunications Corp.  
Licensee of WHR995  
1200 Lantana  
Corpus Christi, TX 78407  
(361) 289-6437

/s/ David A. Niccoli  
David A. Niccoli  
Board of Governors of the Colorado State  
University System  
Licensee of WNC908, WNC910  
2200 Bonforte Blvd.  
Pueblo, CO 81001  
(719) 549-2566

/s/ Larry Cochran  
Larry Cochran  
Oklahoma Distance Learning Association  
P.O. Box 1125  
Norman, OK 73069-1125  
(918) 594-8388

/s/ Joan Twidwell  
Joan Twidwell  
Reorganized School District No. R-IV of  
Pettis County  
Licensee of WLX658  
301 S. Washington  
LaMonte, Missouri 65337  
(660) 347-5439

/s/ Willard D. Rowland, Jr.

Willard D. Rowland, Jr.  
Colorado Public Television, Inc.  
Licensee of WHR521  
2900 Welton Street  
Denver, CO 80205  
(303) 991-5039

/s/ Dr. John D. Long

Dr. John D. Long  
Warren County R-3 School District  
Licensee of WLX445  
302 Kuhl Avenue  
Warrenton, MO 63383  
(636) 456-6901

/s/ Dr. Michael Hilt

Dr. Michael Hilt  
The Knowledge Network of Greater  
Omaha  
Licensee of WNC653  
c/o UNO-TV - University of Nebraska at  
Omaha  
Engineering Room 200  
6001 Dodge Street  
Omaha, NE 68182  
(402) 559-5866

/s/ William Christopher Neale

William Christopher Neale  
Gasconade County R-1 Schools  
Licensee of WLX447  
164 Blue Pride Drive  
Hermann, MO 65041  
(573) 486-2116

/s/ Michael Bennet

Michael Bennet  
School District No. 1 in the City and  
County of Denver and State of Colorado  
Licensee of WHR780  
900 Grant Street  
Denver, CO 80203  
(720) 423-3222

/s/ Pat Burns

Pat Burns  
Board of Governors of the Colorado State  
University System  
Licensee of WNC612  
c/o ACNS, Dept 1018  
Colorado State University  
Fort Collins, CO 80523-1018  
Attn: Director of ACNS  
(970) 491-5778

/s/ George W. Bott

George W. Bott  
Albion Community Development  
Corporation, Inc.  
Licensee of WLX536  
PO Box 457  
Hamlin, NY 14464  
(585) 964-9121

/s/ Steve Valdez

Steve Valdez  
Weslaco Independent School District  
Licensee of WLX946  
P. O. Box 266  
Weslaco, TX 78596  
(956) 969-6876

/s/ Jennifer Walters

Jennifer Walters  
Escondido Union School District  
Licensee of WND574, WND575  
1330 East Grand Avenue  
Escondido, CA 92027-3099  
(760) 432-2187

/s/ Kemp Harshman

Kemp Harshman  
Clarendon Foundation, Inc.  
Licensee of WND238, WND403,  
WNC796, WQCP374, WQCM439,  
WQCR282, WNC802, WNC903,  
WLX803, WND514, WAU27  
3126 West 51st Street  
Indianapolis, IN 46228-2112  
(702) 315-0554

/s/ Dewayne Geoghagan

Dewayne Geoghagan  
Walton County School District  
Licensee of WNC884  
145 Park Street, Suite 5  
DeFuniak Springs, FL 32435  
(850) 892-1100, ext. 1511

/s/ Ray Rushing

Ray Rushing  
Texas State Technical College - Waco  
Licensee of WLX860, WLX359, WNC348  
3801 Campus Drive  
Waco, TX 76705  
(254) 753-0913

/s/ Mark Sena

Mark Sena  
Mars Communications, Inc.  
157 Biscayne Avenue  
Tampa, Florida 33606  
(813) 254-2225

/s/ John D. Greydanus

John D. Greydanus  
Oregon Wireless Instruction Network<sup>3</sup>  
Oregon State University  
109 Kidder Hall  
Corvallis, Oregon 97331  
(541) 737-9099

/s/ Bob Baker

Bob Baker  
Region IV Education Service Center  
Licensee of WHR492, WHQ281  
7145 West Tidwell Road  
Houston, TX 77092-2096  
(713) 744-6331

/s/ James Chitwood

James Chitwood  
Okaloosa-Walton College Foundation, Inc.  
Licensee of WNC885  
100 College Boulevard  
Niceville, FL 32578  
(850) 729-5357

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<sup>3</sup> The licensees represented by the Oregon Wireless Instruction Network (WIN) are: Lane Community College (licensee of WNC487); Linn-Benton Community College (licensee of WNC540); Oregon State University (licensee of WNC718, WNC527); Oregon University System (licensee of WNC471, WNC574, WNC771); Portland State University (licensee of WNC470); Southern Oregon University (licensee of WNC759); University of Oregon (licensee of WNC526); and Western Oregon University (licensee of WNC717).

/s/ Marty Ronning

Marty Ronning  
University of Maryland  
Licensee of WLX336, WDT881, WHR807  
WNC708, WHR727, WLX829, WLX789  
2104A Glenn L. Martin Hall  
College Park, MD 20742  
(301) 405-4899

/s/ Dr. Brian F. Savage

Dr. Brian F. Savage  
Point Pleasant Beach Board of Education  
Licensee of WQCP360  
299 Cooks Lane  
Point Pleasant Beach, New Jersey 08742  
(732) 899-8840, ext. 1105

/s/ Michael Pacella

Michael Pacella  
Newburgh City School District  
Licensee of KTN66  
124 Grand Street  
Newburgh, NY 12550  
(845) 563-3799

/s/ Christopher Paige

Christopher Paige  
California Human Development  
Corporation  
Licensee of WNC615  
3315 Airway Drive  
Santa Rosa, California 95403  
(707) 523-1155

/s/ Mary Ann Coleman

Mary Ann Coleman  
Louisiana Independent Higher Education  
Research Foundation  
Licensee of WQCL447  
320 3rd Street Suite 104  
Baton Rouge, LA 70801-1307  
(225) 389-9885

/s/ Freddie P. Moon

Freddie P. Moon  
Heritage Christian University  
Licensee of WNC832  
P.O. Box HCU  
3625 Helton Drive  
Florence, AL 35630  
(256) 381-7062

/s/ Meg Sakellarides

Meg Sakellarides  
Connecticut Public Broadcasting, Inc.  
Licensee of WHF270, WHF276, WHR673,  
WHR767, WHR804, WHR840, WHR841,  
WHR842, WLX241, WLX565, WLX771,  
WNC448, WNC449, WNC450  
1049 Asylum Avenue  
Hartford, CT 06105  
(860) 275-7350

/s/ William W. Wood

William W. Wood  
Albright College  
Licensee of WND475  
13th & Bern Streets  
PO Box 15234  
Reading, PA 19612-5234  
(610) 921-7749

/s/ Mary Beth Fetchko

Mary Beth Fetchko  
La Roche College  
Licensee of WND297  
9000 Babcock Boulevard  
Pittsburgh, PA 15237  
(412) 536-1047

/s/ Thomas G. Smith

Thomas G. Smith  
St. Norbert College  
Licensee of WND244  
100 Grant Street  
DePere, Wisconsin 54115  
(920) 403-3253

/s/ J. Craig Klimczak

J. Craig Klimczak  
St. Louis Community College  
Licensee of WHR588  
300 South Broadway  
St. Louis, MO 63102  
(314) 539-5436

/s/ Beth Courtney

Beth Courtney  
The Louisiana Educational Television  
Authority  
Licensee of WND503, WNC779,  
WND330, WND357, WQC1659,  
WQCK961, WND554, WQCL444  
7733 Perkins Road  
Baton Rouge, LA 70810  
(225) 767-5660

/s/ Paul Edward Dix

Paul Edward Dix  
School District of Oakfield  
Licensee of WND359  
250 Church Street  
Oakfield, WI 53065  
(920) 583-3141

/s/ Allan Tunis

Allan Tunis  
Junior College District of Metropolitan  
Kansas City, Missouri  
Licensee of WLX575  
3200 Broadway  
Kansas City, MO 64111  
(816) 759-1020