



# Sioux Valley Wireless™

August 1<sup>st</sup>, 2008

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

RE: Applications of Sprint Nextel Corporation and Clearwire Corporation For  
Consent to Transfer Control of Licenses and Authorizations File Nos. 0003462540  
and 0003368272 et al., WT Docket No. 08-94

Dear Ms. Dortch:

Sioux Valley Rural Television, Inc. dba (“Sioux Valley Wireless”) supports the above-captioned applications filed by Sprint Nextel Corporation (“Sprint Nextel”) and Clearwire Corporation (“Clearwire”) for consent to transfer control of licenses, leases, and assets to a new entity (“New Clearwire”).

Sioux Valley Wireless is the licensee of Broadband Radio Service (“BRS”) in the Geographic Service Area of BTA 422 Sioux Falls, SD., with station WHI959 in Colman, South Dakota; BRS stations WMX358 and WMX344 in Sioux Falls, South Dakota; and BRS stations WLK328 and WLK384 in Yankton, South Dakota, and other BRS Authorizations, and a variety of EBS leases with area schools. Sioux Valley Wireless is a longtime Operator of both BRS and EBS spectrum throughout B422, and has previously operated MMDS television services for many years on the spectrum (just recently discontinued to move to WIMAX applications), Sioux Valley Wireless was one of the first to provide 1<sup>st</sup> Generation super-cell two-way wireless Internet systems using BRS spectrum, and most recently launched commercial WIMAX service to customers in and around Madison, South Dakota. Sioux Valley Wireless plans to expand WIMAX services in the outlying areas of Sioux Falls and to have laptop cards for the service available by early 2009, and to hold roaming Agreements with other WIMAX system Operators as WIMAX services begin to come on-line across the country in the future.

Since 1989, Sioux Valley Wireless has engineered, modified and upgraded 2.5Ghz applications and licenses to meet all FCC requirements and has successfully utilized the available spectrum, both MMDS and ITFS (now BRS and EBS) to provide low-cost wireless services to rural areas. Today we are now able to bring additional competition to the towns and cities within BTA422 by providing WIMAX services. Sioux Valley Wireless has fully complied with 20 years of regulatory and engineering and FCC rule changes that have, at times, nearly overcome our company with the expenses and time required to comply with each new requirement. The 2.5Ghz Industry transition plan, developed with leadership from our national organization the Wireless Communications Association, as well as the leadership skills of a variety of Sprint and Industry employees, were instrumental in finally satisfying the needs of the variety of system operators and licensees within the 2.5Ghz band to allow for a common band-plan platform transition to work with, and from this came a nationwide band-plan that will enable a nationwide WIMAX system. However, one should never underestimate the time, effort, capital, and uncertainty to utilize the EBS frequencies in any commercial operator's efforts. For this reason, Sioux Valley Wireless utilizes its commercial BRS spectrum first in any build-out that requires capital and time to recapture. We work diligently with area schools and superintendents to secure EBS spectrum for expansion, but we know from first hand experience that EBS spectrum is more difficult to secure for the long-term, and has an uncertain future compared to our commercial spectrum that we own.

I've read with interest the Opposition of AT&T to the Sprint proposal, and find from reading this Opposition that much is not understood by AT&T of the true difficulties in using the entire 2.5Ghz band for any commercial nationwide rollout, including WIMAX, even once the transition process is completed. I find it interesting in reading AT&T's arguments addressing the finer points of the ability to utilize the entire BRS and EBS spectrum, just how easy things appear to AT&T. In response, there is no question that anyone deeply involved within the BRS/EBS industry that spectrum configurations and availability of the BRS and EBS spectrum within each BTA will be different in each BTA. The only true spectrum that can be totally depended upon within each BTA will be the commercial BRS spectrum. Fortunately, we predict that EBS license holders will align themselves with the BRS license holders within the markets as WIMAX rolls out, but we view EBS as complimentary service, not a replacement for, commercial BRS. For this reason and a variety of others, any commercial build-out that relies on subscriber revenue for the success of the business will rely predominately upon their commercial BRS spectrum. Sioux Valley Wireless recently sold some of its commercial BRS spectrum to Digital Bridge Communications in Sioux Falls, but retained enough commercial BRS spectrum to begin constructing some of the smaller outlying cities of Sioux Falls with WIMAX. The City of Sioux Falls has now been constructed by Digital Bridge and is in service. Sioux Valley Wireless has constructed our first WIMAX outlying community Madison and this is fully operational. Sioux Valley Wireless and Digital Bridge have a roaming agreement between the markets for their respective WIMAX customers. This was able to happen due to the frequency transition and nationwide band plan. However, even in our market, we rely most heavily on our commercial BRS spectrum first, and we hope

that we can negotiate enough EBS spectrum for expansion and to make the EBS license holders we've worked with so many years happy with their leases with us, in providing additional income for them as well as wireless services to the school EBS license holders. Each of the schools in our BTA holds between 2 and 4 channels. Since utilizing these EBS frequencies and securing Agreements and working with each school requires significant time and resources, other more traditional spectrum holders or lessees of other non-EBS spectrum have no idea what is involved in this process. Once again, I suspect that AT&T's arguments against New Clearwire come as a result of not understanding the history or complexities of the MMDS/ITFS/BRS/EBS Industry as a whole, or what it will actually take to construct and coordinate the frequencies within each BTA to construct each market with WIMAX services. Each market will take creative spectrum engineering to overcome a multitude of technical and logistical issues, even though this seems so simple to those not so familiar with the complexities. The FCC has approved a marvelous transition plan that was developed by the BRS/EBS Industry. A nationwide commercial roll-out utilizing this frequency band will require innovation and imagination due to the remaining complexities and multitude of license holders within each BTA, both BRS and EBS.

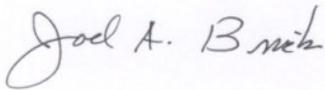
At this time, Sioux Valley Wireless now joins the roughly 100 other parties that have expressed support for Commission grant of the proposed transaction. Following this approval, New Clearwire will be able to utilize the combined assets of Sprint Nextel and Clearwire to create the first nationwide mobile WiMAX network. Sioux Valley Wireless understands that AT&T has opposed the applications, but the Commission should reject its effort to derail this nationwide WiMAX deployment and eliminate the development of broadband competition in the 2.5 GHz band. In its filing, AT&T demonstrates a lack of appreciation for the issues, some of which I've recited above, that have previously prevented large, mid-sized, and small operators alike from successfully utilizing this spectrum band over its forty year history. Licensees in this band have faced a variety of regulatory and technical obstacles to network deployment, including irregular geographic boundaries, leasing limitations, greatly conflicting uses throughout the band, and the lack of a standard operating or manufacturing framework that would allow for economies of scale. Finally the industry is ready to make WIMAX a reality, and smaller Operators such as Sioux Valley Wireless and our eventual success in WIMAX will also depend heavily on the ability of New Clearwire to get started and roll out the new wireless services.

Approval of the applications will help Sioux Valley Wireless and other small operators finally make full use of their licensed spectrum in the 2.5 GHz band. Sioux Valley Wireless and other licensees will finally be able to take advantage of the reduced costs and innovative services made possible by the introduction of mobile WiMAX on a national scale, ultimately benefitting the consumers in those areas of the country where smaller and mid-sized operators are critical sources of broadband content. In particular, unlike many of today's wireless providers, New Clearwire will not restrict consumer access to content on its network. Small businesses will be able to take advantage of New Clearwire's open-standard WiMAX technology to design and deploy their own applications

and devices to run on the New Clearwire network. In this way, New Clearwire's approach will increase the development of WiMAX-based equipment and services and spur the growth of smaller WiMAX operators.

For the reasons described above, Sioux Valley Rural Television, Inc.dba Sioux Valley Wireless, urges the Commission to grant the above-captioned applications.

Sincerely,

A handwritten signature in cursive script that reads "Joel A. Brick". The signature is written in black ink on a white background.

Joel Brick