

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

In the Matter of)	
)	
)	
Applications of Sprint Nextel Corporation)	WT Docket No. 08-94
and Clearwire Corporation for Consent to)	
Transfer Control of Licenses and)	
Authorizations)	

REPLY COMMENTS OF MOTOROLA, INC.

Motorola, Inc. (“Motorola”) hereby files reply comments in support of the above-referenced applications for transfer of control of certain Commission licenses and lease authorizations from Sprint Nextel Corporation (“Sprint”) and Clearwire Corporation (“Clearwire” and, together with Sprint, the “Applicants”) to a new entity named Clearwire Corporation (“New Clearwire”).¹

Motorola is a world leader in developing and deploying wireless broadband technologies, including WiMAX technologies such as those that will be used by New Clearwire. Applicants and other commenters have thoroughly demonstrated that the proposed transaction is in the public interest because, among other things, it will further the Commission’s important policy objectives of fostering greater broadband deployment and competition across the country, and will do so using previously under-utilized spectrum. As an industry participant that has worked extensively in the past with both Applicants on their wireless networks and that has experienced

¹ See *Sprint Nextel Corporation and Clearwire Corporation Seek FCC Consent to Transfer Control of Licenses and Authorizations, Pleading Cycle Established*, Public Notice, DA 08-1477, WT Docket No. 08-94 (rel. June 24, 2008); *Applications of Sprint Nextel Corp., Transferor, Clearwire Corp., Transferor, and New Clearwire Corp., Transferee, for Consent to Transfer of Control of Commission Licenses and Authorizations Pursuant to Sections 214 and 310(d) of the Communications Act*, WT Docket No. 08-94, Lead File No. 0003368272, Description of the Transaction and Public Interest Statement (amended Jun. 24, 2008) (“*Public Interest Statement*”).

first-hand the technical, regulatory, operational, and financing obstacles associated with the 2.5 GHz band of spectrum that are accurately and persuasively documented in the record, Motorola strongly concurs that these important public interest benefits are unlikely to be realized except through the proposed transaction. As such, Motorola respectfully urges the Commission to approve the transaction expeditiously and without conditions.

I. MOTOROLA IS A GLOBAL LEADER IN THE DEVELOPMENT AND DEPLOYMENT OF WIRELESS BROADBAND TECHNOLOGIES, INCLUDING WiMAX.

Motorola is widely recognized as an industry leader in the development and deployment of wireless broadband technologies, including WiMAX technologies, both nationally and globally. WiMAX technology represents a compelling wireless broadband solution for existing operators, as well as for emerging broadband service providers, such as New Clearwire, and Motorola is at the forefront of bringing WiMAX to consumers around the world.

Motorola's portfolio of WiMAX products allows broadband providers to offer fixed, portable, and mobile broadband access to a full panoply of services and applications. Motorola's WiMAX products have been the recipient of numerous recognitions and awards, including the WiMAX World USA 2007 Industry Choice Award.² In September 2007, Motorola exhibited the world's first WiMAX 802.16e mobile handoff in downtown Chicago.³ Specifically, Motorola successfully demonstrated the uninterrupted use of various mobile applications, including web browsing, voice over IP calls, video streaming, and MobiTV while on a cruise of the Chicago

² See Press Release, Motorola, Inc., "WiMAX World USA Industry Choice Award Goes to Motorola" (Sept. 27, 2007), available at http://www.motorola.com/mediacenter/news/detailpf.jsp?globalObjectId=8719_8648_23. This award "marks yet another honor for Motorola and its innovative WiMAX portfolio including customer premises equipment (CPE), access networking, network architecture and deployments." *Id.*

³ See Press Release, Motorola, Inc., "Motorola Demonstrates World's First WiMAX 802.16e Mobile Handoffs in Downtown Chicago" (Sept 26, 2007), available at http://www.motorola.com/mediacenter/news/detailpf.jsp?globalObjectId=8699_8628_23.

River, while riding in a car driving at speeds beyond 50 miles per hour, and while riding in Chicago's "famed elevated train."⁴

Motorola has deployed its innovative WiMAX and other wireless broadband solutions throughout the world. It is currently involved in more than 60 WiMAX engagements, including more than 47 active trials, with customers in over 40 countries. For example, Motorola has pioneered WiMAX network deployments in Bahrain, Bangladesh, Chile, Germany, Pakistan Taiwan, Uganda, and the United States, and is a key player in trials taking place in Brazil, Canada, Japan, Malaysia, and Vietnam.⁵

Motorola also has had extensive experience working with and supporting the WiMAX and other wireless ventures and deployments of both of the Applicants. For example, Motorola worked closely with Clearwire in Clearwire's successful 2.5 GHz WiMAX trial in Hillsboro, OR.⁶ Also, Motorola is an integral part of Sprint's evolution to 4G, working with Sprint and its other charter partners to deploy fixed, portable, and mobile WiMAX solutions in the Chicago area.⁷ Based on this experience, Motorola strongly believes that New Clearwire will have the

⁴ *Id.*

⁵ See Motorola, Inc., "MOTOwi4 WiMAX FACT SHEET," available at <http://www.motorola.com/staticfiles/Business/Product%20Lines/Motowi4/Documents/StaticFile/08-08-01%20WiMAX%20Media%20Fact%20Sheet.pdf>. See also Press Release, Motorola, Inc., "Mobilink Selects Motorola to Deploy its WiMAX Network in Pakistan" (Dec. 5, 2007), available at http://www.motorola.com/mediacenter/news/detailpf.jsp?globalObjectId=9005_8934_23 (noting that "Motorola will design, plan, deploy, and optimize a WiMAX network for Mobilink, deliver integration and support services as well as indoor and outdoor customer premises equipment (CPE) units to enable faster adoption of the operator's WiMAX offering" and that the network will cover "major metropolitan areas such as Lahore and Islamabad").

⁶ See Clearwire Corp., Annual Report (Form 10-K), at 11 (March 13, 2008).

⁷ See Press Release, Sprint Nextel, "Sprint Nextel Cites WiMAX Network Progress for 2007" (Jan. 8, 2007), available at http://newsreleases.sprint.com/phoenix.zhtml?c=127149&p=irol-newsArticle_Print_newsroom&ID=947973&highlight=. See also Press Release, Sprint Nextel, "Sprint Nextel Announces 4G Wireless Broadband Initiative with Intel, Motorola, and Samsung" (Aug. 8, 2006), available at http://newsreleases.sprint.com/phoenix.zhtml?c=127149&p=irol-newsArticle_Print_newsroom&ID=1035485&highlight=.

vision, incentive, and ability to implement the highly innovative, nationwide wireless broadband network described in the Public Interest Statement. This network will produce significant public interest benefits for millions of Americans, including greater competition and consumer choice and countless new and affordable fixed, portable, and mobile broadband services and applications across the country.

II. THE PROPOSED TRANSACTION FURTHERS THE COMMISSION'S IMPORTANT POLICY GOALS OF ACHIEVING GREATER BROADBAND DEPLOYMENT AND COMPETITION ACROSS THE UNITED STATES.

Greater broadband deployment and competition have been two of the Commission's and Congress' primary goals. In Section 706 of the Telecommunications Act of 1996, Congress directed the Commission "to encourage the deployment of advanced telecommunications capability to all Americans...."⁸ To that end, Chairman Martin recently recognized that encouraging wireless broadband alternatives is "one of the most important steps [the Commission] could take to provide affordable broadband to all Americans."⁹ Commissioner Adelstein recently reiterated his support for Commission action that would "provide consumers everywhere the benefits of a competitive, high-quality wireless broadband network."¹⁰ And Commissioner McDowell has said that the Commission "should continue to seize every opportunity to move America forward" in increasing broadband deployment and fostering more

⁸ See *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the 1996 Act*, Fifth Report, 23 FCC Rcd 9615 (2008) ¶ 1 (citing 47 U.S.C. § 157) ("Fifth Section 706 Report").

⁹ Written Statement of the Honorable Kevin J. Martin, Chairman, FCC, Before the Committee on Energy and Commerce, U.S. House of Representatives, at 10 (Apr. 15, 2008), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-281550A1.pdf.

¹⁰ News Release, "Commissioner Jonathan S. Adelstein Responds to Clearwire/Sprint-Nextel Announcement" (May 7, 2008), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-282014A1.pdf.

choices for consumers.¹¹ By approving this transaction, the Commission will go a long way towards furthering these goals.

Applicants and supporting commenters have demonstrated beyond question that completion of the proposed transaction will result in the deployment of a state-of-the-art, innovative wireless broadband network that will reach millions of Americans and create additional competition and consumer choice in the U.S. broadband marketplace.¹² In the Applicants' own words, "[t]he proposed Transaction will serve the public interest, convenience and necessity by creating a new nationwide advanced wireless broadband network that will increase competition across the country, and vault the United States into a leadership position in wireless broadband and deployment."¹³

Significantly, these benefits are unlikely to be realized except through the proposed transaction.¹⁴ The Commission is well aware of many of the problems that have, in the past,

¹¹ Written Statement of the Honorable Robert M. McDowell, Commissioner, FCC, Before the Committee on Commerce, Science, and Transportation, U.S. Senate, at 13 (Dec. 13, 2007), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-278913A1.pdf.

¹² See, e.g., Public Interest Statement at 16 ("New Clearwire will provide broadband to American consumers, educational institutions and public safety agencies at speeds fast enough to conduct two-way video conference calls, participate in online multiplayer games, and download multi-megabit files in an instant -- speeds that, until now, only *wireline* broadband service providers could offer.")(emphasis in original); Opposition of Google, Inc., WT Dkt. No. 08-94, at 5 (filed Aug. 4, 2008) ("Google Opposition") ("If New Clearwire ultimately is successful, it will be a significant step in ensuring the United States will emerge as the unquestioned world leader in broadband penetration, pricing, innovation, and choice.").

¹³ Public Interest Statement at 15. See also Google Opposition at 5 (addition of a new broadband network as proposed by New Clearwire "would greatly enhance competition in mobile communications and would serve the American public"). The increase in competition will be driven not only by New Clearwire's direct efforts but also by the merged entity's broad commitment to support MVNO broadband resale efforts by both the New Clearwire investors and other third parties. See Public Interest Statement at 21-22.

¹⁴ See Public Interest Statement at 32 ("With access to both Sprint's and Clearwire's 2.5 GHz spectrum holdings, New Clearwire will have a much better opportunity than the separate companies to overcome the regulatory, operational, and technical obstacles that have stalled the deployment of commercially successful advanced wireless services at 2.5 GHz."); Opposition of Intel Corp., WT Dkt. No. 08-94, at 2 (filed Aug. 4, 2008) ("By combining the 2.5 GHz spectrum under a single entity, New Clearwire will unleash the promise of the 2.5 GHz spectrum on a nationwide basis for the benefit of consumers, businesses, and the educational community.").

presented significant obstacles to the deployment of advanced wireless services in the 2.5 GHz spectrum.¹⁵ The proposed transaction will allow New Clearwire to make full use of that spectrum to the benefit of millions of Americans.

III. CONCLUSION

For the foregoing reasons, Motorola respectfully urges the Commission to approve the proposed transfer of control as expeditiously as possible and without conditions. New Clearwire presents a unique opportunity to develop and deploy an innovative wireless broadband network to all Americans. This is not an opportunity the Commission should let pass.

Respectfully Submitted,

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¹⁵ See, e.g., *Fifth Section 706 Report* ¶ 52 (Commission continuing its transformation of restrictive legacy rules governing the 2.5 GHz Broadband Radio Service (“BRS”) and Educational Broadband Service (“EBS”), including revisions to the mechanism for licensees to transition from the old to the new band plan, in order to facilitate greater provider use of this spectrum for innovative wireless technologies and services., notably wireless broadband services).

Certificate of Service

I, Robin Smith, hereby certify that on this 4th day of August, 2008, I caused true and correct copies of the foregoing Reply to Comments to be served by first class U.S. mail, postage prepaid (except where otherwise indicated), addressed to:

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