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September 11, 2008

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

Re: WT Docket No. 03-66 and ET Docket No. 00-258
WRITTEN EX PARTE PRESENTATION

Dear Ms. Dortch:

In its pending Petition for Reconsideration in the above-referenced proceedings, the Wireless Communications Association International, Inc. ("WCA") has urged the Commission to confirm that a Broadband Radio Service ("BRS") channel 1 or 2 licensee is authorized to simultaneously use its current 2.1 GHz band spectrum and its designated spectrum assignment under that new, post-transition 2.5 GHz band plan until all of its subscribers have been successfully migrated to the 2.5 GHz band. Clearwire Corporation ("Clearwire") agrees with WCA, and urges the Commission to grant WCA's petition promptly.

Not surprisingly, the pleading cycle on WCA's petition has closed without objection to the WCA's suggested clarification. As WCA discussed in detail in its filing, the Commission allows BRS channel 1 and 2 licensees to simultaneously use their current 2.1 GHz band spectrum and their designated spectrum assignment under that pre-transition 2.5 GHz band plan. The same rationale for allowing dual operations in a pre-transition market applies in a post-transition market – absent simultaneous operations at both 2.1 GHz and 2.5 GHz, a system operator would be forced to undertake a flash cut approach that the Commission has recognized is "impossible."

Fixed Wireless Holdings, LLC, a wholly-owned subsidiary of Clearwire, is currently utilizing 2.1 GHz band spectrum in Altoona, Pennsylvania under its BTA Authorization for B012. This market has not yet transitioned to the new 2.5 GHz band plan. However, given the upcoming 2.5 GHz band transition deadline, and Clearwire's substantial efforts with regard to Transition, we anticipate that our service area will have transitioned to the new band plan long before we are required to migrate to the 2.5 GHz to free spectrum for an Advanced Wireless Service ("AWS"). Absent simultaneous access to the 2.1 GHz band spectrum we are currently using and the designated replacement spectrum in the 2.5 GHz band, our eventual migration will subject our customers to severe service disruptions, will take much longer than necessary, and will be far more expensive for the AWS licensees that must pay the costs of that migration.

For these reasons, Clearwire urges the Commission to promptly adopt WCA's Petition.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nadja S. Sodos-Wallace".

Nadja S. Sodos-Wallace
Regulatory Counsel, Assistant Secretary

cc: Paul J. Sinderbrand