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BY ELECTRONIC FILING

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

Re: Applications of Sprint Nextel Corporation and Clearwire Corporation for
Consent to Transfer Control of Licenses and Authorizations
Ex Parte Presentation, WT Docket No. 08-94

Dear Ms. Dortch:

On Wednesday, October 22, 2008, Lawrence Krevor, Vice President, Government Affairs – Spectrum, Sprint Nextel Corporation (“Sprint Nextel”); Trey Hanbury, Director, Government Affairs, Sprint Nextel; Terri Natoli, Vice President, Regulatory Affairs and Public Policy, Clearwire Corporation (“Clearwire”); and I met with Renée Crittendon, Legal Advisor for Spectrum & International Issues for Commissioner Jonathan Adelstein. At this meeting, we discussed the status of the above-captioned proceeding involving the proposed transfer of control of 2.5 GHz licenses and lease arrangements to a new wireless broadband company to be called Clearwire Corporation (“New Clearwire”), and urged to the Commission to act expeditiously to approve this transaction.

Consistent with the applicants’ public interest statement and other filings in this proceeding, we described the substantial benefits of the proposed transaction, including the potential of New Clearwire’s alternative broadband platform to increase competition, offer consumers more choices, stimulate innovation, and enhance U.S. leadership in wireless broadband technology and deployment. We also discussed the Commission’s application of its initial Commercial Mobile Radio Service (“CMRS”) spectrum screen to the proposed license transfer. In particular, we described the important distinctions between 2.5 GHz spectrum and the spectrum bands the Commission has previously included in this spectrum screen.

We explained that the 2.5 GHz band is not in the same category of spectrum as the PCS, cellular, SMR, and 700 MHz bands that have been subject to the Commission’s CMRS spectrum screen in prior CMRS mergers. For this reason, the Commission determined just last year that the ongoing transition of the 2.5 GHz spectrum from prior service allocations warranted excluding BRS spectrum from the spectrum screen.¹

¹ *Applications of AT&T Inc. and Dobson Communications Corporation*, Memorandum Opinion and Order, 22 FCC Rcd 20314, ¶ 26 (2007).

We also noted that treating every hertz of the BRS-EBS band as if it were equivalent to 700 MHz spectrum for purposes of the screen is at odds with the valuations that the market has assigned to the two bands. In 2007, AT&T sold its 2.5 GHz assets to Clearwire for \$300 million, or \$0.17 per MHz-pop. Shortly thereafter, AT&T acquired 700 MHz licenses through the Commission's 700 MHz auction and private market transactions at a weighted average of \$2.04 per MHz-pop, or *twelve times the MHz-POP value AT&T placed on its 2.5 GHz spectrum.*² The large disparity in the market valuation of 2.5 GHz spectrum relative to 700 MHz spectrum should refute any argument that the 2.5 GHz band is functionally equivalent to other bands included in the spectrum screen.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of this proceeding.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

cc: Renée Crittendon

^{2/} See AT&T Inc., Quarterly Report (Form 10-Q), at 34 (Aug. 3, 2007); Stifel Nicolaus, "Some Further Thoughts on 700 MHz Auction Results," at 1 (Mar. 24, 2008); Stifel Nicolaus, "What the AT&T Purchase of Aloha Spectrum Suggests," at 1 (Oct. 9, 2007).