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October 27, 2008

## VIA ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: DA 08-1477 and WT Docket No. 08-94 – Applications by Sprint  
Nextel Corporation and Clearwire Corporation for FCC Consent to  
Transfer Control of Licenses and Authorizations

Dear Ms. Dortch:

The Catholic Television Network (“CTN”) opposes the inclusion of Educational Broadband Service (“EBS”) spectrum in a revised spectrum screen for the New Clearwire transaction. CTN understands that the Commission may be considering a draft order approving the New Clearwire transaction that would count EBS spectrum as available for commercial mobile telephony. Counting EBS spectrum in the spectrum screen for the New Clearwire transaction could have serious negative effects on the educational community at this time.

To enhance educational opportunities across the United States, the Commission should increase the incentives for New Clearwire to enter into lease arrangements with EBS licensees. However, the draft order may take the opposite approach by treating EBS licenses as the functional equivalent of commercial licenses in other bands. There are significant differences between EBS spectrum and other spectrum subject to the Commission’s secondary market rules. EBS licensees must use their spectrum for educational purposes. EBS licensees must observe mandatory lease term limits, which include periodic contract review rights. And EBS licensees may recapture spectrum to meet changing educational needs. The Commission has recognized that such constraints on commercial use of EBS channels are necessary and desirable to ensure that the educational mandate of schools, universities, and colleges remain an important factor in the construction, deployment, and operation of EBS facilities.



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The Commission should not curtail or inhibit New Clearwire's ability to enter into new EBS lease agreements. Likewise, EBS licensees should not be stymied in their ability to lease spectrum to New Clearwire due to time-consuming regulatory review of each lease transaction, or because the transaction itself may exceed some arbitrary threshold of spectrum aggregation. The Commission should be careful to ensure that it does not prevent or hinder EBS licensees from partnering with operators that are best positioned to fulfill their educational mission.

New Clearwire offers a unique opportunity to establish a new competitor in the broadband marketplace. The EBS community will benefit immensely from prompt Commission approval of the transaction. The rapid deployment of an advanced nationwide wireless broadband network will enable EBS licensees and the millions of constituents they serve to extend learning through new devices and new applications. The Commission should exclude EBS leases from any spectrum screen which may be applied, if at all, to the New Clearwire transaction.

Sincerely yours,

CATHOLIC TELEVISION NETWORK

*/s/ Edwin N. Lavergne*

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Edwin N. Lavergne  
Its Counsel

ENL/se

cc (via email):

Hon. Kevin J. Martin, Chairman  
Hon. Michael J. Copps  
Hon. Jonathan S. Adelstein  
Hon. Deborah Taylor Tate  
Hon. Robert M. McDowell  
Erika Olsen, Office of Chairman Martin  
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Renee Roland Crittendon, Office of Commissioner Adelstein  
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Angela E. Giancarlo, Office of Commissioner McDowell  
Jim Schlichting, Acting Chief, Wireless Telecommunications Bureau