

clearw^{ire}

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October 9, 2009

Via Electronic Filing

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

Written Ex Parte Communication

RE: **WT Docket Nos. 07-195 and 04-365 and GN 09-51**

Dear Ms. Dortch:

On September 30, 2009, representatives from M2Z met with Commissioner Mignon Clyburn and Chief of Staff and Senior Legal Advisor Renée Crittendon to discuss the status of the AWS-3 proceeding. Following that meeting, M2Z filed an *ex parte* notice that included a power point presentation. Clearwire is filing this letter to correct misleading and incomplete information regarding Clearwire's broadband service offerings included in M2Z's written presentation.

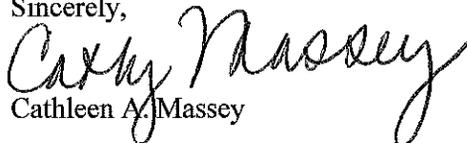
On slide 6 of the materials, M2Z states that Clearwire provides wireless broadband service "with data rates of up to 768 kbps download" and questions whether the CPE provided by Clearwire is proprietary. M2Z's presentation is misleading on both counts.

First, M2Z suggests that all broadband providers, including Clearwire, have adopted the same closed, proprietary business models as the incumbents. This ignores Clearwire's very public commitment to an open network that supports consumers' choice of devices and applications. Clearwire's open standard 4G WiMAX-enabled network branded "Clear", allows customers to download and use any device, application, content, or service they desire *and* purchase a variety of devices through any number of consumer electronics distribution channels, connect to the WiMAX network, activate their devices, and select from a variety of rate plans without having to purchase devices or applications directly from Clearwire.

Second, the slide fails to mention that Clearwire's 4G mobile WiMAX service is *currently* available in 14 markets with data rates of up to 6 Mbps download. These data rates far surpass the download rates that M2Z hypothetically proposes to offer in the future.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this *ex parte* communication is being filed electronically. If you have any questions regarding this matter, please do not hesitate to contact the undersigned at 202-351-5033.

Sincerely,



Cathleen A. Massey

cc: Commissioner Mignon Clyburn
Renée Crittendon
Uzoma Onyeije, M2Z Networks