

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

In the Matter of)	
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No 02-6
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
2011 Eligible Services List)	

COMMENTS OF CLEARWIRE CORPORATION

Clearwire Corporation (“Clearwire”), hereby submits its comments in the above captioned proceeding.¹ Clearwire supports the Commission’s proposed changes to permit the E-rate program to support online, distance learning, streamline the application process, and revise the list of supported services. Clearwire, the first 4G mobile Broadband Internet access provider in the country, has an extensive and unique relationship with the educational community and has witnessed the unprecedented growth of demand for mobile wireless services, devices and applications among educators and the community at large. Clearwire applauds the Commission for proposing to update its E-rate support mechanism to extend the benefits of mobile wireless broadband to the community served by the E-rate program.

I. Background

Clearwire operates open, Internet-Protocol (“IP”) 4G wireless broadband networks in markets across the United States and Europe. These networks provide communities with high-speed residential and mobile Internet access and interconnected voice over Internet protocol

¹ *Schools and Libraries Universal Service Support Mechanism, Report and Order and Further Notice of Proposed Rulemaking*, released December 2, 2009 (FCC 09-105) (“*ESL FNPRM*”) and the *Notice of Proposed Rulemaking (“NPRM”)* released on May 20, 2010 (FCC 10-83).

(VoIP) services. As of May 2010, Clearwire has over one million wireless broadband subscribers, and by the end of 2010, Clearwire's 4G WiMAX network is expected to be available in more than 80 markets covering up to 120 million people.²

Since the Commission established its E-rate support process, much has changed in the mobile broadband landscape. Consumer demand for wireless broadband services appears virtually limitless. Smartphones are becoming ubiquitous. Clearwire's own experience shows that usage of wireless broadband accelerates beyond even aggressive predictions when consumers have access to a high-speed, high-capacity 4G platform. Clearwire has also been in a unique position to observe these same forces reshaping the use of mobile broadband services by the country's educational community. Since its inception, Clearwire has a history of collaboration with the educational community because approximately half of the spectrum it uses to support its cutting edge 4G network is obtained through excess capacity leases with Educational Broadband Service ("EBS") licensees. EBS spectrum is the *only* spectrum licensed by the FCC exclusively to educators for educational purposes.³ As part of its leasing arrangements with EBS licensees, Clearwire makes available 4G wireless services and devices that educators can use to incorporate mobile learning into their programs. Consequently, Clearwire has witnessed first-hand educators increasingly relying upon and incorporating mobile broadband devices and applications to further their educational mission, including:

² Markets scheduled to launch in 2010 are: New York, NY; Boston, MA; and the San Francisco Bay Area.

³ EBS was originally called Instructional Television Fixed Service (ITFS), which was created by the FCC in 1963 to meet the needs of educators for the transmission of video instructional material to students enrolled in courses of formal education. In 2005, the FCC significantly revised its spectrum and technical rules to accommodate wireless broadband service in the band. There are over 2,000 EBS licenses authorized by the FCC to approximately 1,300 educational entities, including state universities, public and technical colleges, public and secondary school districts, private schools, public television and radio stations, hospitals and hospital associations and other non-profit educational entities.

- Clark County School District’s Virtual High School in Las Vegas provides students with online resources, curricula and virtual staff to assist them in completing their high school diplomas.
- Seattle-based public broadcast station KCTS 9 will provide laptops and service to teachers participating in the organization’s online continuing education curriculum, supporting the continuation of this program. In addition, the station will provide two local nonprofit partners technology resources to benefit low to moderate income students and their families in the greater Puget Sound area.
- The Chicago Archdiocese program will support low to moderate income students providing them with access to online educational resources and technology previously unavailable to them. The school designated for this program did not previously have a computer lab or Internet service.
- The Atlanta Public Schools AVID program prepares capable high school students, who are falling short of their potential, for college by providing access to technology and online educational resources.

II. Discussion

1. Mobile Wireless Services Should Be Eligible for Full E-Rate Support

Clearwire strongly supports the agency’s proposal “to provide full E-rate support for wireless Internet access service used with portable learning devices that are used off premises.”⁴ This proposal promises to cut the tether to static Internet connections attached to desks and desktop computers, and instead permit educators and citizens to use their broadband Internet services everywhere, both at home and on the go.

⁴ NPRM at ¶ 45.

Citizens and educators are already seeing the power of mobile broadband Internet communications in the classroom and in the community. Powerful new applications are being created that use the Internet to support science, technology, and math education, but desktop computers often do not provide the kinds of flexibility that a modern classroom requires. The FCC proposal acknowledges this shift towards mobility, and suggests a way to support this future. Accordingly, wireless services used for educational purposes should be eligible for full E-rate support, both on and off campus. Not only do students and educators need to be connected when they are on campus, but demand for connectivity is generally greatest when students are away from school.

Clearwire also recommends that the Commission harmonize two other aspects of its rules to accommodate E-rate support for mobile wireless services and devices. First, the “eligible location” requirement should be eliminated since it is no longer consistent with the use of portable learning devices off school premises. For example, a school may extend mobile wireless learning to students who are temporarily homebound due to illness or other circumstances. These locations may shift periodically. Or, a school may sign out laptop computers for particular assignments or projects. Again, no fixed location will be associated with such a use.

To support the use of wireless Internet access on a 24/7 basis, the Commission should update its rules to account for the use of mobile learning devices and to ease applicants’ compliance burdens. Applicants should no longer be required to include mobile wireless Internet access among the category of “ineligible uses,” since such a restriction would severely undermine the goal of promoting mobile learning. Eliminating the eligible location requirement

will unleash the educational potential of mobile learning devices and allow students to reap the benefits of these dynamic tools both inside and outside the classroom.

Second, all equipment related to the provision of Wireless Internet service, such as personal computer cards, connection cards or similar devices, should be eligible for E-rate support as a transmitter component under the Internal Connections category.

2. Eligible Services List

Clearwire also supports the inclusion on the 2011 E-rate Eligible Services List wireless Internet access services underlying certain applications used on school buses and elsewhere to transmit emergency information and location. Clearwire supports the comments of Sprint Nextel Corporation in this regard and directs the Commission to Sprint's comments for additional detail regarding this proposal.

Respectfully submitted,
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