

September 2, 2010

**Via Electronic Submission**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

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**Re: Notice of Ex Parte Communication**

**WT Docket No. 02-55; ET Docket Nos. 00-258, 95-18;  
New DBSD Satellite Services G.P., Debtor-in-Possession, Applications for  
Transfer of Control of Earth Station Licenses and Authorizations, File  
Nos. SES-T/C-20091211-01575, SES-T/C-20091211-1576, SAT-T/C-  
0091211-00144.**

Dear Ms. Dortch:

On Wednesday, September 1, 2010, Dan Hesse, President and Chief Executive Officer of Sprint Nextel Corporation (“Sprint Nextel”) had a teleconference with Commissioner Robert M. McDowell of the Federal Communications Commission (“Commission”), regarding the above-captioned proceedings. On Thursday, September 2, 2010, Mr. Hesse had a teleconference with Commissioner Michael J. Copps, also regarding the above-captioned proceedings.

In each teleconference, and consistent with Sprint Nextel’s filings in the above-captioned proceedings, Mr. Hesse emphasized the importance of the Commission’s long-standing policy of ensuring that all beneficiaries of a spectrum clearing project pay their fair share of relocation expenses. Permitting the beneficiaries of a relocation project to evade their payment obligations will discourage anyone from undertaking precisely the type of spectrum-clearing projects essential to achieving the goal of clearing 500 megahertz of additional spectrum for broadband use. On the facts of this case, Mr. Hesse reminded the Commissioners that the equities strongly favor Sprint Nextel, which followed the Commission’s rules, returned the BAS incumbents and cleared the 2 GHz MSS spectrum for future broadband use while the 2 GHz MSS licensees, their parents and affiliates did *nothing* to relocate incumbents for nearly a decade. Mr. Hesse noted that Sprint Nextel should be reimbursed by the benefiting MSS operators consistent with long-standing *Emerging Technologies* doctrine and urged the Commission not to allow common enterprise

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beneficiaries of spectrum clearing to play corporate shell games to avoid their obligations to the Commission and Sprint Nextel. Finally, Mr. Hesse urged the Commissioners to take action on the above-captioned rulemaking proceedings prior to acting on the pending DBSD transfer of control applications.

Pursuant to Section 1.1206 of the Commission's Rules, a copy of this letter is being filed electronically in the above-referenced dockets and electronic copies are being submitted to Commission staff listed below. If you have any questions, please feel free to contact me at (202) 778-9859.

Sincerely,

*/s/ Marc S. Martin*

Marc S. Martin

Counsel for Sprint Nextel Corporation

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