

# clearw<sup>i</sup>re

1250 Eye St., N.W., Suite 901  
Washington, D.C. 20005

March 16, 2011

Via Electronic Filing

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

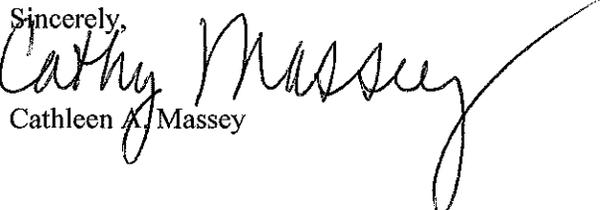
**Notice of Oral *Ex Parte* Communication**

*RE: CG Docket No. 10-207 and CG Docket No. 09-158*

Dear Ms. Dortch:

On Monday, March 14, 2011, I spoke by conference call with Lynn Ratnavale and William Freedman of the Consumer and Government Affairs Bureau and David Tannenbaum of the Office of the General Counsel regarding Clearwire Communications' billing policies concerning overages. I explained that Clearwire is a facilities-based 4G mobile WiMAX provider that today offers broadband Internet access service in 71 major U.S. markets. Clearwire also resells Sprint's 3G data services in conjunction with its 4G service to customers that want Internet connectivity when they travel outside of Clearwire's 4G coverage areas. Customers have the option of buying or leasing devices that operate solely on Clearwire's 4G network, or that are dual mode and operate on both Clearwire's 4G network and Sprint's 3G data network. Clearwire's most popular 4G service plans are offered on an unlimited basis, with no set capacity limit or overage fees.<sup>1</sup> If, however, a customer is using a dual-mode 4G/3G device, there is a 5 GB limit on 3G usage per monthly billing cycle to ensure that customers are primarily using Clearwire's facilities-based 4G service. An overage charge of \$.05/MB (or fraction thereof) is applied to 3G data usage in excess of the 5GB cap. Customers receive an e-mail alert when they reach 70%, 95% and 100% of the 3G usage cap. They can also log into Clearwire's web-based "MyAccount" system to view a monthly or daily summary of 3G usage and charges.<sup>2</sup>

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

Sincerely,  
  
Cathleen A. Massey

cc: Meeting Participants

<sup>1</sup> Customers are subject to Clearwire's Acceptable Use Policy which is incorporated into the Terms of Service they agree to at the time they subscribe to the service.

<sup>2</sup> This information is also available by calling Clearwire's customer care toll-free number if that is more convenient.