

Tamara Preiss
Vice President
Federal Regulatory Affairs



May 8, 2013

1300 I Street, NW, Suite 400 West
Washington, DC 20005

Ex Parte

Phone 202 515-2540
Fax 202 336-7922
tamara.preiss@verizon.com

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

Re: Applications of Sprint Nextel Corporation and SoftBank Corp., IB Docket No. 12-343; Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269

Dear Ms. Dortch:

Sprint and SoftBank's May 1, 2013 ex parte¹ continues to misstate the facts as to Clearwire's spectrum and the Commission's spectrum screen. Once again the Applicants argue that the Commission should not correct the amount of spectrum included in the screen in this transaction – even though that is precisely what the Commission did in other transactions. Once again they argue that “Clearwire's spectrum already is attributed to Sprint for spectrum screen and competitive analysis purposes.” This is simply not true and no amount of repetition will make it true. The lion's share of Clearwire's spectrum has in fact not been “attributed to Sprint for spectrum screen purposes” – even though that spectrum is in use – because the spectrum screen incorrectly omits it.

The applicants contend that the sole issue is whether SoftBank's acquisition of control of 55 MHz of Clearwire's Broadband Radio Service (“BRS”) spectrum plus Sprint's spectrum is in the public interest. That is the wrong question. The right question is whether SoftBank's holding of approximately 160 MHz of BRS and Educational Broadband Services (“EBS”) spectrum on average in the 100 largest markets,² plus Sprint's spectrum, is in the public interest.³ Only by making that public interest determination can the Commission fulfill its statutory duties.

¹ Letter from John R. Feore and Regina M. Keeney, Counsel to SoftBank Corp. and Sprint Nextel Corporation, to Marlene H. Dortch, IB Docket No. 12-343, May 1, 2013.

² Clearwire Corp. Form 10-K, at 14 (Feb. 16, 2012)(for period ending Dec. 31, 2011).

³ See Letter from Tamara Preiss, Verizon, to Marlene H. Dortch, April 18, 2013. As noted in that letter, Verizon asks only that the Commission correct the amount of spectrum included in the screen by adding spectrum that is unquestionably suitable and available – and that is being transferred in this transaction. Verizon agrees that various proposals to modify the current

Ms. Marlene Dortch

May 8, 2013

Page 2

This letter is being filed pursuant to Section 1.1206 of the Commission's Rules. Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Speer". The signature is written in a cursive, flowing style.

cc: (Via e-mail)

Charles Mathias
David Goldman
Courtney Reinhard
Kate Dumouchel
Louis Peraertz

screen itself should be addressed in the pending *Mobile Spectrum Holdings* rulemaking proceeding.