



Federal Communications Commission
Washington, D.C. 20554

June 26, 2009

DA 09-1439

Stephen E. Coran, Esq.
Rini Coran, PC
1615 L Street, N.W., Suite 1325
Washington, DC 20036

Dear Mr. Coran:

On April 24, 2007, Starcom Inc. ("Starcom") filed a request seeking a permanent waiver of Sections 27.1230-27.1239 of the Commission's Rules to allow Starcom and its licensees/lessors to opt-out of the transition of the 2500-2690 MHz band.¹ On April 21, 2009, Starcom sought leave to withdraw its Waiver Request.² For the reasons stated below we grant Starcom's Withdrawal Request.

Starcom seeks to withdraw its opt-out waiver request because it has changed its business plans.³ Specifically, instead of continuing to offer service over 24 high-power channels in the 2496-2690 MHz band, Starcom will migrate its video customers to a different platform and transition its high-power broadband operations to channels in the Middle Band Segment, where high-power operations are permitted under the new band plan and technical rules.⁴ Starcom has coordinated this withdrawal request with Fixed Wireless Holdings, LLC and Clearwire Corporation (together, Clearwire), the transition proponent for the Mankato-Fairmont, Minnesota (B277)⁵ and Sioux City, Iowa (B421)⁶ Basic Trading Areas, where Starcom's operations are located.⁷ We note that the Transition Initiation Plans filed by Clearwire for both the Mankato-Fairmont and Sioux City BTAs on January 21, 2009, included licenses that constitute Starcom's system, as well as other licenses.⁸ Clearwire originally estimated that it would complete the transition for both BTAs by August 3, 2009.⁹ As part of its coordination with Starcom's Withdrawal Request, Clearwire has filed an amendment to its Transition Initiation Plans estimating that it

¹ Request for Waiver, Starcom, Inc. (filed Apr. 24, 2007) (Waiver Request).

² Request to Withdraw Request for Waiver, Starcom Inc. (filed Apr. 21, 2009) (Withdrawal Request).

³ *Id.* at 1.

⁴ Withdrawal Request at 1. Waiver Request at 2-3.

⁵ Letter from Nadja Sodos-Wallace, Regulatory Counsel and Assistant Secretary, Clearwire Corporation to Office of the Secretary, Federal Communications Commission, WT Docket No. 06-136 (filed Jan. 21, 2009) (Clearwire Mankato-Fairmont Transition Initiation Plan).

⁶ Letter from Nadja Sodos-Wallace, Regulatory Counsel and Assistant Secretary, Clearwire Corporation to Office of the Secretary, Federal Communications Commission, WT Docket No. 06-136 (filed Jan. 21, 2009) (Clearwire Sioux City Transition Initiation Plan).

⁷ The Mankato-Fairmont BTA includes all of the stations subject to the Waiver Request, except for EBS Station WHF247 (Iowa Lakes Community College), which has its center point located in the Sioux City, IA BTA. Withdrawal Request at 1 n.1.

⁸ Clearwire Mankato-Fairmont Transition Initiation Plan at Exhibit 1; Clearwire Sioux City Transition Initiation Plan at Exhibit 1.

⁹ Clearwire Mankato-Fairmont Transition Initiation Plan at 1; Clearwire Sioux City Transition Initiation Plan at 1.

would complete the transition by October 21, 2010.¹⁰ Starcom has agreed to cease its pre-transition video operations by October 1, 2010.¹¹

We have reviewed the Withdrawal Request and find that withdrawal of the Waiver Request would facilitate transition to the new band plan for the 2500-2690 MHz band and would be consistent with Starcom's current business plans. We therefore find Starcom's Withdrawal Request to be in the public interest. As required, we will place Clearwire's transition plans for the Mankato-Fairmont, Minnesota and Sioux City, Iowa BTAs, as amended, on public notice.¹²

Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), and Section 27.1231(g) of the Commission's Rules, 47 C.F.R. § 27.1231(g), that the Request to Withdraw Request for Waiver filed by Starcom Inc. on April 21, 2009 IS GRANTED, and the Request for Waiver filed by Starcom Inc. on April 24, 2007 IS DISMISSED WITH PREJUDICE.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

John J. Schauble
Deputy Chief, Broadband Division
Wireless Telecommunications Bureau

cc: Nadja S. Sodos-Wallace, Esq.
Clearwire Corporation
815 Connecticut Avenue, N.W., Suite 610
Washington, D.C. 20006

¹⁰ Letter from Nadja Sodos-Wallace, Regulatory Counsel and Assistant Secretary, Clearwire Corporation to Office of the Secretary, Federal Communications Commission, WT Docket No. 06-136 (filed Apr. 23, 2009) at 1-2; Letter from Nadja Sodos-Wallace, Regulatory Counsel and Assistant Secretary, Clearwire Corporation to Office of the Secretary, Federal Communications Commission, WT Docket No. 06-136 (filed Apr. 23, 2009) at 1-2.

¹¹ Erratum to Request to Withdraw Request for Waiver, Starcom Inc. (filed Apr. 23, 2009).

¹² See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Third Memorandum Opinion and Order and Second Report and Order*, WT Docket No. 03-66, 21 FCC Rcd 5606, 5653 ¶ 93 (2006).

Trey Hanbury, Esq.
Director, Sprint Nextel Corporation
2001 Edmund Halley Drive
Reston, VA 20191

Donald J. Evans, Esq.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Cheryl Crate
Vice President, Government and Public Relations
Xanadoo, LLC
225 City Line Avenue, Suite 100
Bala Cynwyd, PA 19004

Jennifer M. McCarthy
NextWave Wireless, Inc.
975 F Street, N.W., Suite 520
Washington, DC 20004

Todd D. Gray, Esq.
Dow Lohnes PLLC
1200 New Hampshire Ave., N.W., Suite 800
Washington, DC 20036-6802

Edwin N. Lavergne, Esq.
Donna A. Balaguer, Esq.
Fish & Richardson P.C.,
1425 K Street, N.W., Suite 1100
Washington, D.C. 20005