



Federal Communications Commission
Washington, D.C. 20554

September 14, 2009

DA 09-2044

Nadja S. Sodos-Wallace
Regulatory Counsel, Assistant Secretary
Clearwire Corporation
815 Connecticut Avenue, N.W., Suite 610
Washington, D.C. 20006

RE: WT Docket No. 06-136
Requests for Extension of Time

Clearwire Spectrum Holdings, LLC
Transition of the 2500-2690 MHz Band
Transition Area: BTA Number 3: Abilene, TX

NSAC, LLC
Transition of the 2500-2690 MHz Band
Transition Areas: BTA Number 57: Brownwood, TX
BTA Number 441: Temple-Killeen, TX
BTA Number 459: Waco, TX

Dear Ms. Sodos-Wallace:

On February 17, 2009, Clearwire Spectrum Holdings, LLC and NSAC, LLC, each a wholly-owned subsidiary of Clearwire Corporation (together "Clearwire"), filed Requests for Extension of Time to complete the transition for the Basic Trading Areas (BTA) noted above.¹ For the reasons discussed below, we dismiss the requests filed for the Abilene, TX BTA and Brownwood, TX BTA as moot and grant Clearwire's remaining requests and extend the deadline for completing the transition in those BTAs to March 15, 2010.

Nextel Spectrum Acquisition Corp. filed Initiation Plans for the Brownwood, Texas, Temple-Killeen, Texas and Waco, Texas BTAs on February 12, 2007.² Clearwire Spectrum Holdings, LLC filed an Initiation Plan for the Abilene, Texas BTA on February 14, 2007.³ Subsequently, Clearwire acquired control of NSAC, LLC, the successor-in-interest to Nextel Spectrum Acquisition Corp, from Sprint

¹ Letters from Nadja S. Sodos-Wallace, Clearwire Corporation, to Office of the Secretary, Federal Communications Commission, WT Docket No. 06-136 (filed Feb. 17, 2009) (Clearwire Letters).

² Letters from Robert H. McNamara, Director, Spectrum Management, Government Affairs, Sprint Nextel Corporation, to Marlene H. Dortch, Federal Communications Commission, WT Docket No. 06-136 (dated Feb. 12, 2007) (2007 Letters). *See also* Initiation Plans Filed in WT Docket No. 06-136, *Public Notice*, 22 FCC Rcd 3836 (WTB 2007) at 3-4.

³ Letter from Terri B. Natoli, V.P. Regulatory Affairs & Public Policy, Clearwire, to Office of the Secretary, Federal Communications Commission, WT Docket No. 06-136 (dated Feb. 14, 2007). *See also* Initiation Plans Filed in WT Docket No. 06-136, *Public Notice*, 22 FCC Rcd 3836 (WTB 2007) at 3.

Nextel Corporation.⁴ According to the Commission's Rules, Clearwire was required to complete the transitions by mid-November, 2008.⁵ Clearwire contends that because Central Texas Communications, Inc. (Central Texas) has requested a waiver to opt out of the transition, "Clearwire cannot be sure what is required with respect to certain effected licensees. . ."⁶ Clearwire has already received one extension of time to transition the affected BTAs for similar reasons.⁷

On April 17, 2009, the Bureau granted Central Texas' opt out waiver in part.⁸ The Bureau also dismissed the initiation plan for the Brownwood, Texas BTA because all of the stations covered by that plan were included in the opt out waiver granted to Central Texas.⁹

We will dismiss the request for extension filed for the Abilene, Texas BTA because Clearwire has withdrawn as the transition proponent for that BTA.¹⁰ We will dismiss the request for extension filed for the Brownwood, Texas BTA because the initiation plan for that BTA has been dismissed. With respect to the remaining extension requests, we find that Clearwire has shown good cause for an additional extension. Since the Bureau has acted on the Central Texas opt out request, Clearwire may now move forward with the transition of the nearby BTAs. It appears that no party would be prejudiced by a grant of this extension, particularly since licensees can continue operating pursuant to the old band plan until the transition is completed. We note that copies of the requests were served on the affected licensees, and no oppositions were filed. Thus, we grant Clearwire an extension of time to transition the Abilene, Texas, Temple-Killeen, Texas, and Waco, Texas BTAs until March 15, 2010.

Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 1.46 and 27.1232(b)(1)(vi) of the Commission's Rules, 47 C.F.R. §§ 1.46, 27.1232(b)(1)(vi) that the Request for Extension of Time filed by Clearwire Spectrum Holdings, LLC for the Abilene, Texas BTA and by NSAC, LLC for the Brownwood, Texas BTA on February 17, 2009 ARE DISMISSED AS MOOT.

⁴ 2007 Letters at 1. See Sprint Nextel Corporation and Clearwire Corporation, WT Docket No. 08-94, *Memorandum Opinion and Order*, 23 FCC Rcd 17570 (WTB 2008).

⁵ See 47 C.F.R. §§ 27.1232(a) and (b)(1)(vi).

⁶ Clearwire Letters at 1.

⁷ See Letters from John J. Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau to Nadia S. Sodos-Wallace, Regulatory Counsel, Assistant Secretary, Clearwire Corporation, 24 FCC Rcd 407, 413 (WTB BD 2009).

⁸ See Central Texas Communications, Inc., *Memorandum Opinion and Order*, 24 FCC Rcd 4715 (WTB 2009).

⁹ *Id.* at 4728 ¶ 30.

¹⁰ Letter from Nadja S. Sodos-Wallace, Clearwire Corporation, to Office of the Secretary, Federal Communications Commission, WT Docket No. 06-136 (filed May 22, 2009).

IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 1.46 and 27.1232(b)(1)(vi) of the Commission's Rules, 47 C.F.R. §§ 1.46, 27.1232(b)(1)(vi) that the Requests for Extension of Time filed by NSAC, LLC on February 17, 2009 for the Temple-Killeen, Texas, and Waco, Texas ARE GRANTED, and the time for completing the transition in those BTAs IS EXTENDED TO March 15, 2010.

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.

Sincerely yours,

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