



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC APPROVES, WITH CONDITIONS, SPRINT-NEXTEL/CLEARWIRE TRANSACTION

**Merger Will Increase Competition, Bring Added Benefits to Consumers by Expanding Choices
for Commercial Wireless Devices and Applications**

Washington, D.C. – The Federal Communications Commission (FCC) today approved, with conditions, the transfer of control of licenses held Sprint-Nextel Corporation and Clearwire Corporation to New Clearwire Corporation. The merger is expected to facilitate the build-out of a nationwide WiMAX-based network that will lead to increased competition, greater consumer choice and new, innovative wireless services.

In analyzing these applications, the FCC examined the market for various services and concluded that the companies had demonstrated that the transaction will be in the public interest with no competitive harm identified in any market.

In its analysis, the Commission revised the spectrum aggregation portion of the Commission's initial competitive screen, replacing the previous nationwide screen with a market-specific screen. To the extent that Advanced Wireless Services (AWS) and certain Broadband Radio Service (BRS) spectrum is available in a particular market, such spectrum is included – along with Cellular, Specialized Mobile Radio (SMR), broadband Personal Communications Services (PCS), and 700 MHz spectrum – in the particular initial spectrum screen applied to that market. This change more accurately reflects the current availability of spectrum in each particular market and will continue to promote competition in the marketplace.

The Commission conditioned its approval of this transaction on Sprint Nextel's compliance with a voluntary commitment to phase out its requests for federal high-cost universal service support over a five-year transition period and with a voluntary commitment to use counties for measuring compliance with the Commission's wireless E911 location accuracy rules governing handset-based technologies.

The licenses, leases, and authorizations transferred in this transaction include BRS, Educational Broadband Service, Point-to-Point Microwave, and Local Multipoint Distribution Service.

Action by the Commission, and effective upon adoption, November 4, 2008, by Memorandum Opinion and Order and Declaratory Ruling (FCC 08-259). Chairman Martin, Commissioners Copps, Adelstein, and Tate with Commissioner McDowell approving and concurring in part. Separate statements issued by Chairman Martin, Commissioners Copps, Adelstein, Tate and McDowell.

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