

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: *In the Matter of Applications of Sprint Nextel Corporation and Clearwire Corporation for Consent To Transfer Control of Licenses, Authorizations and Leases, WT Docket No. 08-94, Memorandum Opinion and Order.*

I join my colleagues today in approving the transfer of control applications filed by Sprint Nextel and Clearwire. Under this agreement, the entities will combine their next generation broadband assets to form a new entrant into the marketplace for mobile broadband service. Because the Applicants have demonstrated that this transaction will enhance competition within the relevant market and be of significant benefit for consumers, I approve this Order.

The Applicants' plans to deploy a nationwide mobile WiMAX network optimized for high-bandwidth data transfers will provide consumers with a new option for quality, high speed service, and will spur competition by adding an additional service provider for wireless broadband services. My support for this order is based on the significant public interest benefits arising from the development of this nationwide network and the potential for increased competition and consumer choice.

In any transaction, as mandated under Sections 214(a) and 310(d) of the Communications Act, the Commission must analyze the record evidence and determine whether the public will be better served by the transaction being approved or being denied. Thus, the Commission balances the potential public interest benefits against any public interest harms. The Commission always seeks to accelerate private sector deployment of advanced services, promote diversity of license holdings, maintain a high level of quality in communications services, and manage the spectrum in the public interest. Approval of this transaction between Sprint Nextel and Clearwire will allow us to uphold these key goals while being mindful of the rapidly changing nature of the technology and communications industries.

The Commission has closely examined whether this transaction is cause for competitive concern, and has found that no competitive harm would result regarding concentration in the markets that these companies serve. In concluding that this transaction will not increase market concentration in the product market for mobile broadband, the Order aptly considers that the resulting entity, New Clearwire, is a new entrant just at the beginning of the process of deploying next-generation networks based on WiMAX standards and not an established provider with significant build out. I believe we take the right course by recognizing that this is not a merger in which two established providers with spectrum holdings and facilities-based operations are merging, but rather a transaction in which one entity brings spectrum, facilities and customers to the table, while the other offers critical spectrum input. I am pleased that I was able to work closely with my colleagues to assess the potential competitive effects of the proposed transaction by properly and carefully delineating the appropriate market definitions and input market for spectrum.

Additionally, because our job is to assess whether the proposed transaction will advance the public interest, we have fully considered the public interest benefits that will flow from this transaction. In addition to a new nationwide broadband platform from which a nationwide WiMAX network will be deployed, the Applicants cite gains in operational efficiencies and a more intensive use of the 2.5GHz spectrum band allowing for coverage of 140 million people by the end of 2010. The Applicants contend that New Clearwire's planned development of WiMAX will serve as a new alternative broadband platform, and will spur competition with fixed broadband service that incumbent wireless broadband operators are providing, as well as developing technologies from other industry leaders. New Clearwire submits that its commitment to allow mobile virtual network operators on its network and to open its network for consumers to use devices and download applications, content and services, are benefits that will flow directly to consumers in the form of enhanced competition and consumer choice.

Given our determination that this transaction is unlikely to result in competitive harm, and in light of the significant benefits consumers will reap as a result of this transaction, including increased competition, greater consumer choice and new services, I support this item in its entirety.