

June 8, 2010

**Via Electronic Submission**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

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**Re: Written *Ex Parte* Presentation, IB Docket No. 08-184**

Dear Ms. Dortch:

Sprint Nextel Corporation (“Sprint Nextel”) submits this letter pursuant to Section 1.1206 of the Federal Communications Commission’s (“Commission”) Rules as a written *ex parte* presentation regarding the SkyTerra Order.<sup>1</sup>

In a Notice of *Ex Parte* Presentation filed in this docket, Verizon Wireless reported that its representatives met with Commission staff on May 14, 2010 and largely reiterated previous arguments made in its Petition for Partial Reconsideration (“Petition”) and subsequent filings urging revocation of the SkyTerra Order’s conditions relating to the first and second largest wireless carriers based on revenue. The focus of this letter is on a new request Verizon Wireless states that it made at this meeting, namely that “[t]o the extent the Commission believes that conditions on the transaction are warranted, they should apply industry-wide.”

Expanding the conditions of the SkyTerra Order industry-wide, as Verizon Wireless requests, would not remedy Verizon Wireless’s assertions that the conditions are substantively unwarranted and procedurally infirm. On the contrary, applying the conditions to all wireless carriers would undermine the very arguments Verizon Wireless asserted against the conditions in its Petition. For example, the process the Bureaus employed for adopting the conditions (*i.e.*, without notice and comment) either was or was not a violation of due process and the Administrative Procedure Act. Sprint Nextel argued in its Opposition that the process was not a violation, and Verizon Wireless argued that it was. Therefore,

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<sup>1</sup> *In the Matter of SkyTerra Communications, Inc., Transferor, and Harbinger Capital Partners Funds, Transferee, Applications for Consent to Transfer of Control of SkyTerra Subsidiary, LLC*, IB Docket No. 08-184, ¶ 1 (released Mar. 26, 2010) (“SkyTerra Order”).

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Verizon Wireless's proposal to now broaden the reach of the conditions to the entire wireless industry under the same process would merely make more "victims" of the same alleged due process violation and provide no remedy.

Similarly, broadening the conditions industry-wide would eliminate the competition-based rationale underlying the SkyTerra Order's narrowly tailored conditions that was fundamental to the Commission's public interest finding in the SkyTerra Order. By stripping out the competition-based rationale, Verizon Wireless's proposed change to the conditions would make them more vulnerable to the "arbitrary and capricious" criticism Verizon Wireless made in its Petition, but once again, provide no remedy to Verizon Wireless's ostensible concerns.

In short, Verizon Wireless's new proposal is simply a collateral attempt to nullify the narrowly tailored conditions SkyTerra proposed to enhance the public interest benefits of the transaction. Verizon Wireless's proposal to extend the conditions across the industry demonstrates its lack of conviction in its own arguments against them. Nothing about Verizon Wireless's latest regulatory proposal alters the lawfulness and sustainability of the transaction-specific, narrowly tailored conditions adopted in the SkyTerra Order.

Pursuant to Section 1.1206 of the Commission's Rules, a copy of this letter is being filed electronically in the above-referenced dockets. If you have any questions, please feel free to contact me at (202) 778-9859.

Sincerely,

/s/ Marc S. Martin

Marc S. Martin