

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the matter of)	
)	
Promoting Investment in the 3550-3700)	GN Docket No. 17-259
MHz Band)	
)	
Petitions for Rulemaking Regarding the)	RM-11788 (Terminated)
Citizens Broadband Radio Service)	RM-11789 (Terminated)

**REPLY COMMENTS OF LAURENCE BRETT (“BRETT”) GLASS,
d/b/a LARIAT, A WIRELESS INTERNET SERVICE
PROVIDER SERVING ALBANY COUNTY, WYOMING**

Laurence Brett (“Brett”) Glass, a sole proprietor doing business as LARIAT, a wireless Internet service provider serving Albany County, Wyoming, hereby responds to comments filed regarding the Notice of Proposed Rule Making in the above captioned proceeding, which seeks comment on proposed changes to, among other things, the duration and geographic scope of Priority Access Licenses (“PALs”) issued by the Commission for the Citizens’ Broadband Radio Service (“CBRS”).¹

LARIAT was the first wireless Internet service provider (WISP) established within the continental United States and perhaps in the world. LARIAT provides high quality, high speed broadband Internet service to a large and growing service area in rural Wyoming. LARIAT was originally founded as a nonprofit, 501(c)(12) rural telecommunications cooperative, and was taken private by its founder, Laurence Brett (“Brett”) Glass, at the request of the membership in 2003. While it is now a for-profit small business, LARIAT has maintained the same consumer friendliness, transparency, and “no nonsense” practices and policies which the members instituted, by consensus,

¹ *Promoting Investment in the 3550-3700 MHz Band; Petitions for Rulemaking Regarding the Citizens Broadband Radio Service, Notice of Proposed Rulemaking and Order Terminating Petitions*, 32 FCC Rcd 8071 (2017) (“NPRM”). See also 82 Fed. Reg. 56193 (Nov. 28, 2017)

when it was still a co-op.

Since its founding, LARIAT has relied upon that unlicensed spectrum that is available to it and all other users under Part 15 of the Commission's rules. We expected that, long before this time, the Commission would recognize the value of WISPs in providing high speed fixed broadband service to sparsely populated areas that are often unserved or underserved – as well as to more urban areas where consumers clamor for greater broadband choice – and provide us with at least some way to obtain exclusively licensed spectrum that could not be snatched up by large cellular providers. However, due to the fact that most WISPs are small businesses more concerned with serving their communities than with developing powerful lobbies, this did not come to pass for more than 25 years, leaving LARIAT and its newer colleagues to struggle to fill a more than fiftyfold increase in bandwidth demand with less than a 20% increase in the usable unlicensed spectrum available for both backhaul and last mile delivery. What's more, during that time, levels of interference on the unlicensed bands have increased, causing WISPs to hit fundamental physical limits on the amount of bandwidth that can be delivered. These higher interference levels also limit the range of WISPs' wireless broadband service, making it unavailable to some would-be users and/or greatly increasing deployment costs.

The advent of CBRS was the first glimmer of light on the horizon for WISPs – potentially making it possible for WISPs to rise from the level of spectrum serfs or spectrum sharecroppers, who could only till turf that they could never own or even work exclusively, to at least the level of tenant farmers if not full spectrum “owners.” But just as WISPs were preparing to realize their potential as second class, if not first class, citizens of the spectrum world, large corporations – which already have large hoards of unused or underutilized spectrum at their disposal – have sought in this proceeding to foreclose broadband competition by precluding WISPs from realizing this long awaited and much deserved opportunity.

None of Petitioners' comments in the record justify this outcome. To alter the CBRS rules as requested by the petitioners in the above captioned petitions would preclude LARIAT from expanding

high speed (10 and 25 Mbps) services to many areas which it desires to serve and could well motivate us to sell or fold our business. It would strand many other WISPs' investments in CBRS deployment and deter investors from funding future broadband expansion efforts. It would thus be contrary to the goals articulated in the Commission's National Broadband Plan, particularly those of increased availability and deployment and of fostering competition.² It would also be contrary to the Commission's 2005 Internet Policy Statement,³ and would directly violate the Congressional injunction to the Commission to promote the deployment of advanced telecommunications services at 47 USC §1302 (commonly referred to as "Section 706"), which states:

"The Commission and each State commission with regulatory jurisdiction over telecommunications services shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment."⁴

As such, to alter the CBRS rules so as to discourage deployment – as the NPRM proposes to do – would be not only be contrary to the public interest but unlawful. LARIAT, for the sake of not only its own customers but that of broadband users nationwide, implores the Commission not to proceed on the path proposed in the NPRM but rather to follow its own carefully considered policies and obey

² "Competition is crucial for promoting consumer welfare and spurring innovation and investment in broadband access networks. Competition provides consumers the benefits of choice, better service and lower prices." *Connecting America: The National Broadband Plan*, FCC (March 16, 2010), available at <http://download.broadband.gov/plan/national-broadband-plan.pdf> (Broadband Plan), at 36.

³ "To encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet, consumers are entitled to competition among network providers, application and service providers, and content providers." *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements; Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities Internet Over Cable Declaratory Ruling; Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities*, Policy Statement, 20 FCC Rcd 14986, 14987–88 (2005), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-151A1.pdf ("Internet Policy Statement"), at ¶ 4.

⁴ 47 USC §1302(a)

both the letter and the spirit of the law... and to promote the competitive environment that our country's residents and businesses have long demanded.

Respectfully submitted,

/s/

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