

18 October, 2018

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: GN Docket 17-258 (Promoting Investment in the 3550-3700 MHz Band)
RM-11788 and RM-11789 (Petitions for Rulemaking Regarding CBRS)
WC Docket 17-108 (Restoring Internet Freedom)

Ms. Dortch:

This letter is to advise you that on 17 October, I conversed very briefly with Nathan Leamer of the office of Chairman Ajit Pai by telephone regarding FCC-CIRC1810-02, the draft Report and Order in GN Docket 17-258 (Promoting Investment in the 3550-3700 MHz Band).

I explained to Nathan that the proposal to license CBRS spectrum by county would prevent my WISP – the world's first - from bidding on spectrum to serve areas which need my company's rural broadband service and could well cause us to sell or shutter our business due to increasing congestion on the unlicensed bands.

My WISP is located in Laramie, Wyoming, near the eastern edge of Albany County. (Confusingly, Laramie is located in Albany County, while Cheyenne – the largest city in the state – is located 45 miles away, across rough and mountainous terrain, in Laramie County.) Counties in Wyoming are large; as I explained to Nathan, Albany County is more than 4,000 square miles while Laramie County is between 2,000 and 3,000 square miles.

Rural residents on the western edge of Laramie County, just across that boundary, are currently poorly served or entirely unserved and call weekly asking us for broadband service. However, because Laramie County is the most populous county in the state, and contains its largest city, it would be infeasible for our WISP to buy it – especially if cellular companies drove up the auction price to the high levels they typically pay to exclude competition – merely to serve that area on its edge. It is likewise infeasible for ISPs serving Cheyenne to build out 45 miles, over that difficult terrain, to reach residents and businesses in that area from the east. What's more, the Laramie Range – the mountain range which runs near the border between the two counties – is dotted with wireless towers using every available channel of the 5 GHz unlicensed band, creating so much interference that we are unable to use it to reach that area. Therefore, auctioning CBRS spectrum by county would prevent us from using that spectrum to serve rural residents in need of broadband. We could well be unable to obtain the smallest sliver of licensed spectrum even in our own county, due to pre-emptive bids from cellular providers seeking to hoard the spectrum and block competition. As the 5 GHz spectrum fills, many other WISPs face similar situations.

I noted that auctioning PALs (Priority Access Licenses) by county would give an insurmountable advantage to large cellular carriers such as Verizon, AT&T, T-Mobile, Sprint, and Union Cellular (a regional provider serving our area) and allow them to foreclose competition. (It would also pit WISPs against one another by forcing them to compete for entire counties rather than focusing on the smaller areas that they served or desired to serve. I explained that every penny spent on a license whose price was artificially inflated by large auction areas, and by bidding against large corporations seeking to lock up spectrum to foreclose competition, was one that could not be spent on the vital tasks of serving unserved areas and bridging the digital divide.)

I told Nathan that when I founded the first WISP, 26 years ago, I was certain that the FCC would recognize the value of the service we provided and grant us at least a small amount of spectrum in which to continue our work. I expressed our disappointment that the cellular providers' deceptive lobbying campaign – based on the notion of a nonexistent technology called “5G” and a putative “race” to it – was being used as justification for an Order which could destroy our industry and potentially cause thousands of hard working businesspeople to close up shop and millions of citizens nationwide to lose access to, or never gain access to, quality broadband service.

I told Nathan that WISPs had narrowly dodged a bullet when the “Restoring Internet Freedom” order repealed crippling regulations which could have destroyed our industry (and could yet be reimposed under a future administration). I asked that the FCC not do even worse harm by ripping away the resource that we need to continue our work, and that the FCC withdraw the proposed Report and Order from the agenda of the upcoming open meeting and speak to WISPs about how to license spectrum in such a way that we are able to obtain it on reasonable terms.

While Nathan stated that this is not one of the policy areas that lies within the scope of his responsibilities, I am nonetheless, out of an abundance of caution, filing this letter electronically via the Commission's Electronic Comment Filing System in compliance with Section 1.1206(b)(2) of the Commission's rules.

Sincerely,

/s/

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