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December 10, 1999

Magalie R. Salas, Secretary
Federal Communications Commission
The Portals Building
445 12th Street, SW TW-A325
Washington, D.C. 20554

Re: **Extending Wireless Telecommunications
Services to Tribal Lands
WT Docket No. 99-266**

Dear Ms. Salas:

Enclosed you will find a corrected copy of "Reply Comments of the Dandin Group," filed with respect to the above-referenced proceeding.

A draft copy of these Reply Comments was inadvertently filed on December 9, 1999. Please substitute this corrected version.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Respectfully submitted,

/s/ W. Kenneth Ferree
W. Kenneth Ferree

Attorney for
Dandin Group

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Extending Wireless)	WT Docket No. 99-266
Telecommunications Services)	
To Tribal Lands)	
)	
)	

REPLY COMMENTS OF THE DANDIN GROUP

Dandin Group (“Dandin”) hereby replies to the comments filed regarding the Commission’s proposals to extend wireless telecommunications services to tribal lands.

1. Emphasis on the Adoption of Wireless Technologies

Many parties share Dandin’s optimism regarding the potential for wireless technologies to extend advanced telecommunication services to Tribal and unserved areas. A few parties, however, appear to believe that wireless “services and technologies currently available cannot duplicate the level of service quality, transmission speed, etc. available from existing wireline plant.”¹ These parties simply do not understand or appreciate the highly reliable, technically superior wireless products and services, both licensed and unlicensed, that now are becoming available. Indeed, at least with respect to the San Carlos Apache Telecommunications Utility, their view of the limited applications for wireless technologies seems to be based on their experience with BETRS operations, which provides a relatively small window on the

¹ Comments of Montana Telecommunications Association at 6; see also Comments of San Carlos Apache Telecommunications Utility at 3-4 (“most other licensed radio services, are, however, unsatisfactory substitutes for wireline service because of their current inability to provide high-speed data delivery services via relatively narrow bandwidth”).

wireless world. Today, newer wideband technologies are fast becoming mainstream and widely available. As Dandin noted in its initial comments, these new wireless technologies offer the best hope for “the long-term development of advanced telecommunications capability in tribal lands.”

For the same basic reasons, Dandin also strongly disagrees with the comments submitted by the National Telephone Cooperative Association (“NTCA”). By looking only at the current and past environment, NTCA underestimates the potential for effective wireless solutions to serve persons living on tribal lands. For example, NTCA notes that “[w]ireless service typically serves as a supplement to wireline service, rather than as a replacement Present-day wireless systems cannot effectively provide high speed Internet access, telemedicine, or video teleconferencing.”² Such a comment, however, simply reflects a general lack of knowledge regarding current developments in the area of wireless technology and its potential. Wireless technologies not only are capable of providing advanced telecommunications services, but they also have the potential of replacing wireline service completely.³ Naturally, NTCA would not like to confront such a possible future.

2. Increased Antenna Height and Power Output

Dandin supports the numerous parties, including EDUCAUSE and the Salt River Pima-Maricopa Indian Community and The National Tribal Telecommunications Alliance (“Salt River”), regarding the favorability of increased transmission power and the relaxation on antenna height restrictions in Tribal areas. The parties favoring such changes have made a strong case for rule modifications that would promote the use of

² Comments of National Telephone Cooperative Association at 5, 8.

³ See, e.g., Comments of EDUCAUSE and the American Indian Higher Education Consortium (“EDUCAUSE”); Comments of Convey, LLC; Comments of Innowave ECI Wireless Systems Ltd. (“Innowave”); Comments of National Science Foundation Wireless Field Tests for Education Project.

wireless technologies to provide advanced communications services to tribal and unserved areas. Allowing the use of higher power equipment and increased antenna height will allow many more alternatives for wireless technology to be implemented in tribal and rural areas.

3. Expansion of Permissible Service Definitions

Dandin also agrees with the numerous parties, including the Satellite Industry Association and Oneida Nation Wisconsin, that have advocated the expansion of permissible service definitions. A change to the service definitions makes sense in many areas that have limited access to telecommunications.

4. Educational and Social Ramifications of Wireless Telecommunications

Dandin agrees with EDUCAUSE that “[r]ecent developments in wireless and satellite technology can effectively provide tribal lands with advanced telecommunications capability. Basic telephony can then be a small (albeit important) part of a more robust broadband wireless infrastructure by which tribal lands can achieve broadband Internet connectivity – and benefit from much-needed economic development such connectivity can enable.”⁴

Similarly, Salt River notes that the “availability of affordable telecommunications services in Indian Country will bring significant benefits to tribal governments and people. . . . [T]he Commission must, however, ensure that advanced services are available on Indian reservations, rather than just “quick-fix” dial tone only solutions.”⁵ Dandin agrees.

⁴ Comments of EDUCAUSE at ii.

⁵ Comments of Salt River at 8.

On that basis, Dandin and others have recognized that the NPRM does not go far enough in looking to promote advanced wireless wideband communications systems. The time is right to establish rules that will allow wireless technologies to provide more than basic dial-tone service to tribal and unserved areas in the United States. The Commission now should move with great speed to unlock the potential of these technologies.

5. Technical Issues Regarding Frequency-Hopping Spread Spectrum Technology

Dandin agrees with Innowave that the prohibition against the coordination of frequency-hopping spread spectrum technologies lacks any substantial technical or regulatory justification. The Commission should reassess this prohibition, particularly as it applies in rural and underserved areas.

6. Spectrum Policy Issues

Dandin is in favor of examining how to best use spectrum on tribal lands and remote unserved areas. As noted by Salt River, “[s]pectrum used for some private radio services is less congested outside metropolitan areas, making these services viable options in efforts to extend wireless communications to tribal lands and other unserved areas.”⁶ Indeed, because of the “remote location of many tribal lands and other unserved areas, such spectrum could be available even if it is licensed for other purposes in major markets and other higher-density areas.”⁷ For that reason, Dandin whole heartedly supports the suggestion of Salt River that:

“[t]o the extent that unused channels are available in tribal lands and other unserved areas, a potential alternative to facilitate service would be to allow

⁶ Comments of Salt River at 12.

⁷ *Id.* at 16.

Indian tribes or parties with tribal consent to apply for “drop-in” licenses in the relevant spectrum that would enable them to provide coverage to the tribal land. . . . This [spectrum] flexibility should include not only the ability to utilize unused spectrum for its licensed purpose, but the ability to utilize any spectrum for any type of telecommunications service regardless of its designated service, subject only to specific operating rules and interference protection.”⁸

Further, Dobson Communications Corporation (“Dobson”) is correct to the extent that it notes that spectrum licensing is not the most effective means of promoting the implementation of new technology.⁹ However, Dobson has overstated its position by arguing that spectrum shortage is not the reason that service to tribal lands has not been more prevalent. To the contrary, by allowing wireless communications service providers in Tribal areas to access spectrum already defined for other purposes, the Commission would make possible many new opportunities to deploy systems not currently being utilized.

Finally, and in the same vein, Dandin must reiterate the importance, stressed also in the comments of EDUCAUSE, of the Commission’s work to adopt rules for wideband wireless communications (i.e. ultrawide band and spread spectrum systems). There may be no other single action that the Commission could take that would have as significant an impact on service in Tribal areas as the adoption of wideband service rules.

⁸ Id.

⁹ Comments of Dobson at 13.

Conclusion

For the reasons set forth above, Dandin hopes that the Commission will act promptly to encourage the development and deployment of advanced wideband wireless communications systems so that the telecommunications needs of persons living on tribal lands can be satisfied and a new era of opportunities can begin with their access to the growing information society. For that reason, we recommend that the Commission propose rules that are forward-looking and which anticipate technological progress, rather than rules entrenched in the past that only will limit technological progress.

Respectfully submitted,

/s/ Dewayne Hendricks

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December 9, 1999