



The Sight and Sound of Communications

Aviatel, Inc.  
Reply Comments On  
UTStarcom Petition for Rule Making  
File RM-10024

Aviatel, Inc. strongly supports UTStarcom's Petition for Rule Making, file RM-10024, and asks the Commission to make this spectrum available immediately for Community Wireless deployment. Aviatel is familiar with UTStarcom's products having seen their demonstration system in New Jersey and believes that they can provide considerable value to potential subscribers in the United States, particularly in lower income areas of the Carolinas.

One of Aviatel's primary businesses is the deployment of direct view satellite and cable TV delivery systems and equipment to subscribers in the Carolinas. In our business, we have become aware of many unmet needs for communications services, particularly in the lower income parts of the communities that we serve.

Aviatel has a desire to introduce new services to our customers and to expand our small business through deployment of a Community Wireless System to serve our existing markets with an alternative to wired telephone service. A Community Wireless system would provide our subscribers with improved telephone service and will also allow them to afford a mobile service that covers the areas where they typically live and work. Because many of our subscribers are recent immigrants in minority communities, they generally lack the credit history and financial resources to subscribe to traditional Cellular or PCS service. Some do not subscribe to local telephone service either due to the high cost of installation as well as due to credit requirements there as well. Providing them with a Personal Access System connection, covering only their local neighborhoods, will allow them much of the benefit that they would get from traditional wireless service at prices we would set comparably to existing wired carrier service. Also, due to the fact that the system infrastructure consists of very small, very low power base stations, the infrastructure will blend in with the environment and avoid the difficulties typically associated with tower placement and construction. This will allow us to deploy a system quickly using poles and access that we have as part of our cable business.

Aviatel believes that UTStarcom's Community Wireless solution can allow us to provide excellent service to our existing subscribers as well as to potential subscribers who otherwise would not be able to afford their own phone. Many individuals in the markets we serve move frequently and live in relatively crowded conditions. Offering a Personal Community Wireless phone to these individuals will allow them to make and receive calls, as well as to avoid the rather high charges associated with installation of wired telephone service. UTStarcom's solution, which works with inexpensive Central Office or PBX equipment is installable and maintainable by our existing staff and can be deployed very rapidly. Should the service prove as successful as we believe, we will also have the opportunity to add to our staff and grow our business.

To date, Aviatel had not considered offering this type of service because the cost for spectrum has been prohibitive and because the equipment necessary to provide traditional mobile services has been very expensive. Allowing Community Wireless Networks, running internationally standard protocols like PHS in unlicensed spectrum (like 1910 – 1920MHz) will allow us to obtain spectrum economically and to deploy very cost effective equipment very rapidly. To that end, Aviatel supports the spirit of the UTStarcom petition but, like RTG, favors making small modifications to the unlicensed rules to allow the operation while leaving the spectrum as unlicensed. As RTG surmises, this will leave the spectrum available for Aviatel or others to use and will avoid the probability of having the spectrum rights purchased at auction by large carriers that would leave it idle.

Aviatel believes that approval of UTStarcom's petition, or any other solution that allows the operation of low power, geographically limited mobile telephones, will serve to enhance the lives of low income individuals in towns and neighborhoods in the Carolinas. These services would look more like alternatives to current wired service and less like mobile services. Considering that few others seem interested in providing competitive choices for local service to this population, we believe that Community Wireless deployment will improve the living conditions and economic opportunity for these people. Utilization of this fallow spectrum to provide competitive telephone service seems to be very consistent with many Commission initiatives to increase competition for basic local service and we urge the Commission to act quickly to approve this petition.

Respectfully submitted,



Jose Rosa  
President