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Monday, May 10, 2004

To Whom It May Concern:

[WISPA](#) is a coalition of approximately 150 of Wireless Internet Service Providers in the process of forming the industry's first WISP owned and controlled trade group. WISPA is dedicated to the fostering of expansion and cooperation throughout the WISP industry.

We believe that any move to auction the ITFS spectrum would be detrimental to the public. Recent history has shown that auctioned spectrum is often not actually used as the funds that could otherwise have been used to purchase hardware are tied up in the leasing of spectrum.

We also believe that this move would likely result in the loss of spectrum for educational institutions that are effectively and properly utilizing the band.

While we disagree with the concept of removing users who are serving the public good we understand the need to effectively utilize the public resource to it's fullest responsible extent.

We also understand that there is a long and complicated history behind this band. We are not interested in making enemies of the ITFS community. There is, apparently, a large amount of engineering data available on various issues related to the band. It's been suggested that more needs to be done before an unlicensed underlay would be supported or even entertained. Perhaps the best thing that could happen, at this time, is to allow the ITFS community and the unlicensed community a few more months to determine a mechanism for the reasonable prevention of interference to the primary users in the band. Or, perhaps a number of pilot programs should be tried where existing ISM gear would be given a waiver to operate in the ITFS bands in a handful of locations so testing could be accomplished. This new, empirical, data could then be used as the basis from which a new nprm could be released specifically on the pros and cons of an unlicensed underlay of a licensed band.

It seems that the current thought among the ITFS community we consulted is that they believe band will likely be changed but in such a way that they'll be able to lease unused spectrum to the highest commercial bidder. We can certainly understand the desire to bring even more money into the education establishment.

Hopefully, the ITFS community will also understand our need to ask for what we think will most benefit our customers and therefore our communities. We seek room to grow. In many areas we are being hampered as much by our own success as by other users of the bands we currently have access to. We believe that the education community has a responsibility to the local markets. And that responsibility includes student access to the internet via the most economically and fastest means available. In our view, an unlicensed underlay that keeps the band open to both the education community and the WISP industry would be the best of both worlds.

In any case, we'd like to offer up the following suggestions for the ITFS bands. We assume that the technical limitations can be dealt with. We also wish to make it clear that we're relatively unaware of the history of the band and in NO way offer these suggestions with malicious intent. Even if common ground can not be reached in this proceeding we look forward to the opportunity to try again as mutual opportunities unfold in the future.

To this end, we'd like to suggest a low power (ISM rules) unlicensed underlay within the existing rule set.

This concept has met with indifference at best and considerable pushback at worst during admittedly recent and

preliminary attempts at compromise with the ITFS leadership. The cold reception is likely the result of one or all of three items:

- 1) The ITFS (education) community is strong and they feel they have nothing to gain and much to lose by supporting an unlicensed underlay.
- 2) There is great concern that unlicensed users would turn on systems that would interfere with the license holders, causing them undue interference as well as the time and expense of finding and dealing with said interference.
- 3) A not insignificant amount of ITFS spectrum apparently is leased out and an unlicensed underlay could potentially devalue the spectrum.

Our thoughts to each of these issues in order:

- 1) If the band were being used efficiently this issue would not be on the table today. Fact is, schools have typically demanded and gotten fiber not wireless. Regardless of the user of the spectrum and their standing in society, the commission should look at what could be done with the spectrum not only what is being done.
- 2) Not being engineers this gets to be a bit tricky for us. We do know a few things however. We are used to playing second fiddle as users of unlicensed spectrum. We already have to operate in a manner that prevents interference to the primary users of the bands we occupy. Thus far, we know of few, if any, cases of WISPs creating interference requiring governmental action to correct.

This also from a manufacturer of radio gear:

"I can speak of the Atheros radio cards. They fully cover the bands in 5 MHz or 20 MHz spacings, with 20 MHz wide channels. Dynamic Frequency Selection is available as is Transmit Power Control. These controls were mainly designed for radar signals so I am not sure if they would work in general for another radio, which could easily be another unlicensed unit and thus would not require any action by the unit. So, the technology exist right now to use that band. It would be relatively simple and would make it unnecessary to interfere with someone else, except by accident." We therefore suggest that a mechanism could be put in place in a commercially viable product relatively easily. Exactly what this mechanism could/should be is a question for those with skill sets other than our own.

- 3) We choose to remain neutral on this issue. We do wish to question the wisdom of risking the further expansion of a third rail of broadband delivery, especially to rural communities, for financial reasons. Especially when the entities most effected are taxpayer funded.

We think that the best use of the band would be accomplished by freezing the licenses as they exist in use today. Grandfather those systems (any in use merely as place-holders as in the often sited examples in the Seattle WA. area excepted) in use today. Create a database of those locations, complete with coverage areas and contact numbers. Exclude those zones and open up all other zones and channels to unlicensed use, adding in any areas that "go dark" due to changes in technologies used or discontinued need for spectrum.

As a compromise with the ITFS community, we think that creating an easy to locate directory of existing systems so that we (the unlicensed users) can do our due diligence and, finding sufficient unused spectrum, deploy broadband wireless internet access systems. We would agree to such technical limitations as to minimize the risk of interference to the existing users of the band.

Any effort to either auction the spectrum or re-deploy the spectrum in areas that it is in effective use should not be considered.

Thank you for your time,
The Members of WISPA
www.wispa.org