



In the Matter of)	
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Unlicensed Operation in the Band 3650-3700 MHz)	ET Docket No. 04-151
)	
Additional Spectrum for Unlicensed Devices)	ET Docket No. 02-380
Below 900 MHz and in the 3 GHz Band)	
)	
Amendment of the Commission's Rules With)	
Regard to the 3650-3700 MHz Government)	ET Docket No. 98-237
Transfer Band)	

Secretary
US Federal Communications Commission
Washington, D.C. 20554

2 March 2005

Dear Commissioners,

Open Spectrum International is a nonprofit organization which works for the delicensing of radio frequencies in developing countries in order to promote greater freedom of expression and more widely available and lower-cost wireless Internet access. OSInt was founded in August 2004 by Robert Horvitz, a US citizen based now in Prague, who files these comments as an interested individual. My interest specifically is in seeing a new family of sophisticated yet affordable data networking equipment operating around 3.6 GHz develop in the large US market so that this equipment can be exported to other countries to help cure the digital divide. As the Commission knows, other countries are looking at approximately the same set of frequencies for prospective use by municipal and rural wireless broadband networks. If the FCC continues to demonstrate leadership by opening this band to unlicensed broadband use, the benefits will spread far beyond the US's borders.

I support rules permitting unlicensed access to the 3650-3700 MHz band, but oppose the imposition of "first in time, first in right" policies giving the earliest high-power and/or licensed transmitting station preemptive rights to operate in a given locale.

Considering that the NPRM proposed that unlicensed nomadic devices should use flexible, smart "cognitive" techniques to avoid causing interference, it would seem inconsistent to impose an inflexible administrative system ("licensing lite") to benefit only the first entrants. A protected transmitter mounted high over a populated zone would give its owner the right to dictate operating conditions to any other potential transmitter, and even forbid would-be competitors from operating at all. Such veto power is actually more pernicious than a traditional radio license.

In order to limit the abuse of wide-area “squatting” the Commission might require higher power transmitters to use only narrow-beam directional antennas. This is more appropriate for fixed point-to-point use anyway. Efficient sharing of spectrum implies that higher power operations should be configured so as to compliment rather than preclude lower power operations.

Opening the 3650-3700 MHz band for unlicensed use will undoubtedly encourage the development of city-wide and neighborhood-scale wireless data networks. The Commission knows better than anyone how license exemption under Part 15 rules led to the rapid evolution of ingenious, low-cost, low-power and interference-resistant devices and wireless networking equipment. The benefits to society must be calculated in billions of dollars now. Additional unlicensed spectrum means additional creativity and additional social benefits without burdening the FCC staff.

Thank you for providing this opportunity to comment via email.

Robert Horvitz
Open Spectrum International
Slavikova 11
120 00 Prague 2
Czech Republic
<http://www.open-spectrum-international.org/>