

Sirs:

This comment is late filed, but it is our hope that the Commission will find it useful in its deliberations on this matter.

In its Reply of August 22, 2005, the WiMAX Forum says, "In Less Congested Areas, the Forum believes the FCC's approach can immediately go forth without contention protocols under the assumption that no more than 2-3 operators would find it commercially attractive to deploy a network in the same Less Congested Area."

As an active rural wireless broadband provider, we disagree with this assertion. As those of us in the field know (and we in particular know by direct experience), it takes only one rotten apple to spoil the barrel. One single operator -- out of discourtesy, perceived market advantage, or spite -- is perfectly capable of destroying other operators' quality of service if it is not required to play nicely with others. Ironically, it is WiMAX equipment in particular that threatens to cause such problems, since it does not coordinate (and in fact cannot coordinate) with other users of the band. It is a solution explicitly designed with the assumption that spectrum will be exclusively owned and not shared.

As the old saying goes, when one has a hammer, one may be inclined to view every problem as a nail. The WiMAX Forum, having invested time and money in developing its standard, is likewise seeking to deploy its technology in situations where it is not appropriate -- in this case, in spectrum which is to be shared. Rural users deserve good quality of service just as much as urban ones, and should not be subjected to interference merely because it would allow one particular group of manufacturers to sell a bit more product.

What's more, it is unclear how the group's proposal could work in a market which initially had only a few providers but was then entered by several others. Would the first entrants be required to decommission their equipment? Would users be cut off if they did not buy new equipment? Clearly, this is at best an awkward situation which should be avoided. It is unfortunate that the standard promoted by the WiMAX Forum does not provide for courteous sharing of spectrum, but until and unless the standard is modified to do so, the FCC should remain firm in its resolve to spur the development of protocols which allow spectrum sharing. Sometimes, it is necessary to hold out both a carrot and a stick to encourage children to play fair and share.

Sincerely,

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