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WISPA TV White Spaces Position Paper

WISPA is the WISP (www.wispa.org) industry's only industry owned and operated trade association. We're a 501c6 corporation with a 7 person, membership elected board.

We believe that the FCC's Broadband Access Task Force had it right in saying that there should be more unlicensed spectrum made available. The 5.4 GHz band is a good start, it's got some severe power level limitations though. It also only works in areas where there is clear line of sight which means it will not work well to deliver service to customers directly in locations where there are trees, buildings or other obstructions between a service tower and a potential customer. For these areas we require sub- 1 GHz frequencies exactly like that which can be delivered by unused television channel space. As of this writing 5.4 GHz is not allowed for use legally in the United States. The new 3650 MHz band is also currently in a state of limbo. And even when opened up it has huge exclusion zones and is only 50 MHz of spectrum. In short the unlicensed broadband industry needs help to be able to adequately serve the millions of potential broadband customers we have to say no to every day because we do not have spectrum that can penetrate trees and other obstructions. This is a problem which accounts for 60% or more potential customers being told no when they ask for service in areas where unlicensed broadband services are currently being delivered. The remedy to this is clear. The Senate Commerce Committee can make this obstacle go away by simply tasking the FCC with passing their own proposed rulemaking number 04-186. This will allow 100% of potential service areas to be served with high quality broadband in all corners of this country. Even the most rural areas can be served cost effectively if we have access to unlicensed use of unused television channels. Please help us help America regain our technological leadership role in the world by giving us access to these channels to allow broadband for all citizens today.

At this time there are somewhere in the area of 28,000 licenses relating to spectrum use in the USA. In fact, almost all spectrum is licensed today. The basic licensing of spectrum is mostly unchanged in nearly a

century now. Certainly there are some changes, the recent ITFS changes are a good example, but the basic principal has not changed.

Technology has changed. Spectrum policy rules should reflect what's possible today, not what was possible 70 years ago.

Today there are already high speed wireless data systems on the market that measure their environment and change channels to avoid interference. There are also systems that measure the signal needed between two points and adjust power levels accordingly. The 04-186 rulemaking we are asking for requires these technological features in any system using unused television channels to make sure that no harm is done now or in the future to licensed users of these channels. Grandma will never miss a television program from an unlicensed radio on her channel. The standards in the 04-186 rulemaking stipulate that no device will interfere with any licensed use of the television channel space under any circumstances. WISPs have every intention of making full use of any of these unused television channels as soon as possible for broadband delivery and we will make sure we do no harm.

The United States of America will have to make use of sub – 1 GHz spectrum to make broadband available to all citizens in a cost effective and timely fashion. In fact, use of unused television channels is the only logical path that delivers the promise of ubiquitous low-cost broadband to all Americans. Without access to this spectrum the United States will continue to fall behind the rest of the world. It would be a shame for the country that invented Internet to allow themselves to fall behind in bringing this miracle of modern communications to every citizen.

Nearly half of all available television channels are left unused even in the top markets of the United States. In the rural areas the available channels are largely unused for any purpose. Even channels that are utilized in a given market are usually received by viewers via cable or satellite, negating the importance of the use of the spectrum for over the air television reception. Over the air television is now little more than a glorified licensing database system where licenses are used more to lock a market area for an operator than they are to serve viewer's needs. The reality is that estimates show that as little as 5% of US households receive their television through the air. It is becoming apparent that broadband will become the number one benefit to the US population regarding the use of these bands. The right way to make use of these bands is for the Commerce Committee to task the FCC to now pass their 04-186 rulemaking without delay.

Waiting for auctions until after the DTV transition will further stymie growth and availability of broadband to our citizens. Auctions stifle

innovation and timeliness of availability of services. Why should we have a large minimum purchase price for licenses over a large geography while at the same time looking at ways of stimulating broadband deployment with grants and other initiatives? This system actually slows the adoption of the technology by entrepreneurs. Unlicensed use of the bands can happen now and stimulates broadband deployment now. The 04-186 rulemaking states that any broadband device using unlicensed spectrum in the television bands has to change channels in the presence of a licensed user. This means that even launching now before the DTV transition is complete has no chance of harming the license holders. Equipment will be required to avoid interfering with these license holders.

It is very common to see cable and DSL deployed in communities once a WISP operator launches service. This shows that the competitive pressures from unlicensed broadband are good for the customer and that this will inevitably lead to more choice and better options for broadband even in rural areas. The access to unlicensed use of television channels for broadband strengthens the competitive access to broadband and will aid the competitive process for better broadband opportunity for all Americans.

WISPs by the thousands are out there serving rural AND urban America today. The explosive growth of unlicensed wireless broadband is leading to a shortage of available frequencies. There is a constant drive by the industry to do more with less. It is time for Congress to tell the FCC to give us more and better quality spectrum to be able to more effectively serve the broadband needs of all Americans.

Congress should direct the FCC to pass the 04-186 rulemaking now as it is written. The rulemaking has completed the entire public process and all issues have been addressed with the result being a complete solution for access to the spectrum needed to bring broadband to all citizens of this country. The 04-186 rulemaking addresses the concerns of the television industry adequately and there is no reason to delay this proceeding any further. Waiting for the DTV transition does not alleviate unfounded fears perpetuated by the television broadcast industry. The time to make this monumental step toward a more viable broadband future for the United States is now through passage of a law to enact the 04-186 rulemaking of the Federal Communications Commission.

Sincerely,

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