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February 8, 2007

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**Re: WT Docket No. 05-96: Rules for Wireless Broadband Services in the 3650-3700 MHz Band; ET Docket No. 04-151: Wireless Operations in the 3650-3700 MHz Band; ET Docket No. 02-380: Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band; ET Docket No. 98-237: Amendment of the Commission's Rules With Regard to the 3650-3700 MHz Government Transfer Band**

Dear Ms. Dortch:

On February 7, 2007, Jim Kirkland, Chris McKee and I, all of Covad Communications, met with Fred Campbell, Chief of the Wireless Telecommunications Bureau, to discuss Covad's wireless interests generally and the above-referenced proceedings in a manner consistent with advocacy already included in the record. A copy of materials discussed in the meeting is attached.

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), an electronic copy of this notice is being filed in each of the above-referenced proceedings.

Respectfully submitted,

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TRANSFORMING COMMUNICATIONS THROUGH BROADBAND INNOVATION



**Covad Communications Group Inc.**  
**NextWeb, Inc.**  
February 2007

**3.65 GHz Proceeding**  
**(ET Docket No. 04-151, WT Docket No. 05-96)**

**COVAD<sup>®</sup>**

- NextWeb Is A Key Complement to Covad's National Wireline Network
  - Offers Range of Services Targeting Business Sector
    - SOHO (768 Kbps-1.5 Mbps)
    - SMB (1.5 Mbps-6 Mbps)
    - Enterprise (10 Mbps – 100 Mbps)
  - Benefits
    - Provides Expanded Range of Products and Flexibility Consumers Want
    - Faster Installation Timeframes Than Wireline Model
    - Offers Attractive Redundancy Option
    - Flexible Special Event Internet Services

- NextWeb Is a Strong Competitor In the SMB Space
  - California's Largest WISP
  - Named One of Top US Broadband Wireless Operators by Broadband Wireless Business Magazine
- Serves San Francisco, San Francisco Bay Area, Greater Los Angeles Region, Orange County, Las Vegas, and Chicago Area
  - Over 3,100 Corporate Accounts And Growing
  - Covers 175 Cities
  - Able to Serve Over 50,000 SMEs in Area Covering 25 Million Households
- Customers Include Intel, Hilton Hotels, Emmy Awards, BET Awards, NBC, ABC, CBS, Reuters, Universal Pictures

- Provides Service Using Licensed and Unlicensed Spectrum
  - 5.8 GHz Unlicensed Spectrum “Last Mile”
  - Licensed Microwave Backhaul
    - 17-19 GHz Microwave Industrial/Business Pool and Fixed Point-to-Point Microwave Pool
  - Leased Spectrum for Targeted Hi-Cap Services
    - First Avenue/Fibertower
      - 39 GHz Auctioned Spectrum
      - San Francisco Area
    - Nextlink
      - 28 GHz Auctioned LMDS Spectrum
      - Los Angeles Area
- WiMax Business Model
  - Pre-WiMax to WiMax Focus
  - Fixed Service
  - Uniquely Positioned to Capitalize on the Emergence of WiMAX
  - Key is ability to provide cost-effective services to target segment

- Current Issues with 3.65 GHz
  - Equipment has not caught up to rules as hoped
  - Disputes regarding appropriate licensing regime
  - Beneficial use of the spectrum is delayed despite demand
  
- Deployment Based Hybrid Spectrum Use Model
  - Minimal, technology neutral technical standards and rules
    - Seven 7 MHz sub-bands (21 MHz max per market)
    - Set channelization
    - Accommodates 3.5 and 7 MHz bandwidths contemplated by the WiMax standard
    - Sectorized antennas required in top 200 markets
    - Minimum spectrum efficiency requirements (e.g., 802.16e bits per hertz benchmark)
  - Hallmark is prior coordination requirement based on registration
    - Initial registration required
    - Construction certification due within 90 days, or registration automatically cancelled (“use it or lose it”)
    - Interference protection via prior coordination requirement for later entrants
    - Annual filing requirement/regulatory fees
    - Streamlined mediation of disputes by coordinator

### • Benefits of Covad's Proposal

- Addresses current market realities while also embracing future market possibilities and evolving technology
- Encourages rapid deployment of competitive and innovative services
- Allows more intensive spectrum use, facilitates coordination by multiple operators
- Ensures efficient use of the spectrum/avoids "tragedy of the commons" situation
- Enables business class uses of unlicensed spectrum via heightened interference protection
- Reasonable and incremental outgrowth of established and time tested spectrum management policies
- Facilitates competition by spectrum "have nots"
- Facilitates Commission tracking of progress and spectrum use
- Consistent with the Commission's broadband goals
- Advances Commission's Section 257 objectives
- Does not run afoul of Section 309(j) requirements