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March 13, 2007

Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: **Written Ex Parte Presentation in ET Docket No. 04-151, WT Docket
No. 05-96, ET Docket No.02-380, ET Docket No. 98-237**

Dear Ms. Dortch:

TowerStream, Corp. (“TowerStream”), by its attorneys, hereby submits this written ex parte in connection with the Federal Communications Commission’s (“FCC” or “Commission”) proceeding regarding the allocation and use of the 3650 MHz spectrum band (“3.65 GHz Band”). As explained in greater detail herein, TowerStream supports the Commission’s decision to establish a nationwide, non-exclusive licensing scheme for the 3.65 GHz Band that requires fixed and base station registration. In addition, TowerStream supports Covad Communications Company’s (“Covad”) proposal to divide the 50 megahertz of spectrum available in the 3.65 GHz band into five 10 megahertz channels each, and limiting the number of amount of spectrum registered to a specific company to 30 megahertz per market.

About TowerStream

TowerStream is a leading provider of wireless broadband services in major metropolitan areas throughout the United States, including Boston, New York City, San Francisco, Chicago and Los Angeles. TowerStream utilizes unlicensed spectrum to provide point-to-point and point-to-multipoint data services at speeds up to 155 megabits per second to businesses, schools, public service entities and residences throughout its service areas. TowerStream’s successful

deployment of broadband services illustrates the importance of unlicensed spectrum in the marketplace and the ability of new carriers to bring competitive high-speed broadband services to the marketplace.

The FCC Should Affirm its 3.65 GHz Band Licensing Scheme

TowerStream urges the FCC to quickly affirm its establishment of a nationwide, non-exclusive licensing scheme for the 3.65 GHz band. TowerStream, which has tested existing 3.65 GHz Band equipment pursuant to experimental authorizations issued by the FCC, has seen first-hand the impact that keeping the non-exclusive licensing scheme in place in the 3.65 GHz Band will have on the wireless industry. The 3.65 GHz band is uniquely suited for the deployment of advanced broadband services, including Wi-MAX and Wi-Fi, and the industry is eager to deploy such services without delay. Conversely, should the Commission decide to auction all or a portion of this spectrum band, much-needed services could be delayed up to two years, essentially crippling the hope of real broadband competition in major markets, and the hope for the initial deployment of advanced broadband services in rural portions of the United States.

The FCC Should Divide the 3.65 GHz Band into Five 10 Megahertz Channels

TowerStream supports Covad's recommendation that the FCC divide the fifty available megahertz of spectrum in the 3.65 GHz Band into five 10 megahertz channels and limiting any one company from utilizing more than 30 megahertz in any specific Metropolitan Statistical Area ("MSA"). Additionally, TowerStream supports Covad's proposal to require the use of only sectorized antennas in these MSAs. Channelization of the 3.65 GHz Band and the use of sectorized antennas will ensure more efficient use of the spectrum and by limiting the amount of spectrum available per MSA, the FCC can ensure that the spectrum is not unnecessarily warehoused.

TowerStream Supports to Protection of Incumbent Satellite Operators

Although TowerStream acknowledges the potential of the 3.65 GHz band nationwide, especially in major markets, it also is aware of potential interference which may be caused to existing incumbent satellite operators. Accordingly, TowerStream continues to support the FCC's decision to protect these satellite operators and to require consent from these license holders prior to operating a terrestrial-based 3.65 GHz Band system within an FCC defined "precluded zone."

TowerStream, a leading provider of wireless broadband services in the United States, has seen the potential for the use of the 3.65 GHz Band, and urges the FCC to move expeditiously to affirm its current rules with minor modifications suggested herein. The promise of the 3.65 GHz

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Band and the rules previously enacted by the FCC will lead to immediate consumer benefit in greater broadband deployments and competition throughout the United States.

Respectfully Submitted,

/s/

Donald L. Herman, Jr.
Counsel for TowerStream

cc: Julius Knapp
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