

March 13, 2007

Mr. Julius P. Knapp
Chief, Office of Engineering and Technology
Federal Communications Commission
Washington, D.C. 20554

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

Dear Mr. Knapp:

On behalf of Tropos Networks, this letter urges the Commission to move forward to affirm its rules addressing operations in the 3650-3700 MHz band and to reject the pending petitions for reconsideration. Since the Commission's decision in 2005, significant effort has been directed and progress made to formulate open standards for the technology, equipment and applications in the band. This work has been pursued in reliance on the Commission's current rules. Resolving the pending petitions will increase investment to deploy systems and expand competitive broadband choice.

Tropos Networks provides wireless Wi-Fi technology delivering broadband access using unlicensed spectrum. In more than 500 deployments, contention based technology is providing wireless broadband over large geographic areas. Its MetroMesh architecture allows a network to be installed at substantial savings over legacy systems by eliminating costly backhaul and proprietary client devices. Tropos and its partners have emerged as facilities-based broadband providers in a market that lacks connectivity and competition. Tropos is the technology provider to EarthLink in its Philadelphia and Anaheim projects, and in the Google/EarthLink San Francisco project. The fully deployed Corpus Christi, Texas network covers more than 100 square miles and reaches 90% of the city's 277,000 residents; it is the world's largest multipurpose mesh network. In Philadelphia, 15 square miles of the 135 square mile system is now deployed. Deployment in Longmont, Colorado, covering 22 square miles, was completed in less than 90 days. The Alexandria, Virginia network will encompass 16 square miles of the city and provide affordable, high-speed Internet access for residents and visitors.

In its March 16, 2005 *Report and Order*¹ the Commission adopted licensing, service and technical rules governing the 3650-3700 MHz band. The rules allow for nationwide, non-exclusive licensing of fixed and base-station-enabled mobile terrestrial operations using technology with a contention-based protocol. The non-exclusive licensing approach requires users to share the band. The Commission's decision embraced a streamlined licensing mechanism with minimal regulatory requirements to encourage multiple entrants to stimulate rapid expansion of wireless broadband services -- especially in rural America. Tropos' experience affirms this premise.

Tropos has participated actively in the IEEE 802.11 standards process to implement the Commission's rules. As fully detailed in Cisco Systems' letter, the work of Task Group Y (TGY) approaches completion.² The work has leveraged existing technology and standards, reducing significantly the time needed to reach deployment, particularly in the area of broadband chipsets. The progress reflects robust cognitive radio feature functionality, including dynamic frequency selection and transmit power control. The Commission's affirmation of its current rules is critical for the investment and work needed to manufacture and deploy systems.

Advocacy urging that the Commission to reverse course and impose a licensed regime or a hybrid³ should be rejected. Tropos experience in the 2.4 GHz band with contention based technology combined with the TGY progress indicate that the current rules will afford a high standard QoS environment with metrics delivering broadband in urban, suburban and rural areas. The spectrum will be efficiently used. The licensed regime imposes enormous costs and deters innovation. The same is true of the recently submitted hybrid alternative that awards first in time providers interference protection from successor providers. The hybrid proposal essentially gives an incumbent eternal authority and protection without established operating parameters or competitive bidding. In contrast, the contention based environment, where entry costs are low, presents a proven cost effective means to deliver high quality broadband.

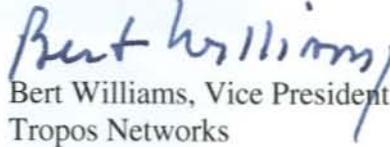
¹ In the Matter of Wireless Operations in the 3650-3700 MHz Band Rule for Wireless Broadband Service in the 3650-3700 MHz Band, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band Amendment of the Commission's rules with regard to the 3650-3700 MHz Government Transfer Band, *Report and Order and Memorandum Opinion and Order*, 20 FCC Rcd 6502, FCC 05-56 (March 16, 2005)

² *Ex Parte* Letter of Cisco Systems from Mary L. Brown, Senior Policy Counsel, Cisco Systems, to Marlene H. Dortch, Secretary of the Commission (August 21, 2006) and contained in ET Docket No. 04-151 and WT Docket No. 05-96.

³ *Ex Parte* Letter of Covad Communications Group, Inc. from James A. Kirkland, Senior Vice President, Covad, Marlene H. Dortch, Secretary of the Commission (October 17, 2006) and contained in ET Docket 04-151, WT Docket 05-96, ET Docket 02-380 and ET Docket 98-237.

The Commission's resolution of the pending reconsideration petitions is important. It will increase investment already committed and direct it to manufacturing and deploying the expanded broadband access the rules envision. Tropos urges the Commission to dismiss the pending petitions and affirm its current rules addressing operations in the 3650-3700 MHz band.

Respectfully,



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Copy to

Ms. Marlene H. Dortch, Secretary to the Commission

Ms. Geraldine Matisse, Chief, Policy Division, Office of Engineering and Technology