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By Electronic Filing

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

Re: ET Docket Nos. 04-186 and 02-380

Dear Ms. Dortch:

COMPTEL submits this *ex parte* filing to express its support for the licensed, fixed-use model for the TV bands white spaces set forth in the October 2, 2007 *White Paper* filed by FiberTower Corporation (“FiberTower”) and the Rural Telecommunications Group (“RTG”).¹ The TV bands white spaces are ideal for providing wireless backhaul and facilitating the development of much-needed competition in the ILEC-controlled special access market, and COMPTEL requests that the Commission license the TV bands for fixed use as soon as possible.

As COMPTEL repeatedly has indicated, there is a severe market failure in the special access market.² The Bell operating companies (particularly AT&T and Verizon) continue to exert market power over special access services through, among other things, price increases and less favorable terms and conditions of service. As a result, carriers are left with little choice but to pay exorbitant fees for special access services, including transport.³

By adopting the licensed, fixed-use model in the *White Paper*, the Commission can take advantage of a unique opportunity to facilitate competition in the special access transport market while simultaneously advancing its broadband deployment goal. As carriers have continued to deploy new broadband wireline and wireless services, the need for additional transport or

¹ “Optimizing the TV Bands White Spaces: A Licensed, Fixed-Use Model for Interference-Free Television and Increased Broadband Deployment in Rural and Urban Areas,” *Ex Parte* filing by FiberTower Corporation and Rural Telecommunications Group, Inc., ET Docket Nos. 04-186, 02-380 (filed Oct. 2, 2007) (“*White Paper*”).

² *See, e.g.*, Comments of COMPTEL, WC Docket No. 05-25 (Aug. 8, 2007); Reply Comments of COMPTEL, WC Docket No. 05-25 (Aug. 15, 2007); *Ex Parte* filing by COMPTEL, WC Docket No. 05-25 (filed Sept. 27, 2007).

³ *Ex Parte* filing by Sprint Nextel Corporation and T-Mobile USA, Inc., ET Docket Nos. 04-186, 02-380 (filed Jan. 3, 2008) (“*Sprint Nextel and T-Mobile January 3 Ex Parte*”).

backhaul – an “essential input”⁴ in broadband wireline or wireless networks – has increased dramatically. With carriers continuing to deploy new broadband wireline or wireless services, the need for quality, affordable wireless transport or backhaul services becomes more urgent with each passing day.

Authorizing the white spaces for licensed, fixed services (including wireless transport or backhaul) also will advance the Commission’s broadband policy goals. As FiberTower and RTG stated in the *White Paper*, using the TV bands for wireless transport or backhaul would help “new entrants and existing carriers to construct wireless networks across large regions of the country,” particularly in rural areas.⁵ As discussed in the *White Paper*, “because signals in the TV bands travel long distances relative to signals that transmit in higher bands, new licensees should be able to deploy robust and reliable high-capacity networks with sufficient backhaul capacity at a lower cost than options in other fixed wireless bands or wireline options.”⁶

Licensing the TV White Space spectrum for facilities-based backhaul will not solve the entire market failure in special access: the TV White Space spectrum is too irregularly allocated and, from a geographic and bandwidth standpoint, inconsistently available nationwide to serve as a true check on the Bell operating companies’ market power. Nevertheless, taking the small step of licensing the TV White Space spectrum for fixed, point-to-point uses may offer at least one alternative in certain locations and certain situations to the special access monopoly. Such an offering is better than having no alternative at all. While far short of a full answer to the special access dilemma, licensing the TV White Space spectrum may help reduce the cost of providing the services that use special access, which will benefit all consumers.

Respectfully Submitted,

/s/ Karen Reidy
Vice President, Regulatory Affairs

⁴ *Id.* at 1.

⁵ *White Paper* at 7.

⁶ *Id.* at 10. Other commenters also have noted that the propagation characteristics of the white spaces are ideal for wireless backhaul solutions. See *Sprint Nextel and T-Mobile January 3 Ex Parte* at 1 (stating that the TV bands “are well suited for the delivery of lower-cost and reliable wireless backhaul services”).