



**Law Offices of Bennet & Bennet, PLLC**

**Maryland**

4350 East West Highway, Suite 201  
Bethesda, Maryland 20814  
Tel: (202) 371-1500  
Fax: (202) 371-1558

**District of Columbia**

10 G Street NE, Suite 710  
Washington, DC, 20002

**Caressa D. Bennet\***

**Michael R. Bennet**

**Gregory W. Whiteaker**

**Marjorie G. Spivak\***

**Donald L. Herman, Jr. +**

**Kenneth C. Johnson‡**

**Howard S. Shapiro †**

**Daryl A. Zakov^**

**Robert A. Silverman**

**Technical Consulting Services**

**David A. Fritz**

**Judy Y. Deng**

\*Admitted in DC & PA Only

+Admitted in DC & AL Only

‡Admitted in DC, VA & FL Only

†Admitted in DC & VA Only

^Admitted in WA Only

June 4, 2008

**VIA ELECTRONIC DELIVERY**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Notice of Ex Parte Presentation**

**Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band (WT Docket No. 07-195) (AWS-3);**

**Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands (WT Docket No. 04-356)(AWS-2)**

Dear Ms. Dortch:

On June 4, 2008, Kirby Smith of Calaveras Telephone Company sent Electronic Mail messages, a copy of which is attached, regarding the above-referenced proceedings to the following Federal Communications Commission ("FCC" or "Commission") personnel:

Chairman Martin  
Commissioner McDowell  
Commissioner Adelstein  
Commissioner Copps  
Commissioner Tate

Aaron Goldberger  
Angela Giancarlo  
Renee Crittendon  
Bruce Gottlieb  
Wayne Leighton

Please contact the undersigned counsel should you have any questions.

Respectfully submitted,

*/s/ Gregory W. Whiteaker*

Gregory W. Whiteaker

Attachment

June 4, 2008

Mr. Kevin Martin Chairman  
Federal Communications Commission

Subject: Opposition to Planned FCC Order re AWS-2 & 3 Bands

Dear Mr. Martin:

We are writing to express our **strong opposition** to what is reported to be the FCC's plan to issue an order reducing the amount of spectrum available for small and rural companies in the AWS-2 Band, and adopting rules requiring the nationwide licensee of the AWS-3 Band to provide "free," broadband service. It has been widely reported that the FCC plans to issue such an order at its June 12<sup>th</sup> meeting.

We vigorously oppose the FCC's plan to reduce the amount of AWS-2 spectrum available, and to require the AWS-3 licensee to provide "free" broadband service. Such a plan, however well intentioned, will only hamper broadband deployment by destabilizing the marketplace and deterring investment in rural broadband deployment. How will a small or rural company acquire funding to deploy a system if it faces the prospect of competing with free service from a nationwide carrier—a carrier heavily subsidized with inexpensive spectrum. The FCC should not engage in this type of "designer spectrum allocation," crafting rules to require or benefit one specific business model of the FCC's choosing.

We ask that you encourage the FCC to carefully consider its procedural options before embarking on this very risky and potentially destructive path. If the FCC wants to consider the reported plan, it should do so by adopting a further notice of proposed rulemaking and seeking public comment and a thorough evaluation of the risks and potential unintended consequences of its actions.

Thank you for your consideration and attention to this matter.



Kirby L. Smith  
Director of Finance