

**BEFORE THE
FEDERAL COMMUNICATIONS Commission
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of the)	WT Docket No. 03-66
Commission's Rules to Facilitate the Provision of Fixed)	RM-10586
and Mobile Broadband Access, Educational and Other)	
Advanced Services in the 2150-2162 and 2500-2690)	
MHz Bands)	

**SUPPORT FOR PETITION FOR STAY AND PETITION FOR
RECONSIDERATION OF WIRELESS COMMUNICATIONS ASSOCIATION
INTERNATIONAL, INC.**

C&W Enterprises, Inc. ("C&W"), hereby advocates its support to the Petition For Reconsideration and Petition for Stay filed by the Wireless Communications Association International, Inc. ("WCA") filed June 9, 2008 ("WCA Petitions"), in the above-referenced proceeding¹ ("Third Reconsideration Order"). C&W holds several licenses issued by the Federal Communications Commission ("FCC"), including several Broadband Radio Service ("BRS") licenses and is the lessee of all of the Educational Broadband Service ("EBS") licenses in and around the San Angelo, Texas metropolitan area. C&W has been using these BRS and EBS channels to operate a video system, which has been operating since 1991 and currently serves approximately 6500 viewers, as well as a data service, which it began operating in 2001 and which currently serves over 2270 subscribers. The business is operated by family members who have a personal interest in serving their community and the outer-lying rural areas of San Angelo.

At least one of the EBS leases held by C&W and which is used to operate its video service has been affected by the FCC's Third Reconsideration Order and its ruling

¹ *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, Third Order on Reconsideration and Sixth Memorandum Opinion and Order and Fourth Memorandum Opinion and Order and Second Further Notice of Proposed Rulemaking and Declaratory Ruling, 23 FCC Rcd 5992 (2008), 73 Fed. Reg. 26032 (May 8, 2008).

that the lease term for leases executed prior to January 10, 2005, be limited to 15 years from the date of execution. Before the Commission's ruling, both C&W and the EBS licensee believed that the lease term started and would be measured from the commencement of operations on the channels, which occurred a month after the FCC granted the license. Under the FCC's recent ruling, however, the EBS licensee is trying to terminate its lease, which if such act occurs, would have a devastating impact on C&W's ability to continue to provide a competitive video programming service. C&W has always strived to comply with the Commission's rules in order to operate its systems and has worked to overcome many hurdles to maintain its operations, even when other operators failed to do so. Therefore, a ruling such as the one issued in the Third Reconsideration Order that suddenly redefines the measurement of a lease term retroactively, despite the understanding of both parties to such leases to the contrary for over a decade, is both a surprise and has created a tremendous hardship on C&W that it hopes the FCC will reconsider its decision.²

Accordingly, C&W advocates its support for the arguments and relief requested in the WCA's Petition for Reconsideration³ and Petition for Stay and hopes the FCC reconsiders its position on these important matters.

Respectfully submitted,

C&W Enterprises, Inc.

By /s/ John W. Jones, Jr.
John W. Jones, Jr.
CEO

June 16, 2008

² Because of the FCC's ruling, C&W has already had to expend valuable time and legal funds supporting its position both to the EBS licensee and to the FCC and is uncertain as to the future of its video service.

³ C&W also advocates its support for post-transition operation on the 2.1 GHz channels as also requested in the WCA's Petition for Reconsideration.