



June 27, 2008

The Honorable Kevin J. Martin  
Chairman

The Honorable Deborah Taylor Tate  
Commissioner

The Honorable Robert M. McDowell  
Commissioner

The Honorable Michael J. Copps  
Commissioner

The Honorable Jonathan S. Adelstein  
Commissioner

Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Dear Chairman Martin and Commissioners:

As a wireless broadband service provider seeking alternative spectrum for deployment of service in rural communities, DigitalBridge Communications Corp. ("DBC") has a keen interest in accessing and using Wireless Communications Service ("WCS") spectrum. We ask the Commission to complete the over-10-year-old rulemaking to adopt final technical rules for WCS and the satellite Digital Audio Radio Service ("SDARS")<sup>1</sup> so that the spectrum can be used for mobile wireless broadband as well as fixed. Thereafter, viable equipment for the WCS band can be developed and wireless broadband services over WCS spectrum can be deployed to consumers nationwide, particularly those in rural and underserved areas.

DBC urges the Commission to seriously consider completing this rulemaking as it considers the XM-Sirius merger. Once the merger is approved, there may be less flexibility in implementing solutions. The significant delay in adopting final technical rules for WCS and SDARS already has, unquestionably, hindered wireless broadband deployments in the United States compared to, for example, Korea where the same frequency band is used by Korea Telecom for the largest WiMAX network deployment in the world today. The lack of regulatory certainty in the United States has caused equipment vendors to make limited investment in WCS product development, and it has been difficult for DBC to secure access to WCS spectrum. Depending on the complexity of implementing the technical rules established by the Commission, our vendors have stated that the availability of network products and end-user devices can range from 12 to 24 months from the date that technical rules are published.

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<sup>1</sup> Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, Notice of Proposed Rulemaking and Second Further Notice of Proposed Rulemaking, FCC 07-215 (rel. Dec. 18, 2007).



DBC's mission is to provide wireless broadband services to small, rural communities nationwide using WiMAX technology. DBC already has 14,000 wireless broadband customers in rural markets across the country. In June 2007, DBC launched the first commercial WiMAX system in the United States in Rexburg, Idaho using EBS and BRS spectrum. DBC also provides wireless broadband services using EBS and BRS spectrum in Idaho Falls, Idaho; Pocatello, Idaho; Rexburg, Idaho; Sun Valley, Idaho; Twin Falls, Idaho; Connersville, Indiana; Liberty, Indiana; Richmond, Indiana; Washington, Indiana; Vincennes, Indiana; Butte, Montana; Missoula, Montana; and Sioux Falls, South Dakota. Building on the advantages of WiMAX economics, DBC has developed a highly scalable network with a variable-cost-based back office platform that enables DBC to bring broadband to rural communities nationwide in the most cost-efficient manner.

DBC believes that WCS spectrum is critical to the continued, timely deployment of broadband service to rural America. Unlike other spectrum bands, WCS spectrum is otherwise unencumbered for wireless broadband deployments today. For example, it may take many years before 700 MHz spectrum is viable because of incumbent issues. WCS spectrum also is attractive because there are a number of existing and planned deployments around the globe that will make WCS spectrum an important international band and will facilitate roaming and increased economies of scale for all operators. Technical rules that are harmonized with international use will ensure the availability of competitive wireless broadband products in the United States that will have the right economies of scale for rural WCS deployments.

DBC's business success in rural markets is a prime example of the great demand for broadband in rural communities. Utilization of WCS spectrum is one of the most feasible near term spectrum solutions to meet the pent-up demand for rural broadband. The void in final technical rules for WCS is critically impacting DBC's ability to timely expand its wireless broadband service offerings for the benefit of consumers in rural and underserved markets. DBC respectfully requests that the Commission complete the WCS-SDARS rulemaking now.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Kelly Dunne", is written over a light blue horizontal line.

P. Kelly Dunne, Chief Executive Officer  
DigitalBridge Communications Corp.

Cc: The Honorable Daniel K. Inouye  
Chairman, Senate Commerce, Science and Transportation Committee  
  
The Honorable Edward J. Markey  
Chairman, Telecommunications and the Internet Subcommittee  
House Energy and Commerce Committee