



CITY OF GILLETTE

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July 1, 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:

We are writing to urge the Commission to conclude the rulemaking pursuant to which final technical rules are under consideration for the Wireless Communications Service (“WCS”) and the satellite Digital Audio Radio Service (“SDARS”).¹ As a city seeking to rollout wireless broadband service in rural Wyoming, the city of Gillette is eager to gain access to spectrum for mobile broadband services, including WCS spectrum for future deployments.

The WCS-SDARS rulemaking has been pending for over 10 years. While we understand the Commission’s focus on the XM-Sirius merger, the Commission cannot overlook that XM, Sirius, WCS licensees and wireless broadband service providers all need an end to the rulemaking so that WCS and SDARS spectrum can be actively and lawfully used to serve the public.

The city of Gillette has a very small population of 30,636. With NextWave’s WCS spectrum, the city plans to provide mobile municipal applications to its public safety community. Gillette also plans to use WCS spectrum for internal municipal operations and automation, such as meter reading and building inspections. The city plans to begin construction of its municipal broadband network beginning as early as July 2008 and hopes to deploy broadband services by the end of September 2008. The city expects that its municipal broadband deployments powered by NextWave’s superior technology can bridge the network gap, affording our public safety personnel a much needed tool to keep our community safe. Similarly, more flexible rules for the WCS spectrum would allow us to provide better services to city residents. There is a tremendous

¹ *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).

June __, 2008

Page 2

need for wireless broadband services in small, underserved areas in Wyoming, and the need for more wireless broadband spectrum for deployments, particularly WCS spectrum.

WCS spectrum, unlike 700 MHz spectrum, is unencumbered and is positioned to become a key international band that will provide cities like Gillette with greater opportunities, including roaming. By harmonizing the technical rules for WCS with international spectrum use, the Commission can ensure that these advantages are realized.

Gillette is seeking to enter into a partnership with NextWave Wireless Inc. because NextWave offer a spectrally efficient multimedia wireless broadband technology that enables next-generation, mobile broadband networks using NextWave's WiMAX baseband chipsets and multi-band RFICs in various end-user devices along with a range of mobile broadband network products (such as TD-CDMA, WiMAX, or LTE) to provide for a turn-key mobile "triple-play" service in the rural areas. The quality and reach of our wireless broadband service offerings, particularly to the public safety community, will be greatly enhanced by NextWave's technology. Gillette also is interested in utilizing NextWave's WCS spectrum for future deployments, and is therefore eager for the final technical rules for the spectrum to be issued.

The time for completing the WCS-SDARS rulemaking is now. Wireless broadband service providers, WCS licensees, XM and Sirius all should be afforded the opportunity to move forward with confidence to execute their business plans involving either WCS or SDARS spectrum.

Sincerely,



/s/

Name Duane Evenson

Title Mayor

City of Gillette, Wyoming

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