

July 9, 2008

The Honorable Kevin J. Martin  
Chairman  
The Honorable Robert M. McDowell  
Commissioner

The Honorable Deborah Taylor Tate  
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:

I am writing to urge the Commission to conclude the Wireless Communications Service (“WCS”) and the Satellite Digital Audio Service (“SDARS”) rulemaking and to issue final technical rules.<sup>1</sup> US Wirefree is a broadband service provider hoping to expand its service offering and is therefore eager to utilize WCS spectrum which is particularly suited for mobile broadband services.

US Wirefree believes that WCS spectrum is critical to the continued, timely deployment of broadband service in 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. Additionally, there are a number of existing and planned deployments around the world that will make WCS spectrum an important international band and will facilitate roaming and increased economies of scale. Technical rules that are harmonized with international use will ensure the availability of competitive wireless broadband products in the United States with economies of scale for rural WCS deployments.

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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).*

We urge 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 has already hindered wireless broadband deployments in the United States compared to other countries. 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 US Wirefree to secure access to WCS spectrum.

US Wirefree respectfully requests that the Commission complete the WCS-SDARS rulemaking now, making it possible for the full value of WCS spectrum to be realized.

Sincerely,

/s/

John Mayse, President and CEO  
US Wirefree