

October 24, 2008

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: ET Docket Nos. 04-186; 02-380

Dear Ms Dortch:

The Rural Telecommunications Group, Inc. (“RTG”), the National Telecommunications Cooperative Association (“NTCA”), and the Rural Independent Competitive Alliance (“RICA”) submit this *ex parte* filing to urge the Commission to confront the critical shortage of wireless broadband services in rural areas by licensing the TV bands white spaces for fixed services. As set forth by RTG and FiberTower Corporation (“FiberTower”) in their *Optimizing the TV Bands White Spaces* white paper,¹ which has been supported by Sprint Nextel, T-Mobile, NTCA, and COMPTTEL,² a licensed, fixed approach would boost backhaul deployment and broadband access in rural areas while ensuring that incumbent operations in the TV bands are protected against harmful interference.

There is a critical shortage of broadband access in rural areas. Congress has recognized this serious problem and recently passed the Broadband Data Improvement Act, which requires the Commission to issue an annual report on the availability and capabilities of broadband services across the United States and authorizes the Department of Commerce to award grants to state governments to create broadband availability maps.³ Carriers face unique challenges in rural areas, including sparse populations, difficult terrain, and lower income levels, all of which

¹ “Optimizing the TV Bands White Spaces: A Licensed, Fixed-Use Model for Interference-Free Television and Increased Broadband Deployment in Rural and Urban Areas,” *Ex Parte* filing by FiberTower Corporation and Rural Telecommunications Group, Inc. ET Docket Nos. 04-186, 02-380 (filed Oct. 2, 2007) (“*White Paper*”).

² *Ex Parte* filing by Sprint Nextel Corporation (“Sprint Nextel”) and T-Mobile USA, Inc. (“T-Mobile”), ET Docket Nos. 04-186, 02-380 (filed Jan. 3, 2008) (“Sprint Nextel and T-Mobile January 3 *Ex Parte*”); *Ex Parte* filing by the National Telecommunications Cooperative Association, ET Docket Nos. 04-186, 02-380 (filed Mar. 6, 2008) (“NTCA *Ex Parte*”); *Ex Parte* filing by COMPTTEL, ET Docket Nos. 04-186, 02-380 (filed May 9, 2008).

³ See S. 1492, 110th Cong. (signed by the President on Oct. 10, 2008).

can hinder deployment.⁴ As noted by other parties, rural carriers also are facing “particularly urgent needs for access to low-cost, long-range spectrum to expand and upgrade their service offerings,” further inhibiting broadband deployment in rural areas.⁵ In addition, rural carriers are contending with a significant shortage of backhaul availability—an “essential input” in wireless broadband services.⁶ Not only is it essential that the Commission do all it can to increase rural broadband deployment, but time is of the essence.

Fortunately, the Commission can act now to overcome these barriers by licensing the TV Bands white spaces for fixed use. The white spaces are particularly well-suited for boosting broadband deployment in rural areas, and a licensed, fixed approach would encourage carriers to construct and deploy wireless networks across large regions of the country.⁷ As NTCA has stated, the TV Bands white spaces are “well suited for the delivery of lower-cost and reliable fixed wireless services to rural consumers.”⁸

The excellent propagation characteristics of the TV Bands spectrum ensure that “[f]ewer towers are needed to cover greater distances than with other spectrum,”⁹ facilitating build-out and the availability of new services in rural areas. With lower build-out expenses, services can be deployed at lower costs in rural areas. Thus, through a licensed, fixed approach, the Commission can ensure that carriers have the ability to “serve critical rural broadband access needs immediately and cost-effectively.”¹⁰ In addition, by promoting more affordable broadband services in this challenging economic environment, the Commission can promote and assist small businesses operating in rural America. To avoid hindering rural deployment, the Commission also should not auction the TV Bands white spaces spectrum. Instead, the Commission should license the spectrum under an approach similar to Part 101 of its rules and encourage small providers serving rural communities to use their limited resources for deploying and providing broadband services.

Moreover, because much of the TV Bands white spaces spectrum remains unused in rural areas, licensed, fixed use of this spectrum poses less risk of harmful interference to incumbent operations. In fact, broadcasters repeatedly have expressed their support for rural broadband deployment, stating that such deployment “is being delayed” while the FCC waits for the proponents of unlicensed use “to develop workable technology.”¹¹ In a recent *ex parte*, MSTV also reiterated that fixed services can coexist safely with incumbent operations, explaining that MSTV “has been on record for over a year that rural broadband fixed services, if properly engineered, can be safely inaugurated in the TV white spaces.”¹²

⁴ See NTCA *Ex Parte* at 1.

⁵ *Ex Parte* filing by RTG, FiberTower, Sprint Nextel, and COMPTTEL, ET Docket Nos. 04-186, 02-380, at 2 (filed Jun. 25, 2008).

⁶ Sprint Nextel and T-Mobile January 3 *Ex Parte* at 1; see also *Ex Parte* filing by RTG, FiberTower, Sprint Nextel, T-Mobile, and NTCA, ET Docket Nos. 04-186, 02-380, at 1-2 (filed Mar. 31, 2008).

⁷ See *White Paper* at 7.

⁸ NTCA *Ex Parte* at 1.

⁹ *Id.*

¹⁰ *Ex Parte* filing by RTG, FiberTower, and Sprint Nextel, ET Docket Nos. 04-186, 02-380, at 3 (filed Oct. 9, 2008).

¹¹ See *Ex Parte* filing by MSTV, ET Docket Nos. 04-186, 02-380, at slide 2 (filed Oct. 9, 2008).

¹² *Ex Parte* filing by MSTV and Aloha Partners, Inc., ET Docket Nos. 04-186, 02-380 (filed Oct. 9, 2008).

Licensing the TV Bands white spaces expeditiously for fixed use also would advance several of the Commission’s key goals in this proceeding. It would provide for “more efficient and effective use” of the TV Bands spectrum, as currently fallow spectrum could be used to provide innovative wireless broadband services to consumers in rural areas.¹³ It also would allow service providers to “reach new customers” and accelerate the availability of broadband Internet access and other innovative wireless services available to consumers in rural areas, without disrupting existing operations.¹⁴ For these reasons, the Commission should license the TV Bands white spaces for fixed services – as soon as possible – and do all that it can to support rural broadband deployment.

Respectfully Submitted,

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¹³ See, e.g., *Unlicensed Operation in the TV Broadcast Bands*, Notice of Proposed Rulemaking, 19 FCC Rcd 10018, ¶¶ 1, 8 (2004) (“*NPRM*”); see also *Unlicensed Operation in the TV Broadcast Bands*, First Report and Order and Further Notice of Proposed Rulemaking, 21 FCC Rcd 12266, ¶ 1 (2006) (“*R&O and Further Notice*”).

¹⁴ See, e.g., *NPRM* at ¶ 1; *R&O and Further Notice* at ¶¶ 1, 13.