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VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation
ET Docket Nos. 04-186, 02-380**

Dear Ms. Dortch:

On October 27, 2008, Joseph M. Sandri, Jr., Senior Vice President of Government and Regulatory Affairs for FiberTower Corporation (“FiberTower”); Richard B. Engelman, Director, Spectrum Resources, Government Affairs for Sprint Nextel Corporation (“Sprint Nextel”); Caressa D. Bennet of Bennet & Bennet, PLLC, General Counsel for the Rural Telecommunications Group (“RTG”); David Fritz on behalf of RTG; Karen Reidy, Vice President, Regulatory Affairs, COMPTTEL; and Michele C. Farquhar of Hogan & Hartson, LLP, Special Counsel to FiberTower and RTG, met with Commissioner Jonathan Adelstein and his legal advisor Renee Crittendon.

During the meeting, the parties discussed their positions regarding the optimal utilization of the TV bands white spaces, as described in previous filings in this proceeding and the attached one-page paper. Specifically, the parties noted the benefits of licensed use of this spectrum, including the exceptional propagation features of the TV white spaces (which are ideal for lower-cost backhaul over much longer distances), the promotion of build-out in rural areas, and the enhanced protection of incumbents through greater certainty and accountability, as well as the off-the-shelf availability of fixed point-to-point backhaul equipment and the speed with which this equipment could be deployed. The representatives also noted that if the Commission decides to allow some unlicensed use of the TV bands white spaces, it could adopt a “staged” deployment with immediate licensed use in some portions of the spectrum followed later by unlicensed use (once the unlicensed proponents have demonstrated that they will not cause interference to incumbent operators).

At a minimum, the parties noted that the FCC should consider adopting a narrowly tailored approach, similar to the Canadian Remote Rural Broadband Systems model, and set aside approximately six channels in the TV bands white spaces for fixed licensed use in rural areas to ensure that wireless backhaul facilities will be available for both unlicensed and licensed services to facilitate rural broadband access. The parties also stressed the importance of addressing or at least raising the issue of allowing some fixed licensed backhaul use in the forthcoming order, even as a tentative conclusion or as part of a further notice. The Commission should not miss this opportunity to bring the many benefits of the TV bands white spaces spectrum to rural America.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed via ECFS with your office.

Respectfully submitted,

/s/ Michele C. Farquhar

Michele C. Farquhar
Counsel to Sprint Nextel Corporation
Special Counsel to FiberTower Corporation
and Rural Telecommunications Group, Inc.

cc: Commissioner Adelstein
Renee Crittendon

Benefits of Fixed Licensed Use of the TV Bands White Spaces

The FCC's notices in this proceeding all highlight the potential benefits of increased broadband access and competition, and the 2006 *FNPRM* specifically sought comment on whether to license the TV white spaces. Last October, FiberTower and RTG submitted a white paper (which was later endorsed by Sprint Nextel, T-Mobile, NTCA, and COMPTTEL) that described the many benefits of licensed use of the TV white spaces to provide much-needed broadband services. Fixed licensed use of the TV white spaces can serve critical rural broadband access needs immediately and cost-effectively, without interference to incumbents and without precluding other uses.

All Broadband Providers Require Backhaul – ALL mobile broadband networks – unlicensed as well as licensed – rely on backhaul infrastructure, and by far the most cost-effective backhaul in rural areas can be provided by wireless fixed licensed point-to-point systems. Backhaul infrastructure must be built before consumers can benefit from innovative new unlicensed and licensed broadband networks and devices. The unlicensed mobile proponents may not know about the critical need for installing backhaul before they can activate their own proposed networks, because none of them operate a mobile broadband network.

Critical Need for Cost-Effective Long-Range Backhaul Solution in Rural Areas – This spectrum is particularly well-suited for licensed use given its long-range propagation characteristics, allowing coverage of much longer distances – up to 70 miles – compared to 12 miles at most with current spectrum. Most TV white spaces availability is in rural areas, and rural carriers especially need access to lower cost (longer range) spectrum to expand and upgrade their service offerings to their rural customers and those traveling in rural America. Looming build-out deadlines for 700 MHz and other wireless services increase the urgency of this need.

Immediate Use of Spectrum – Unlike unlicensed devices (requiring further testing and development), fixed backhaul equipment is available off-the-shelf now and can be easily adapted for use in the TV white spaces, and the 6 MHz bandwidth of TV channels is well suited and scalable for this use.

Protection of Incumbents – Licensed use allows far greater certainty and protection of the many incumbents in this band, particularly broadcasters, as well as greater accountability.

Benefits to Consumers – Consumers will benefit from faster deployment of new licensed wireless broadband services, especially in rural areas, as well as the related cost savings of cheaper backhaul. Consumers will also benefit from reduced potential interference to their TV receivers with licensed use.

Other Unlicensed or Licensed Uses Not Precluded – Fixed licensed use is fully compatible with allowing unlicensed or other licensed uses of the TV white spaces, and the FCC can use a gradual or phased licensing process to allow immediate use of some of the spectrum for fixed licensed services, possibly targeted to more rural areas (similar to Canada's Remote Rural Broadband Systems licensing approach), where availability of TV white spaces spectrum is greatest and well-matched to the most immediate needs.