



December 10, 2008

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, TW-A325  
Washington, D.C. 20554

***Ex Parte Notice:***

***In the Matter of Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, WT Docket No. 07-195***

***In the Matter of Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, WT Docket No. 04-356***

Dear Ms. Dortch:

On Wednesday, December 10, 2008, Jill Canfield of the National Telecommunications Cooperative Association (NTCA) met with Commissioner Tate to discuss a reported FCC plan to auction certain Advanced Wireless Services (AWS)-2 and AWS-3 spectrum blocks as a single nationwide license with a requirement that the licensee provide free broadband service. NTCA stated that mandating the AWS-3 band licensee to provide free broadband service would place rural incumbent local exchange carriers' broadband service offerings at a competitive disadvantage and would discourage further investment in rural broadband infrastructure. NTCA discussed the licensing of the spectrum on the basis of Cellular Market Areas, providing rural wireless carriers a realistic opportunity to participate in an auction.

Rural Carriers are doing a commendable job of rolling out broadband to their rural communities, as evidenced by NTCA's annual broadband survey (attached).<sup>1</sup> One hundred percent of the 2008 survey respondents offer broadband to some part of their customer base, using a variety of technologies, including digital subscriber line, fiber to the home or fiber to the curb, unlicensed wireless, licensed wireless, satellite and cable modem. The prices charged for wired broadband service ranged from \$34.95 per month to \$44.95 per month. Ninety-three percent of survey respondents indicated that they face broadband competition from at least one other service provider in a portion of their territory. But of those facing competition, the majority face it only in the cities and towns. Competitors focus their efforts on capturing the most profitable customers, but NTCA's members are dedicated to providing broadband to all rural consumers. The Commission's proposed AWS-3 rules will do nothing to increase service to rural consumers,

<sup>1</sup> At the time of NTCA's survey, the Commission defined broadband as 200 kbps in one direction.



offers no opportunity for small carriers to obtain spectrum to offer rural service and will undermine the current broadband rollout efforts of rural service providers.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. If you have any questions, please do not hesitate to contact me at 703-351-2020.

Sincerely,

/s/ Jill Canfield  
Jill Canfield  
Senior Regulatory Counsel  
Legal and Industry

cc: Commissioner Tate