

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	AU Docket No. 09-56
)	DA 09-843
Auction of Broadband Radio Service (BRS))	
Licenses Scheduled For October 27, 2009)	
)	
Comment Sought on Competitive Bidding)	
Procedures for Auction 86)	

Comments of Utopian Wireless Corporation

Utopian Wireless Corporation (“Utopian”) submits these brief comments in response to the Public Notice in which the Wireless Telecommunications Bureau (“Bureau”) announced an auction of licenses for unassigned Broadband Radio Service (“BRS”) spectrum (“BRS Auction”) and sought comments on procedures for that auction.¹ Utopian fully supports the Bureau’s proposed procedures for the BRS Auction, and urges the Bureau to commence the auction as early as possible.

Utopian is a fourth generation wireless broadband (“4G”) service provider founded in 2006 on the premise of bringing 4G access to unserved and underserved areas throughout the nation. To this end, Utopian has acquired licensed and leased spectrum rights in the 2.5 GHz spectrum covering hundreds of unserved and underserved markets throughout the United States.² As lessee, Utopian has partnered with local public and private K-12 schools, institutions of higher learning, and non-profit organizations in these markets, and has committed to providing these local educational and non-profit entities free services on its network. Utopian is excited by

¹ Public Notice, *Auction of Broadband Radio Service (BRS) Licenses Scheduled For October 27, 2009: Comment Sought on Competitive Bidding Procedures For Auction 86*, DA 09-843, AU Docket No. 09-56 (rel. Apr. 24, 2009).

² See Map of Utopian’s current 2.5GHz Geographic Service Area (“GSA”) Coverage accessible at <http://utopianwireless.com/coverage.html>.

the prospect of increasing its 2.5 GHz spectrum coverage by participating in the upcoming BRS Auction so that the company can deploy services across a larger U.S. footprint.

The Bureau should not delay in commencing the auction. Ideally, the BRS Auction will coincide with the National Telecommunications and Information Administration's ("NTIA") and Rural Utilities Service's ("RUS") application processes for federal broadband funding,³ allowing auction winners to pursue funding to build out their BRS Stations. In order to demonstrate to NTIA and RUS that they are capable of quickly deploying broadband services to rural, unserved, and underserved areas, potential applicants to the federal funding programs will want first to acquire rights to licensed broadband spectrum in their proposed project area. As the uses of BRS include high-speed, high-capability broadband service, the BRS Auction will provide many potential NTIA and RUS funding applicants with a unique opportunity to secure the necessary broadband spectrum rights. Because the NTIA and RUS application windows are quickly approaching,⁴ Utopian proposes that the Bureau schedule all pre-auction related filings to meet a deadline for the BRS Auction to actually commence no later than October 27, 2009, or earlier. That way, winning BRS Auction applicants will have enough time to apply for federal funding to help build out newly acquired BRS stations in unserved and underserved areas.

³ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009) ("Recovery Act"). The Recovery Act creates two broadband stimulus programs: the Broadband Technology Opportunities Program administered by NTIA, and the Distance Learning, Telemedicine, and Broadband Program administered by RUS.

⁴ Section 6001(d) of the Recovery Act directs NTIA to "establish and implement the grant program as expeditiously as practicable; [and] ensure that all awards are made before the end of fiscal year 2010."

For the foregoing reasons, Utopian supports the Bureau's procedures and urges it to commence the BRS Auction as early as possible.

Respectfully Submitted,

UTOPIAN WIRELESS CORPORATION

By 

V. Noah Campbell
Director
Tel: (240) 821-9700, ext. 207
vcampbell@utopianwireless.com

May 15, 2009