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August 7, 2009

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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 August 6, 2009, Joseph M. Sandri, Jr., Senior Vice President of Government and Regulatory Affairs for FiberTower Corporation (“FiberTower”); Richard Engelman, Director, Spectrum Resources-Government Affairs, Sprint Nextel Corporation; Karen Reidy, Vice President, Regulatory Affairs, COMPTEL; and Michele C. Farquhar of Hogan & Hartson, LLP, Special Counsel to FiberTower and the Rural Telecommunications Group, Inc., met with David Goldman in Chairman Genachowski’s office and with James Schlichting, Aaron Goldberger, and Paul D’Ari of the Wireless Telecommunications Bureau.

During the meeting, the representatives discussed their Request for Expedited Consideration of their Petition for Reconsideration, filed in this proceeding on July 14, 2009, as well as the attached slides. The parties noted the opportunities presented by the Administration’s broadband stimulus funding programs to alleviate the critical shortage of “middle mile” broadband facilities -- particularly in unserved and underserved areas, including rural areas. Specifically, the parties noted the benefits of licensed use of the TV Bands White Spaces (“White Spaces”), including the exceptional propagation features of the band (which are ideal for lower-cost backhaul over much longer distances and offer significant cost savings compared to other spectrum bands), 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.

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

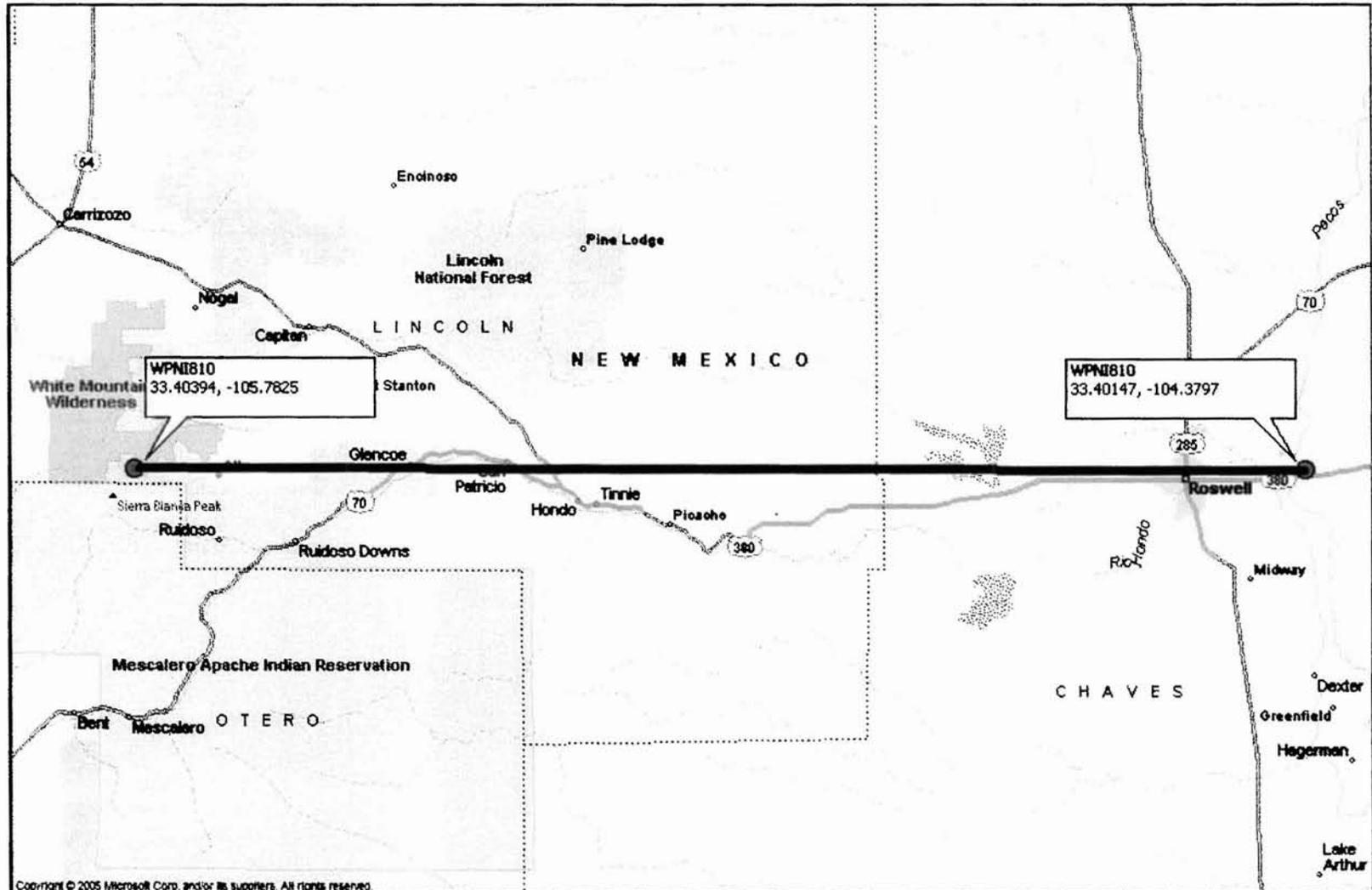
Respectfully submitted,

/s/ Michele C. Farquhar

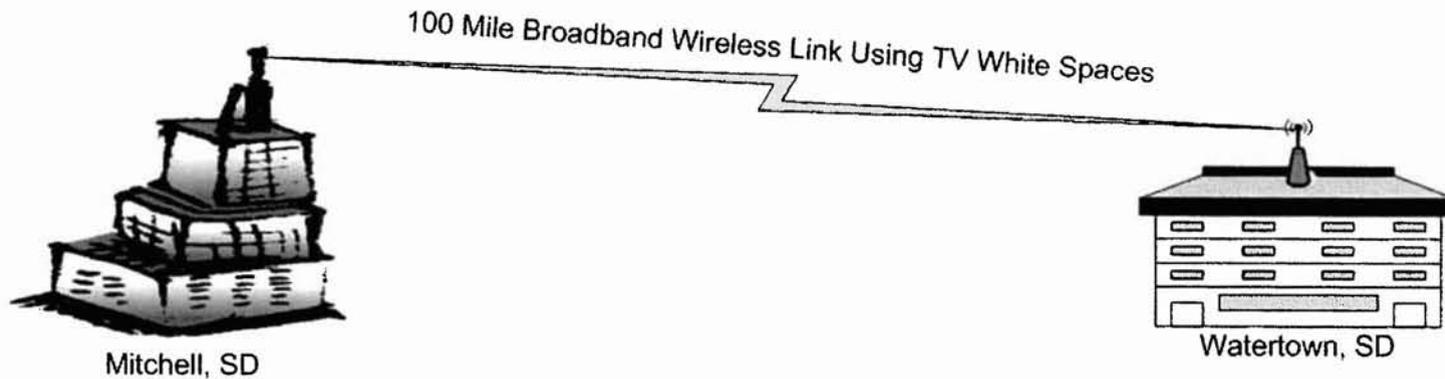
Michele C. Farquhar
Counsel to Sprint Nextel Corporation
Special Counsel to FiberTower Corporation
and Rural Telecommunications Group, Inc.

cc: David Goldman
James Schlichting
Aaron Goldberger
Paul D'Ari

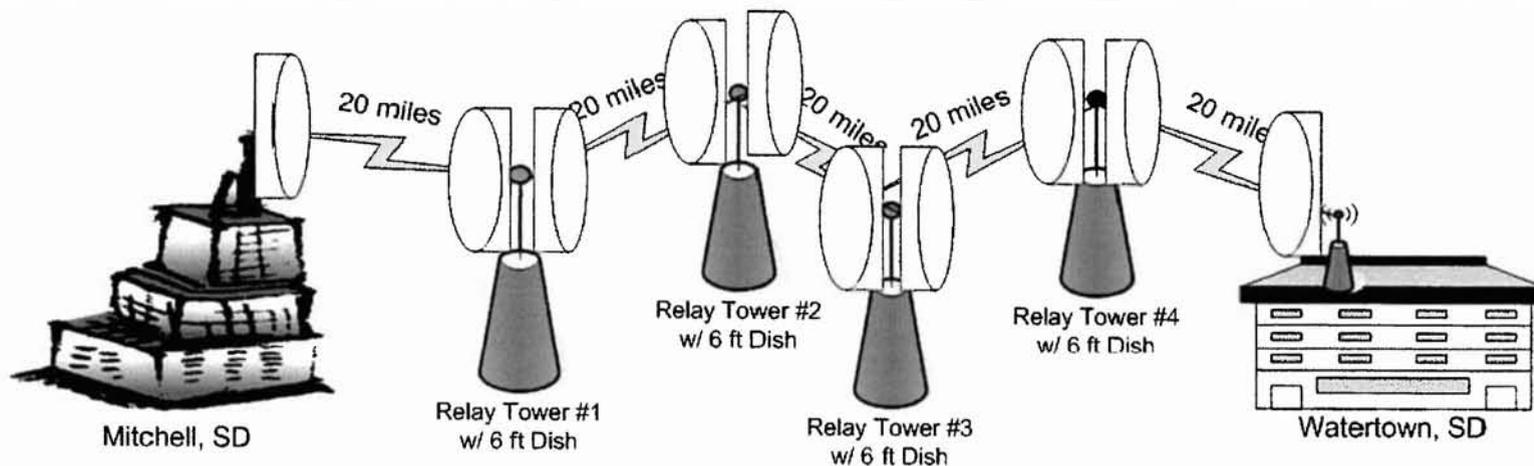
BAS Fixed wireless link (WPNI810) – 80.5 miles



100 Mile broadband connection cost comparison



100 Miles using TV White Spaces (450-698 MHz): Small lightweight grill-style antenna fits on building/tower. Cost <\$100,000-200,000



6 GHz or 3.65 GHz . Total cost: >\$3million. Fiber Optic costs even more!

3.65 – 3.7 GHz Coverage: Perforated with “Holes”

“Lightly Licensed” Fails to Meet Government and Commercial SLAs



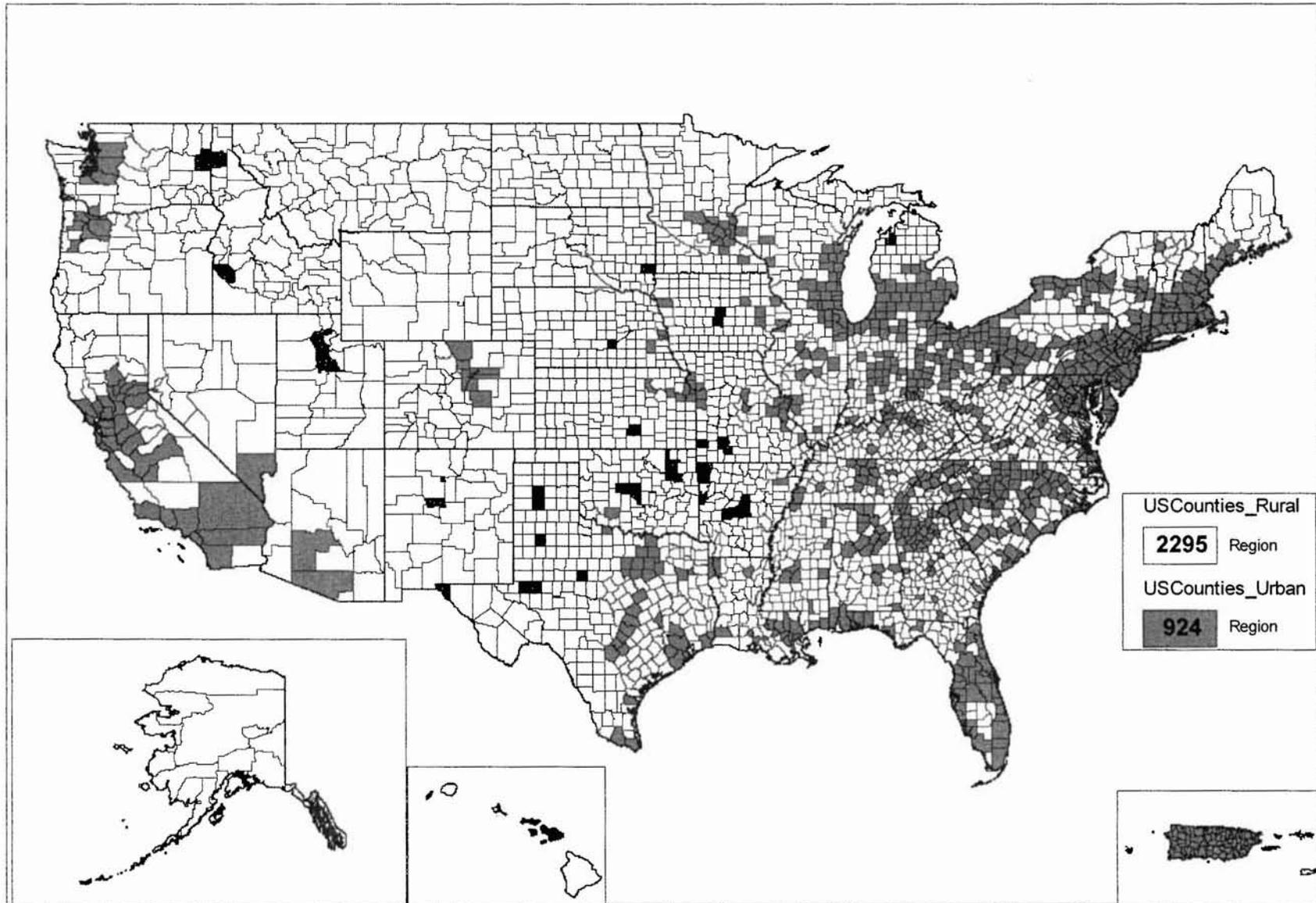
Small dark gray circles = Federal Government stations
Large light gray circles = Grandfathered FSS stations
Not displayed, Guam FSS stations

Federal Communications Commission
Office of Engineering And Technology

Issues

- Recent FCC order allows low powered fixed systems
- FCC action needed for higher powered systems
 - 4 of 5 FCC Commissioners issued statements supporting higher powered systems for rural backhaul
- Technical Agreement exists that protects all incumbents
 - 2nd “Vacant” Adjacent Channel
- Supporters: Rural Telecom Group, Sprint, Comptel, etc.
- Others who seek to use the TV White Spaces for mobile unlicensed worried that allowing licensed use opens the door for big auctions
 - Auctions not required
 - Abundant spectrum available in the rural areas
 - Leave room for unlicensed
 - Solution: Limit high powered fixed service on a link-by-link basis to specific vacant channels.
 - Canada already does this. It works!

US County Population Density Urban/Rural



Note: Urban = POP Density \geq 100 pers/sqmi , Rural = POP Density $<$ 100 pers/sqmi