

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of)	
the Commission's Rules to Facilitate the)	WT Docket No. 03-66
Provision of Fixed and Mobile Broadband)	RM-10586
Access, Educational and Other Advanced)	
Services in the 2150-2162 and 2500-2690)	
MHz Bands)	

To: The Commission

**COMMENTS OF
GATEWAY TELECOM LLC dba STRATUSWAVE COMMUNICATIONS**

Gateway Telecom LLC dba StratusWave Communications ("StratusWave"), by counsel and pursuant to Section 1.415 of the Commission's Rules, hereby comments to support the Commission's tentative conclusion to afford licensees awarded Broadband Radio Service ("BRS") licensees in Auction 86 four years from the date of license grant to demonstrate "substantial service."¹

StratusWave is an existing telecommunications company that is qualified to bid for BRS licenses in Auction 86² and, as such, has a legitimate interest in this proceeding. StratusWave agrees with the Commission that proposals to maintain the existing May 1, 2011 substantial service deadline or adopt a shorter compliance period would "discourage [it] from seeking licenses and could actually hinder the deployment of service,

¹ See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Fifth Memorandum Opinion and Order and Third Further Notice of Proposed Rulemaking*, FCC 09-70, rel. Sept. 11, 2009 ("FNPRM"). A summary of the FNPRM was published in the Federal Register on September 28, 2009 and established October 13, 2009 as the deadline for submitting Comments in this proceeding. See 74 Fed.Reg. 49356 (Sept. 28, 2009). Accordingly, these Comments are timely filed.

² See *Public Notice*, "Auction of Broadband Radio Service Licenses," DA 09-2025, rel. Sept. 11, 2009, at Attachment A.

particularly in rural areas.”³ StratusWave also agrees that establishing a four-year substantial service period now is a far better alternative than requiring licensees to seek an extension of time under a shorter compliance period. While StratusWave would have preferred a longer compliance period, such as the ten-years previously proposed,⁴ four years should be a sufficient period of time for BRS auction winners to meet their substantial service obligations.

The *FNPRM* concludes that the contemplated change to Section 27.14(o) would apply to BRS licenses granted after the revised rule is effective. StratusWave thus urges the Commission to act quickly to ensure that the effective date of the rule change precedes the date on which licenses are awarded to BRS auction winners. Otherwise, the purpose of this proceeding will be defeated and intended beneficiaries of the rule change will be forced to bear the costs and uncertainty of filing requests for extensions of the substantial service deadline.

In sum, StratusWave respectfully requests that the Commission act quickly to amend Section 27.14(o) to afford BRS auction winners four years from the date of license grant to demonstrate substantial service.

Respectfully submitted,

**GATEWAY TELECOM LLC dba
STRATUSWAVE COMMUNICATIONS**

Date: October 13, 2009

By: /s/ Stephen E. Coran
Stephen E. Coran
Rini Coran, PC
1140 19th Street, N.W., Suite 600
Washington, D.C. 20036
(202) 463-4310

³ *FNPRM* at ¶27 (footnote omitted).

⁴ See Comments of SAL Spectrum, LLC, AU Docket No. 09-56 (filed May 15, 2009); Reply Comments of Ad Hoc BRS Applicants Association, AU Docket No. 09-56 (filed May 29, 2009).