

December 11, 2009

Blair Levin
Executive Director
Omnibus Broadband Initiative
Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

Dear Director Levin:

Thank you for meeting with us and giving us the opportunity to talk with you about an important lever the FCC holds in its efforts to implement a national broadband plan: 30 MHz of Wireless Communications Service ("WCS") spectrum. This spectrum, which was auctioned and licensed by the FCC twelve years ago, is poised to be used by operators, such as DigitalBridge Communications Corp. ("DBC") and Horizon Wi-Com ("Horizon"), to rapidly cover and offer broadband services to large portions of underserved and rural America. WCS spectrum is particularly well-suited to play such an important role in the national broadband plan since the spectrum is:

- Licensed on the basis of Major Economic Areas ("MEAs"), representing large geographic swaths of states and enabling operators to lease spectrum on an extremely efficient basis;
- Unencumbered by services needing to be relocated and is, therefore, available for immediate broadband deployment;
- Part of a global standards and equipment community, which will facilitate roaming and increase economies of scale for equipment manufacturers poised to produce WCS-compatible equipment - the cost savings from which can be passed on to WCS licensees and their customers. For instance, if 2.3 GHz modem cost trends follow those for the 2.5 GHz band, WCS equipment costs can be expected to drop by more than 50% over the next year.

WCS licensees and their operating partners are already utilizing WCS spectrum today to deploy affordable, fixed WiMAX services to selected rural communities. In Appomattox County, Virginia, for example, DBC deployed such 4G services with download speeds of 2-3 Mbps and an upgrade path to 12Mbps and offered the services at a monthly price of \$30-\$35. Within six months, the network achieved 30%+ broadband penetration in the community.

Although such WCS network deployments are a good start at bringing broadband services to unserved and under-served communities, until the FCC issues final technical rules governing WCS coexistence with the adjacent Satellite Digital Audio Radio Service ("SDARS"), any further deployments in the WCS band will remain *by economic necessity* interim, fixed and not scalable. Consumers today expect mobility in addition to high-speed access. Mobility is even more important for residents of rural areas, who need access to services that function in their

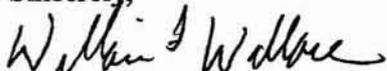
home communities as well as when they travel for work or pleasure to more densely populated areas, for which WCS spectrum is well-suited. Were final technical rules allowing for mobility in the WCS band implemented immediately, WCS spectrum would be used to support both fixed *and* mobile services, and operators would have the economic incentive to make long-term investments in the band. DBC, its partners at the National Rural Telecommunications Cooperative (“NRTC”) together with its 1,500 members, Horizon Wi-Com, and NextWave Wireless Inc., would be able to implement *permanent* plans to:

- Offer affordable, fixed *and* mobile broadband services to an additional 1 million households (~2.5 million pops) within the next twenty-four months across Virginia, Pennsylvania, Ohio, Michigan, Illinois, Indiana, Missouri, Wisconsin, Minnesota, Texas, Nebraska, Colorado, Vermont, New York and California, with the potential for covering an additional 4 million households (~10 million pops) within three to five years;
- Generate in excess of 500 jobs in network deployment and construction, sales and marketing, and home-based call center support;
- Deploy to all communities within 6-15 months at a capital cost close to \$200 per household covered—5-10 times the number of households served per network dollar than some landline alternatives.

Clearly, DBC, NRTC, Horizon, and NextWave can make important contributions to closing the broadband gap with WCS spectrum after suitable technical rules are adopted by the Commission. However, these companies by no means represent all WCS licensees. There is significantly greater potential broadband progress that can be made by the entire WCS community upon adoption of the long overdue rules.

Consistent with the Commission’s goals to bring meaningful broadband choice to residents across our country, particularly in rural areas, we respectfully request that the FCC immediately finalize WCS technical rules so that WCS spectrum can play the role it is so well suited for as one of the most important broadband levers available for bringing affordable, broadband services to underserved America.

Sincerely,



William Wallace
EVP, Policy and External Affairs
DigitalBridge Communications



Mark Ellison
Sr VP and General Counsel
NRTC



Jennifer McCarthy
Sr VP, Regulatory Affairs
NextWave Wireless Inc.



Raj Singh
President and CEO
Horizon Wi-Com