BINGHAM

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December 11, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Communication, GN Docket No. 09-51

Dear Ms. Dortch:

On December 10, 2009, SkyFiber, Inc. ("SkyFiber") met with David Furth, Gregory Cooke, Jennifer Manner and Jeff Cohen of the Commission's Public Safety & Homeland Security Bureau to discuss the National Broadband Plan. Attending this meeting on behalf of SkyFiber were David Achim, President and Chief Operating Officer, John Hoffman, Vice President of Telecommunications Sales, Christina Richards, Director of Marketing and Catherine Wang of Bingham McCutchen LLP, outside counsel to SkyFiber.

We discussed how innovative wireless technologies such as Optical Wireless Broadband ("OWB") should be part of the Commission's consideration in developing a National Broadband Plan. OWB is a fixed, wireless, laser-based technology that offers Gigabit capacities but does not suffer from the significant practical, cost, and delay limitations of conventional fiber optic and radiofrequency transmission methods. OWB systems can be rapidly deployed in hours or days, do not depend on wireless spectrum, and avoid the costs and delay involved with trenching and permitting for fiber optic lines and frequency coordination, zoning or roof leasing often involved in establishing conventional wireless links. SkyFiber's OWB systems are engineered to achieve carrier-grade reliability even in the presence of inclement weather. OWB systems can be deployed to serve point-to-point or in multipoint mesh networks. SkyFiber's "on-demand" model offers carriers, enterprise customers, anchor and government institutions the ability to obtain broadband at 100 Mbps at affordable rates and to upgrade to 1 Gbps (10 Gbps in the future) as demand warrants, thus minimizing the substantial up-front capital expense that has stymied broadband deployment in many areas.

SkyFiber's OWB links operate at distances of 1 to 2 kilometers although up to 3 kilometers can be achieved in some instances. As such, OWB is an excellent and innovative option to address certain middle mile, second mile, "next" mile and backhaul needs in wireline and wireless networks. The high reliability, ease of deployment, and superior security of OWB links are particularly valuable in mission critical disaster

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recovery, public safety and homeland security applications. We also discussed existing deployments in urban and rural settings, as well as network deployments in Canada and Mexico.

SkyFiber left behind a copy of the attached slides describing its innovative OWB technology. If you have any questions regarding this meeting, please do not hesitate to contact the undersigned.

Very truly yours,

/s/

Catherine Wang

CC: David Furth
Gregory Cooke
Jennifer Manner
Jeff Cohen

SKYFIBER™

SKYFIBER Executive Overview

Q4 2009

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Agenda

1. **SKYFIBER Corporate Overview**
2. SKYFIBER Key Differentiators
3. SKYFIBER's Solutions
4. Infrastructure Comparison
5. Case Studies

Overview of SKYFIBER and Optical Wireless Broadband (OWB)

INNOVATIVE

OWB uses light to transmit broadband; mesh network advantages

LEADERSHIP

Proven Executive Team, over 100 yrs combined business experience

FIELD TESTED

Over 300 Global Deployments

GROWING

Rapidly expanding team, drawing from top industry talent

GLOBAL

Head-Quartered in Texas, global sales reach

EXPERIENCE

Founded in 1996, more than 13 years in the industry

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Key Advantages

High Bandwidth

Low Cost

Reliable & Secure

Green Technology

Patented Architecture

Rapidly Deployable

High-Performance Broadband

- Optical Wireless Broadband uses light to transmit information at Gigabit speed
- Fiber Optic Line Speeds (100 Mbps/1.25 Gbps), upgradable to 10Gbps in the Future
- Non-interfering: millions of links can intersect with zero loss of data, signal strength, or speed
- Distances of up to 3 km can be achieved, 0.5 to 1.6 km is normal operation range
- Layer 1, link level device, protocol agnostic

Broadband at the speed of light

Low Cost for a High Value Broadband Solution

Innovative Engineering

- Elegant design enables us to be the Low Cost Provider
- Lowest cost, smallest footprint product on the market
- Best per Gbps unit Cost Advantage available
- Patented separation of the electronics and the Optical Lens Unit delivers significant cost advantage

On-Demand Business Model

- Low entry costs, no upfront CapEx
- No equipment purchase costs
- No charge & no hassle for part replacement
- No risk of equipment obsolescence
- Pay as you go, easily upgradeable to meet changing needs
- 80% lower cost than fiber

A combination of intelligent design and On-Demand pricing results in the industry's most cost effective solution for Broadband delivery.

SKYFIBER's On Demand Service

Industry-first model offers multiple advantages

- Lower cost of entry and faster time to market
- Monthly subscription fee provides bandwidth to meet the customer's current capacity, no need to pay for excess services and equipment
- Predictable, manageable OpEx expenditure
- No on-going equipment maintenance fees
- Cost-effective upgrade path; start with 100mb today and upgrade to 1gb as capacity demand increases
- No risk of equipment obsolescence
- Total flexibility to take advantage of new technology as it becomes available
- Accommodation of unique usage patterns, such as seasonal spikes or special event communication needs
- Ideal for maintaining a disaster response or backup solution
- Time to market advantage when paired with accelerated implementation

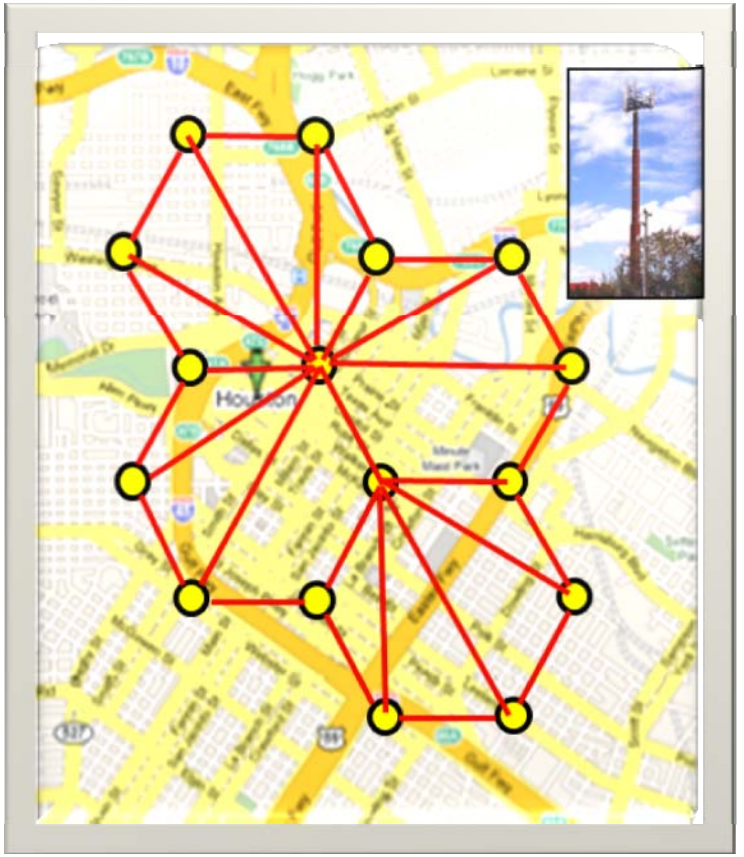
Rapid Deployment

- Fast Installation
- Typical install in 4 hours
- No RF licensing required
- Active Alignment
- Fastest path to revenue
- Multiple client interfaces Ethernet, SONET, Fiber Channel
- Customization Possible
- Cat5 or fiber in, optic out

Point to Multipoint

Innovative Mesh Networks
for greater reach and flexibility

- Mesh Networking enables Redundancy, Load Balancing and Increase of Bandwidth
- Allows integration of 3G, 4G, LTE microcellular architecture to businesses and homes without building new towers
- Lower Operating Costs
- Lower Power, Reduced Health Hazards
- Built in “Future-Proofing”



Carrier Grade Reliability

Innovative design enhancements and cutting-edge technology ensure high rate of reliability

- Cutting-edge technology and delivery methodology allows us to deliver high reliability in Rain, Fog and Snow
- Superior capacity in the rain, fog and snow
- Enhanced capabilities to increase reliability
- Higher transmit power (6 dB budget increase)
- Forward Error Correction provides higher coding gain
- Auto Alignment to actively monitor signal integrity

RAIN

- 1 km in 100 mm/hr of rain
- 1 mi in 50 mm/hr of rain
- Better than Microwave in rain

DESERT

- Can achieve up to 3 km with 20 dB margin

FOG

Fog Mitigation Strategies:

- Low cost RF failover
- Higher wavelength systems

High Security for Critical Communications

- Highly secure (Military Grade); no RF/EM signature
- High security links cannot be detected outside the beam like RF
- Additional encryption can be added, such as FPGA
- Narrow Beam Widths
- OWB Technology has been used in military and homeland security applications

Green Technology at its Best

- Generates no RF pollution unlike Microwave RF
- Low Power Consumption (1Gbps/W vs 22Mbps/W for MW)
- About 33% of the Power Consumption of most RF Links at comparable Data Capacity
- Small physical footprint (makes site access, zoning, leasing space - an order of magnitude easier)
- Minimal Carbon Footprint
- Does not require the environmentally invasive trenching needed to install fiber
- Modular, Portable, and Upgradable, allowing re-use as needs change
- Narrow Beam Width product provides higher distance with lower power

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SKYFIBER's Solutions Portfolio

SkyLINK

SKYFIBER's Optical Wireless Broadband Solutions

- Delivers Bandwidth of up to 1.25 Gbps
- Low Cost, Fast time to Revenue
- Modular and Portable, with Rapid Deployment
- Deployable in a Mesh architecture for extended reach

SkyCAST

SKYFIBER's Broadband Delivery Solutions

- Scalable solutions for 4 to 24 Subscribers per link
- Cost Effective way to rapidly deploy Broadband to a group of users

SkyMESH

SKYFIBER's Optical Wireless + WiFi Solutions

- Delivers Wireless Broadband Broadcast economically across a small town, campus, or municipality
- Fast deployment at a fraction of the cost of installing a traditional in-ground Fiber network

Our Customers

Carriers

Enterprise Businesses

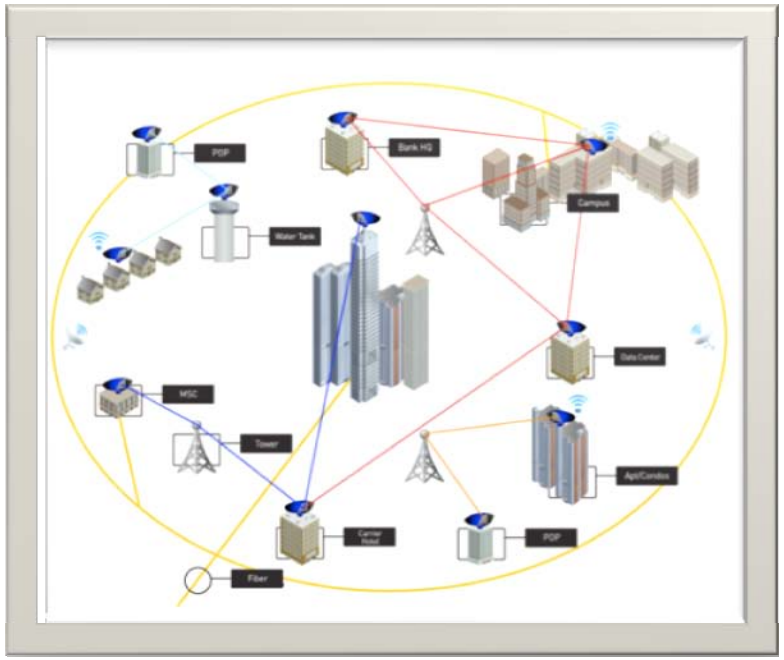
Campuses

Federal & Local Government

SkyFiber delivers Broadband Access capabilities that help eliminate today's barriers to efficiency, speed, and performance by simplifying networks and connecting people with information

SKYFIBER™ SkyLINK Applications

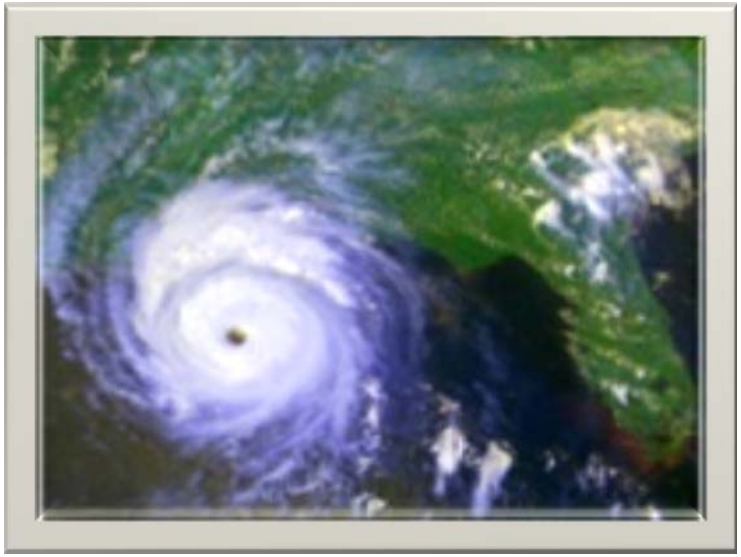
- Carrier Network Solutions
- Emergency Response Networks
- Municipality & Campus Solutions
- Government Federal & Local
- Secure Communications
- Triple Play to the Next Mile
- Wireless Backhaul & Overlay Networks Fiber Extensions
- Enterprise Broadband Networks
- Turbo-charging Microwave Networks
- Fast/Gigabit Ethernet (FE/GE) service



SkyLINK is a versatile solution that has a myriad of real world applications

Emergency Response & Disaster Recovery

SKYFIBER's High Bandwidth Broadband Access enables first responders to collaborate and receive information in real-time, enhancing their situational awareness and speeding their response to emergencies



- Mesh networks can deliver a city-wide Disaster Recovery Network
- Provide continuity plan for access to a backup network and redundant points of connectivity that can withstand disaster damage or other unexpected outages
- Proven technology and implementation methodology ensures availability even in extreme weather conditions
- Links easily relocated to changing emergency command posts

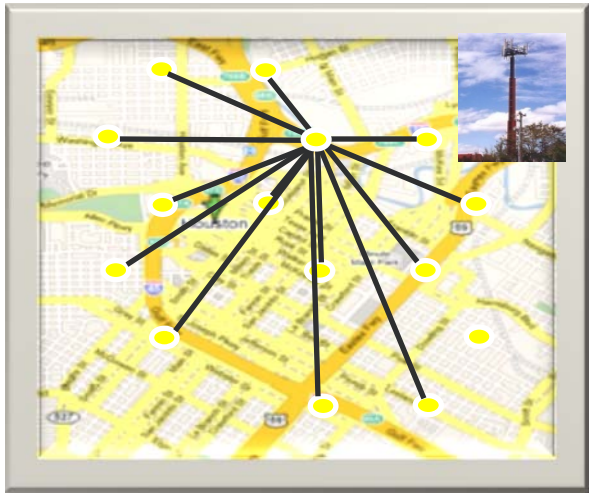
Wireless Backhaul & Overlay Networks

Networks are stressed all over the World

- Video traffic alone is expected to grow 70% in the next 4 years
- By 2012 there will be close to 500 million broadband subscribers worldwide
- Existing towers and capacity simply is not enough to effectively deliver coverage and bandwidth for 3G, 4G, LTE, and other rapidly growing demands.

SkyFiber is the Optimal Solution

- Best cost per Gigabit
- No new cell tower site acquisition
- No local gov't and zoning issues
- No money and time lost trenching new fiber to existing towers
- Rapid deployment and fast time to revenue



Annual global Broadband traffic will exceed half a zettabyte in four years. Today's economic dependence on global network connectivity has resulted in unprecedented demands for greater capacity and faster speeds.

Revenue Generation for Municipalities

- High-Bandwidth Connectivity for Homes and Business
- Revenue stream can be created by offering high bandwidth connections to local businesses
- Solution has scalable capacity that leverages existing assets
- Under served areas of the community can be reached with high bandwidth internet connections
- Opportunities for delivering Triple Play (Voice, Data, Video) to the Home: “Last Mile” delivery system
- Leading edge bandwidth delivery increases tax base with more businesses and community growth

Enterprise Broadband Networks

- Delivers cost-effective connectivity for business critical communications
- Expand the mesh across multiple office buildings for campus connectivity
- Eliminates challenge of maintaining and upgrading networks
- Ensures effective corporate-wide communication
- Offers rapid deployment and flexibility
- High security communications to protect sensitive business information
- Eliminates the drain of high-cost leased line payments

SKYFIBER rapidly delivers the secure, reliable Broadband that is critical in today's competitive enterprise arena.

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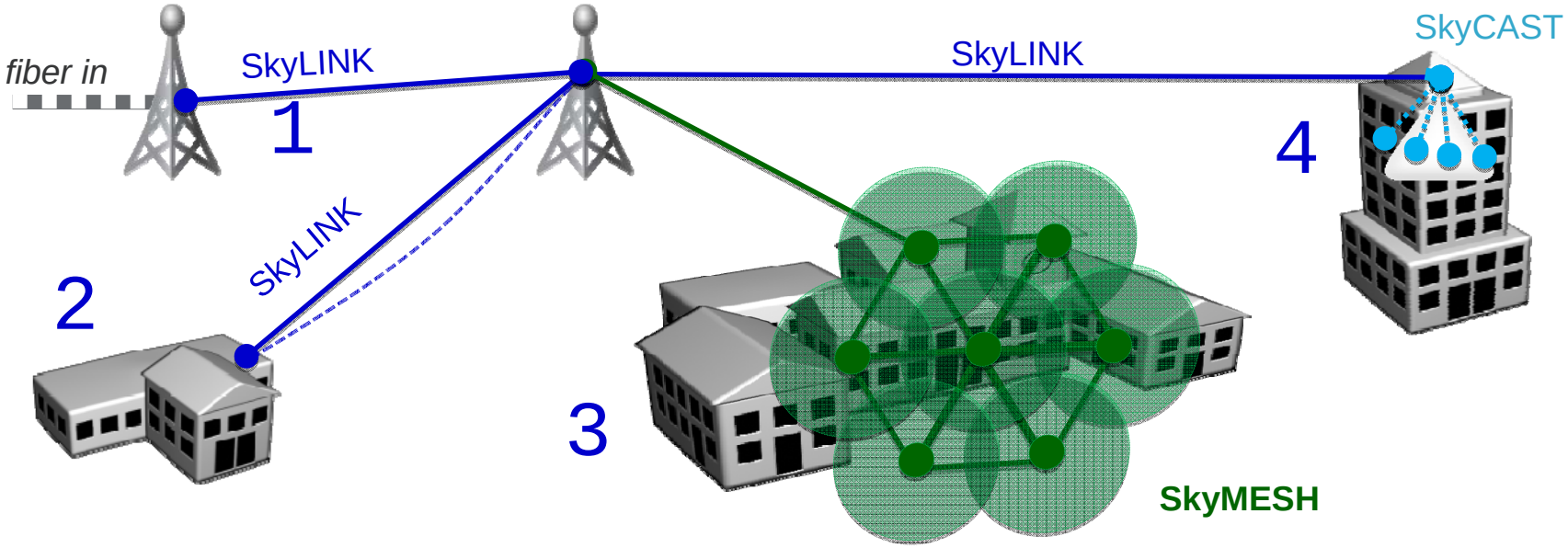
Competitive Infrastructure Comparison

	Costs	Time
IN-GROUND FIBER	• Fiber : $20k per Mile • Trenching cost : $50 k to$200k per mile • Permits: Approximately $2k • Monthly Fiber Access : Leases at $2k to $5k per 100Mbps	• 6 months best case • 12-18 months in difficult access areas • Repairs/ Replacements take weeks to repair
MICROWAVE	• Equipment: $20-$40K per Link • Installation: $25k • RF licenses, cost $2k + mgmt time • RF Analysis: $10k • Roof Lease: $300/mo+	• 6-9 mo for Frequency Licensing and right of way approvals • 3-5 days for Physical Device deployment
SKYFIBER	• $500/mo for 100Mbps @ 1-2Km • Upgradeable to 1Gbps available • Up to 66% lower electrical costs • Small footprint, no roof lease	• 24 hours for installation • No RF licensing • Firmware upgrade for higher bandwidth

SKYFIBER Solutions

SkyLINK, SkyCAST, and SkyMESH Solutions:

- Provides 1.25 G Broadband to three areas.
- Area 1 uses a SkyLINK to provide broadband connection between two towers
- Area 2 is an Emergency services building, and must have redundancy, uses RF hybrid.
- Area 3 wants to provide WiFi coverage to a cluster of buildings and an adjacent park.
- Area 4 needs the SkyLINK bandwidth distributed to 4 users.



Each Unique Customer Solution uses a combination of SKYFIBER Solutions to deliver desired functionality

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Case Study: Port of Brownsville, Texas

Customer's Need

- Brownsville needed to implement a camera security system to allow monitoring of incoming vessels over great distances
- Required a solution to enable the transmission of large amounts of data from high capacity cameras back to base

Our Solution

- SkyFiber's SkyLINK solution provides 1.25 Gigabits of bandwidth capable of handling that level of data transfer
- Rapid deployment and minimal licensing requirements allowed the Port to get top-level security in place immediately to keep our ports safe

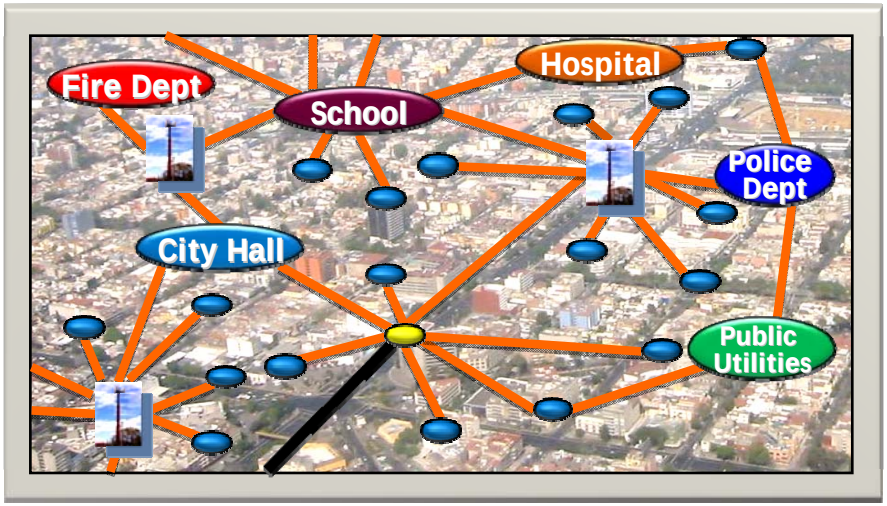
Customer's Success

- Solution allowed Port of Brownsville to increase their level of security significantly with minimal cost and rapid deployment
- The SKYFIBER network can be easily and quickly upgraded or expanded to meet the ports needs as they continue to grow

Linking Critical Municipal Infrastructure

Municipalities' Need

- Quickly and economically deploy a Next Generation privately secured Emergency Response Network
- Provide a low cost multi-purpose Insurance policy to guarantee communication in time of crisis



SKYFIBER's Solution

- City-wide Mesh Network deployed, providing always-up capability, traffic control, and full redundancy
- Fully deploy an operational network at 1/10 the cost of Fiber or MW
- Provide expansion capability to increase bandwidth as needs grow

Municipalities' Success

- Rapid deployment of high bandwidth for phone, data, video and application traffic means immediate revenue generation
- Reduces Telecom Costs by getting rid of leased lines
- Provides broadband access to previously underserved Small Businesses that cannot afford high cost carriers

Case Study: Strategic Pilot in Mexico City

Customer's Need

•A solution to reach new commercial & residential customers faster from their existing fiber ring at prices that give them a competitive advantage

•Extend Triple Play (Voice, Data, Video) to generate revenue opportunities

Our Solution

- SkyFiber's SkyCAST Solution allows a single point on a building while supplying up to 24 end points.
- Our ability to rapidly deploy, and no need for an RF license or permit means the customer can start revenue generation right away

Customer's Success

- Solution allowed this Carrier to leap frog competitors
- Three (3)Links installed in 6 hrs, with no interruption in 10cm of rain per hr
- Carrier can now deliver broadband access to previously unreachable customers