

5 February, 2010

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Notice of ex parte presentation regarding the following proceedings:
GN Docket No. 09-51: A National Broadband Plan for Our Future
GN Docket No. 09-191: In the Matter of Preserving the Open Internet
WC Docket No. 07-52: Broadband Industry Practices
GN Docket No. 09-137: Advanced Telecommunications Deployment
ET Docket No. 04-186: TV White Spaces

Ms. Dortch:

This letter is to advise you that I met today with the following FCC officials regarding the abovementioned proceeding(s):

Ruth Milkman, WTB
David Hu, WTB
John Leibovitz, WTB
Blaise Scinto, WTB
Stephen Buenzow, WTB
Joel Taubenblatt, WTB

During the meeting, I discussed aspects of these proceedings which are relevant to WISPs (terrestrial, fixed wireless Internet service providers). I reviewed portions of my own presentations at the Broadband Plan workshops held on August 12, 2009 and August 13, 2009 (already in the record), as well as other filings already in the record, covering the following points:

- WISPs serve more than 2 million Americans nationwide, many of them unreachable by any other terrestrial technology (see CITI report)
- WISPs constitute the majority of broadband providers in the country of any type, far outnumbering telephone companies, cable companies
- WISPs have lower deployment costs per square mile than any other form of broadband
- WISPs are, potentially, the solution to both deployment problems and problems purported to be caused by a lack of competition ("network neutrality" issues)
- Overcrowding of the unlicensed bands (showed spectrum analyzer output for 900

MHz band in Laramie) and lack of access to spectrum (due to hoarding by larger entities and auction rules and procedures that preclude purchase of spectrum licenses) are major impediments to WISPs' viability and to investor confidence



- Another danger to WISPs: unintended negative consequences of “open Internet” regulations drafted with wireline and cellular companies in mind and failing to take into account the unique challenges of fixed wireless broadband
- WISPs need spectrum – ideally “lightly” licensed with spectrum etiquettes and methods of resolving interference issues – to be competitive. As noted in WISPA’s filing, a minimum of 300 MHz is required. Potential sources of this spectrum include:
 - LMDS “A” band (Not useful for cellular and therefore would not be a bone of contention between mobile and fixed operators)
 - AWS-3
 - 700 MHz “D” block
 - TV whitespace reserved for wireless broadband delivery via online database
 - EBS
- Auction reform is needed to allow any small entity to obtain spectrum. Deal with problems of foreclosure value (see DoJ filing in 09-191), lump sum payment requirement, lot structure that provides little spectrum over a large geographic area rather than the reverse
- Congestion can be an issue due to limited spectrum. High packet rates are at least as problematic as high bandwidth on wireless networks; we have had to upgrade to carry heavy VoIP
- Doctrine of “adverse possession” for spectrum may be required to prevent hoarding and speculation
- WISPs have large investments in unlicensed equipment, which is gradually succumbing to noise on the Part 15 bands. Broadband plan should include recommendation that Part 15 rules be modified to allow increased power for rural broadband providers so as to preserve this investment
- In “open Internet” proceeding, recognize that “any device” and “any application” are not reasonable requirements for fixed wireless on limited spectrum; see also MobileFuture filing
- “Open Internet” rules should not limit innovative business practices and product

offerings, e.g. "spot bandwidth" or "spot priority" – see my comment in 09-191 or at <http://www.brettglass.com/nprmcomment.pdf> and Appendix A of same

- Allow ISPs to expose APIs which would allow control of prioritization and instant, silent purchase of additional resources as needed – on an open and nondiscriminatory basis. I am interested in designing and implementing such APIs.
- Title II regulation, designed for 19th Century analog telephone technology, would overburden all independent ISPs and WISPs and harm competition
- To avoid jurisdictional disputes which drag on for many years, best outcome of "open Internet" proceeding would be two clear, simple rules that are obviously within the Commission's jurisdiction; see my comment in 09-191 or at <http://www.brettglass.com/nprmcomment.pdf> and also proposed transparency/competition principles at <http://www.brettglass.com/principles.pdf> (cited previously in my Stanford testimony)
- Two rules -- consumer protection/transparency and prohibition of anticompetitive practices, perhaps enforced in cooperation with the FTC -- are all that is necessary and would be supported by all Commissioners across philosophical and party lines; potential for unanimous vote in "open Internet" proceeding

This memorandum is being filed electronically via the Commission's Electronic Comment Filing System as per Section 1.1206(b)(2) of the Commission's rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurence Brett Glass". The signature is fluid and cursive, with the first name "Laurence" being the most prominent.

Laurence Brett ("Brett") Glass, d/b/a LARIAT
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