

December 14, 2010

Via ECFS
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Written Ex Parte Presentation
ET Docket Nos. 09-191 and WC Docket No. 07-52

Dear Ms. Dortch:

My company, PowerOne, provides Fixed Wireless broadband service in Central Florida. We rely primarily on unlicensed spectrum to deliver broadband services to consumers that have no [or few] broadband choices. We built our network from scratch using devices authorized under Part 15 rules the FCC adopted to open up 900 MHz, 2.4 GHz, 3.65 GHz and 5 GHz spectrum for unlicensed or light licensed broadband devices. Thanks to the Commission's initiatives; consumers, businesses, and government services in the Central Florida area can now get broadband service.

PowerOne is concerned that certain Network Neutrality rules, if adopted, would severely and adversely affect our ability to continue to provide our customers with affordable Fixed Wireless broadband services. It is our understanding that although mobile broadband will have a special set of rules, Fixed Wireless broadband will be lumped in with traditional wired services and be subject to a stricter set of rules. We feel that the Network Neutrality rules imposed on Fixed Wireless broadband should be no more rigid than the rules that will apply to mobile wireless broadband providers. The physics of wireless technology and delivery necessitate a relaxed set of rules for all wireless technologies.

Many of the proposed rules will destroy our industry, our business and our customers' Internet experience. We believe wireless networks, either Fixed or mobile, will be unable to operate effectively if the definition of what constitutes "reasonable" network management practices does not account for the unique obstacles faced by small businesses with congested networks, bandwidth constraints, tower and middle-mile access limitations and a lack of investment capital. For many households in rural America, this will mean the loss of broadband services entirely at a time when the country is seeking to accomplish ubiquitous coverage.

We need to face the reality that content delivery and demand is outpacing the technology and spectrum available to meet consumer demands, especially for Fixed Wireless networks that have limited spectrum, capacity and throughput. Many regions of our country do not have the wireline broadband infrastructure available to meet this demand. The past has proven that often times it is economically unfeasible to build new wireline infrastructure in rural areas; thus Fixed Wireless broadband is often the only economical delivery mechanism to deliver quality broadband services to those households that have been overlooked or bypassed by traditional wireline Internet providers.

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