Air Advantage
Simple, High Speed, Wireless Internet

December 13, 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:

Air Advantage, LLC, provides Fixed Wireless broadband service in Eastern rural Michigan. We currently rely primarily on unlicensed spectrum to deliver broadband services to consumers having few or in many cases no other broadband choices. Our network is built 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 Eastern rural Michigan can now get broadband service.

Regulating what Fixed Wireless providers can and/or cannot do on the internet is far from net neutrality and far from an open internet. When big corporations are given the opportunity or freedom to escalate their costs every year to carry all internet traffic, this is wrong. They are then allowed to place a cap on the traffic all Fixed Wireless providers want to carry, either audio or video traffic, regardless of capacity and speed they can provide unless they purchase a bigger pipe. This is not democracy nor is it net neutrality in an open internet environment.

Air Advantage, LLC is concerned that certain Network Neutrality rules, if adopted, would severely and adversely affect its ability to continue to provide its 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 the Network Neutrality rules imposed on Fixed Wireless broadband should be no more

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rigid than the rules applying 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 do 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. In Michigan, the wireline broadband infrastructure available to meet this demand is not available. The past has proven it is economically unfeasible to build new wireline infrastructure in rural areas. Fixed Wireless broadband is the only economical delivery mechanism to offer quality broadband services to rural households bypassed by traditional wireline Internet providers because they are economically out of reach.

It should not be taken lightly that the FCC was charged by ARRA to write a National Broadband Plan so all Americans could receive affordable broadband service. If these proposed rules are approved, this one action alone would cripple this goal. Why would the FCC protect one method of wireless broadband delivery and not apply the same rules to a similar technology currently in place and actively servicing many people and businesses today? As Fixed Wireless technology improves, and more spectrums are opened to the Fixed Wireless industry, a more relaxed set of Network Neutrality rules may be revisited in the future. **Now is not the proper time.**

In nearly every industry in the world, flow is managed, whether sewer systems, hydraulic fluid, natural gas, air traffic, the highway system, or countless other systems. Flow management is essential for orderly delivery of a medium in a safe and effective process. Data is no different than anything mentioned above. Without proper management, systems will fail and the data highways will be disrupted, leaving millions of businesses and residents without service.

Companies building and maintaining the data highways should be able to control and manage the traffic coming in and out of their network as they see fit, in order to effectively deliver the high levels of sustained traffic that are starting to clog the Internet.

The majority of Fixed Wireless networks have been completely funded with private funds and grown by internally generated funds. As Internet traffic grows exponentially, Fixed Wireless broadband providers are seeing their middle mile transport costs increasing, and last mile transport costs increasing exponentially as well. Given the state of the current Michigan economy, we cannot pass these proposed increased costs on to our customers. This is not the time to increase regulation in order to satisfy certain consumers thirst for more content delivered to their doorstep for the same cost they are currently paying. The economics do not justify it. Do not punish the entire fixed wireless industry for the demands of some heavy users.

Our company supports the positions taken by WISPA, the Wireless Internet Service Providers Association in their Ex Parte presentation filed on December 10, 2010.

Sincerely,

Scott A. Zimmer
President – Air Advantage, LLC