

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

9. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted.⁴ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁵ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁶ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁷

10. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* Our action may, over time, affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive, statutory small entity size standards.⁸ First, nationwide, there are a total of approximately 27.5 million small businesses, according to the SBA.⁹ In addition, a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”¹⁰ Nationwide, as of 2007, there were approximately 1,621,315 small organizations.¹¹ Finally, the term “small governmental jurisdiction” is defined generally as “governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”¹² Census Bureau data for 2011 indicate that there were 89,476 local governmental jurisdictions in the United States.¹³ We estimate that, of this total, as many as 88,506 entities may qualify as “small governmental jurisdictions.”¹⁴ Thus, we estimate that most governmental

⁴ 5 U.S.C. § 603(b)(3).

⁵ 5 U.S.C. § 601(6).

⁶ 5 U.S.C. § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁷ 15 U.S.C. § 632.

⁸ See 5 U.S.C. §§ 601(3)–(6).

⁹ See SBA, Office of Advocacy, “Frequently Asked Questions,” web.sba.gov/faqs (last visited May 6, 2011; figures are from 2009).

¹⁰ 5 U.S.C. § 601(4).

¹¹ INDEPENDENT SECTOR, *THE NEW NONPROFIT ALMANAC & DESK REFERENCE* (2010).

¹² 5 U.S.C. § 601(5).

¹³ U.S. CENSUS BUREAU, *STATISTICAL ABSTRACT OF THE UNITED STATES: 2011*, Table 427 (2007)

¹⁴ The 2007 U.S. Census data for small governmental organizations are not presented based on the size of the population in each such organization. There were 89,476 small governmental organizations in 2007. If we assume that county, municipal, township, and school district organizations are more likely than larger governmental organizations to have populations of 50,000 or less, the total of these organizations is 52,125. If we make the same assumption about special districts and also assume that special districts are different from county, municipal, township, and school districts, in 2007 there were 37,381 special districts. Therefore, of the 89,476 small governmental organizations documented in 2007, as many as 89,506 may be considered small under the applicable standard. This data may overestimate the number of such organizations that has a population of 50,000 or less. U.S. (continued....)

jurisdictions are small.

11. *Wireless Telecommunications Carriers (except satellite)*. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.¹⁵ Census Bureau data for 2007, which now supersede data from the 2002 Census, show that there were 3,188 firms in this category that operated for the entire year. Of this total, 3,144 had employment of 999 or fewer, and 44 firms had employment of 1,000 employees or more. Thus under this category and the associated small business size standard, the Commission estimates that the majority of wireless telecommunications carriers(except satellite) are small entities that may be affected by our proposed action.¹⁶

12. *Fixed Microwave Services*. Microwave services include common carrier,¹⁷ private-operational fixed,¹⁸ and broadcast auxiliary radio services.¹⁹ At present, there are approximately 31,549 common carrier fixed licensees and 89,633 private and public safety operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. Microwave services include common carrier,²⁰ private-operational fixed,²¹ and broadcast auxiliary radio services.²² They also include the Local Multipoint Distribution Service (LMDS),²³ the Digital Electronic Message Service (DEMS),²⁴ and the 24 GHz Service,²⁵ where licensees can choose between common carrier and non-common carrier status.²⁶

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CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES 2011, Tables 427, 426 (Data cited therein are from 2007).

¹⁵ 13 C.F.R. § 121.201, NAICS code 517110.

¹⁶ See http://factfinder.census.gov/servlet/IBQTable?_bm=y&-fds_name=EC0700A1&-geo_id=&-skip=600&-ds_name=EC0751SSSZ5&-lang=en

¹⁷ 47 C.F.R. Part 101 *et seq.* (formerly, part 21 of the Commission's Rules) for common carrier fixed microwave services (except MDS).

¹⁸ Persons eligible under Parts 80 and 90 of the Commission's rules can use Private-Operational Fixed Microwave services. See 47 C.F.R. Parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station, and only for communications related to the licensee's commercial, industrial, or safety operations.

¹⁹ Auxiliary Microwave Service is governed by Part 74 and Part 78 of Title 47 of the Commission's Rules. Available to licensees of broadcast stations, cable operators, and to broadcast and cable network entities. Auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes TV pickup and CARS pickup, which relay signals from a remote location back to the studio.

²⁰ See 47 C.F.R. Part 101, Subparts C and I.

²¹ See 47 C.F.R. Part 101, Subparts C and H.

²² Auxiliary Microwave Service is governed by Part 74 of Title 47 of the Commission's Rules. See 47 C.F.R. Part 74. Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

²³ See 47 C.F.R. Part 101, Subpart L.

²⁴ See 47 C.F.R. Part 101, Subpart G.

²⁵ See *id.*

The Commission has not yet defined a small business with respect to microwave services. For purposes of the IRFA, the Commission will use the SBA's definition applicable to Wireless Telecommunications Carriers (except satellite)—i.e., an entity with no more than 1,500 persons is considered small.²⁷ For the category of Wireless Telecommunications Carriers (except Satellite), Census data for 2007, which supersede data contained in the 2002 Census, show that there were 1,383 firms that operated that year.²⁸ Of those 1,383, 1,368 had fewer than 100 employees, and 15 firms had more than 100 employees. Thus under this category and the associated small business size standard, the majority of firms can be considered small. The Commission notes that the number of firms does not necessarily track the number of licensees. The Commission estimates that virtually all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition.

13. *Satellite Telecommunications and All Other Telecommunications.* Two economic census categories address the satellite industry. The first category has a small business size standard of \$15 million or less in average annual receipts, under SBA rules.²⁹ The second has a size standard of \$25 million or less in annual receipts.³⁰

14. The category of Satellite Telecommunications “comprises establishments primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.”³¹ Census Bureau data for 2007 show that 512 Satellite Telecommunications firms operated for that entire year.³² Of this total, 464 firms had annual receipts of under \$10 million, and 18 firms had receipts of \$10 million to \$24,999,999.³³ Consequently, the Commission estimates that the majority of Satellite Telecommunications firms are small entities that might be affected by our action.

15. The second category, *i.e.* “All Other Telecommunications” comprises “establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in

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²⁶ See 47 C.F.R. §§ 101.533, 101.1017.

²⁷ 13 C.F.R. § 121.201, NAICS code 517210.

²⁸ U.S. Census Bureau, 2007 Economic Census, Sector 51, 2007 NAICS code 517210 (rel. Oct. 20, 2009), http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-fds_name=EC0700A1&-_skip=700&-ds_name=EC0751SSSZ5&-_lang=en.

²⁹ 13 C.F.R. § 121.201, North American Industry Classification System (“NAICS”) code 517410.

³⁰ 13 C.F.R. § 121.201, NAICS code 517919.

³¹ U.S. Census Bureau, 2007 NAICS Definitions, “517410 Satellite Telecommunications.”

³² See http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-_skip=900&-ds_name=EC0751SSSZ4&-_lang=en.

³³ See http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-_skip=900&-ds_name=EC0751SSSZ4&-_lang=en

this industry.”³⁴ For this category, Census Bureau data for 2007 show that there were a total of 2,383 firms that operated for the entire year.³⁵ Of this total, 2,347 firms had annual receipts of under \$25 million and 12 firms had annual receipts of \$25 million to \$49, 999,999.³⁶ Consequently, the Commission estimates that the majority of All Other Telecommunications firms are small entities that might be affected by our action.

D. Description of Projected Reporting, Recordkeeping, and other Compliance Requirements

16. This FNPRM proposes no new reporting or recordkeeping requirements.

E. Steps taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

17. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.³⁷

18. The actions proposed in the *FNPRM* would provide additional options to all licensees, including small entity licensees. Such actions will serve the public interest by making additional spectrum available for fixed service users; will provide additional flexibility for broadcasters to use microwave spectrum; and will allow communications to be maintained during adverse propagation conditions. The rules will therefore open up beneficial economic opportunities to a variety of spectrum users, including small businesses. Because the actions proposed in the *FNPRM* will improve beneficial economic opportunities for all businesses, including small businesses, a detailed discussion of alternatives is not required.

19. Generally, the alternative approach would be to maintain the existing rules. With respect to the proposal to allow smaller antennas in the 6 GHz band, an alternative approach would be to establish technical criteria that would allow the use of 4-foot antennas, as opposed to the 3-foot antennas proposed. Such an approach would reduce the cost savings FS licensees could realize, including small licensees, but may reduce the potential for interference.

20. With respect to the proposal to relax efficiency standards in rural areas, an alternative would be to modify the requirement in non-congested areas as opposed to exempting non-congested areas from compliance. It is unclear whether such an approach would provide sufficient relief to FS licensees, including small businesses.

³⁴ <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517919&search=2007%20NAICS%20Search>.

³⁵ http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-_skip=900&-ds_name=EC0751SSSZ4&-_lang=en.

³⁶ http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-_skip=900&-ds_name=EC0751SSSZ4&-_lang=en.

³⁷ 5 U.S.C. § 603(c).

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

21. None.

APPENDIX E

List of Commenters to *Wireless Backhaul NPRM/NOI***Comments**

Agape Church Inc, dba VTN (VTN)
Association for Maximum Service Television, Inc. (MSTV) and the National Association of Broadcasters (NAB)
AT&T, Inc. (AT&T)
Aviat Networks, Inc. (Aviat Networks)
Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP (Blooston)
Ceragon Networks, Ltd. (Ceragon)
Cielo Networks (Cielo)
Clearwire Corporation (Clearwire)
Comsearch
Consolidated Spectrum Services
DTV Norwich, LLC (DTV Norwich)
Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (EIBASS)
FiberTower Corporation (FiberTower)
Fixed Wireless Communications Coalition (FWCC)
Gary R. Gray, Radio Systems Manager, City of Fort Lauderdale
Holy Cross Electric Association Inc.
Mimvi, Inc. (Mimvi)
Motorola, Inc. (Motorola)
National Spectrum Management Association (NSMA)
OEM Communications LLC (OEM)
Orion Broadcast Solutions (Orion)
PCIA—The Wireless Infrastructure Association (PCIA)
The Rural Telecommunications Group, Inc. (RTG)
San Mateo County
Society of Broadcast Engineers, Incorporated (SBE)
Satellite Industry Association (SIA)
Sierra Telecom Inc. (Sierra)
Sirius XM Radio Inc. (Sirius XM)
Sprint Nextel Corporation (Sprint)
Stratos Offshore Services Company (Stratos)
Telecommunications Industry Association (TIA)
T-Mobile USA, Inc. (T-Mobile)
United States Cellular Corporation (U.S. Cellular)
Verizon and Verizon Wireless (Verizon)
Washington State Patrol
Wireless Communications Association International
Wireless Internet Service Providers Association (WISPA)
Wireless Strategies, Inc. (WSI)
XO Communications, LLC (XO)

Reply Comments

AT&T
City of Napa, CA

Comsearch
County of Alpine, CA
County of Contra Costa, CA
County of Marin, CA
County of Sacramento, CA
Doctors Telehealth Network Inc. (DTN)
East Bay Regional Parks District, CA
EIBASS
Exalt Communications Inc.
FiberTower
FWCC
MSTV and NAB
National Cable & Telecommunications Association (NCTA)
National Translator Association (NTA)
NSMA
Salt Lake County, UT
San Mateo County
SIA
Sprint
U.S. Cellular
WISPA
WSI
Walt Disney Company (Disney)
Yolo Emergency Communications Agency, CA

Ex Parte

Comsearch
EIBASS
FiberTower
FWCC
NAB
NCTA
New America Foundation
Proxim Wireless Corporation
Robert Klinge
SBE
SmarterBroadband, Inc.
Verizon
WSI
XO

Comments in Response to June 7, 2011 Public Notice

EIBASS
FWCC
NAB
SBE
SIA
Sirius XM
Vislink Inc., DBA Microwave Radio Communications (Vislink)
WISPA

APPENDIX F

List of Commenters to Fixed Wireless Communications Coalition Petition for Rulemaking, RM-11602

Petition for Rulemaking

FWCC

Comments

Conterra Ultra Broadband, LLC (Conterra)

FWCC

NSMA

Reply Comments

FWCC

**STATEMENT OF
CHAIRMAN JULIUS GENACHOWSKI**

Re: *Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses and to Provide Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees; Petition for Rulemaking filed by Fixed Wireless Communications Coalition to Amend Part 101 of the Commission's Rules to Authorize 60 and 80 MHz Channels in Certain Bands for Broadband Communications; WT Docket No. 10-153; RM-11602*

Today, we implement another key recommendation of our National Broadband Plan by unleashing additional spectrum to help drive our economy. We do so by removing regulatory barriers to efficient spectrum use and rapid broadband build-out.

Today's Order is a trifecta: It's another important step in our spectrum agenda, recognizing the powerful role that wireless communications can play in economic revitalization. It's another important step in our Broadband Acceleration Initiative, recognizing the importance to job creation of accelerating broadband build-out and reducing its costs. And it's another important step in our regulatory reform agenda, recognizing our ongoing commitment to remove or reform outdated regulations.

Let me briefly discuss each.

First, spectrum is the invisible infrastructure that enables mobile communications, and mobile communications are growing more rapidly than ever. There are now more smart phones being sold than PCs, and smart phones use 24 times as much spectrum as traditional feature phones. Tablets, which didn't even exist two years ago, use 122 times as much. Without additional spectrum for mobile broadband, demand will soon exceed supply.

Voluntary incentive auctions would provide a market-based mechanism to address the Nation's rapidly growing need for spectrum; yield many billions of dollars for taxpayers and the construction of a nationwide, interoperable public safety broadband network; and lead to the creation of thousands of jobs and billions of dollars in private investment. That's why the concept enjoys bipartisan support in Congress and is advocated by 112 economists from across the political spectrum.

Incentive auctions aren't the only item on our spectrum agenda. Across the board, we have been working together to remove restrictions that unnecessarily keep spectrum locked up. Today we remove more needless restrictions.

Backhaul is the skeleton supporting broadband, and *wireless* backhaul is often a very efficient means of transmitting data among cell sites, or between cell sites and network backbones. Spectrum, in other words, can be an important part of the "middle mile" of broadband networks.

And indeed, wireless technology is an increasingly important source of backhaul – particularly in rural and remote locations it may be the only practical high-capacity backhaul solution available.

So today, by eliminating unnecessary restrictions on the use of this spectrum, we encourage spectrum efficiency and free up more spectrum to help drive economic and public benefits.

Second, broadband is a bright spot in our economy. Wired and wireless broadband connects people and their communities to the larger economy and opens up new worlds of commerce and

opportunity, promoting innovation, investment, and new jobs. Just last week, I was proud to visit Jeffersonville, Indiana, to announce a broadband-based initiative that will create 100,000 call center jobs over the next two years. That announcement would not have been possible without broadband infrastructure, which is essential for customer service reps at call centers to process transactions; access records; manage accounts and information; and engage in VoIP calls, emailing, and live text chatting.

Making sure broadband infrastructure is everywhere is, plain and simple, a job-creation strategy. That's why we launched our Broadband Acceleration Initiative, focusing on ways to reduce barriers to broadband infrastructure deployment, to speed broadband build-out and reduce costs.

We've already established a shot-clock for the approval process for siting wireless towers and antennas and adopted a comprehensive reform of our pole attachment rules, making it easier and more efficient for wired and wireless broadband providers to attach equipment to telephone and utility poles. I'm pleased that last week, the D.C. Circuit Court of Appeals denied a motion to stay application of our pole attachment rules. This is consistent with our 94% success rate where a direct statutory challenge is made to an FCC order and with our success rate in the D.C. Circuit, where in 3 of every 4 cases the Commission wins on every single issue presented, and we prevail on some or all issues 91% of the time. I thank FCC General Counsel Austin Schlick and his talented staff for their great work on this matter.

Our action today is another important milestone in our Broadband Acceleration Initiative – particularly in accelerating broadband in rural areas covering half the land mass of our country.

And finally, our action today is another important milestone in our regulatory reform agenda. Simply put, today we are lifting unnecessary and outdated regulatory restrictions on spectrum use. As I'll discuss in more detail when we consider our next item, from Day One we have been committed, and we remain committed, to removing unnecessary and outdated regulatory requirements from our books.

While the actions we take in today's wireless backhaul item are somewhat technical in nature – more of the blood and guts of the FCC's doing its job – this Order will help Americans and our economy. It will do so by advancing the agency's spectrum agenda, Broadband Acceleration Initiative, and regulatory reform agenda. By freeing up spectrum for backhaul in rural areas, we're enabling service providers to extend broadband services more efficiently to rural and underserved communities and to improve broadband speeds where service already exists. We're helping rural economies and rural consumers.

There is a public benefit as well. The further step we take today of permitting microwave licensees to take advantage of the latest technology and maintain the reliability of critical links can help make the difference in ensuring that emergency communications – including 9-1-1 calls – are maintained in severe weather.

We recognize that there is potentially more we can do to lift restrictions and free up more spectrum for wireless backhaul – which is why the Further Notice we adopt today explores additional ideas for making microwave communications more flexible and cost-effective.

Thank you to my colleagues on the Commission and to the staff of the Wireless Telecommunications Bureau for their hard work and creative thinking on ways in which we can remove regulatory barriers, make more spectrum available for critical services, and increase spectrum flexibility.

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses and to Provide Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees; Petition for Rulemaking filed by Fixed Wireless Communications Coalition to Amend Part 101 of the Commission's Rules to Authorize 60 and 80 MHz Channels in Certain Bands for Broadband Communications; WT Docket No. 10-153; RM-11602*

This is a fine day for rural wireless consumers. We make good on the National Broadband Plan's recommendation for more availability of microwave in rural America, and we set the stage for more action to decrease deployment costs of this technology—something that is becoming increasingly important as we move toward a 4G world. The current spectrum crunch is also a backhaul crunch, and microwave is often the answer in rural areas where it may not be economical to run fiber. The benefits of mobile broadband are at this point obvious; what's equally obvious is that no one should be left behind because of where they happen to live.

This order clears the regulatory way to making greater use of 650 MHz spectrum for microwave, and this will benefit those in approximately half of America's land mass, or 10 percent of our population. At the same time, the item rightfully acknowledges the interests of microwave's spectrum neighbors in the bands - Broadcast Auxiliary Service and Cable TV Relay Service. Today we take appropriate and reasonable steps to make sure these services co-exist. For example, we reserve two nationwide channels for BAS and CARS to accommodate TV pickup stations covering events that occur outside their license areas.

Still, there is more we can do. Today's further notice asks questions about additional steps we can take to encourage greater use of microwave backhaul. To be sure, we must be alert to guard against interference and to promote spectrum efficiency. But examining our current technical standards for antennas, efficiency, and channel size presents additional opportunities to increase the presence of, and competition in, microwave backhaul. As an example, tower siting costs and a lack of desirable antenna positions drive up provider costs; exploring our antenna standards may bring relief. I look forward to hearing from all interested parties on points such as these.

I want to thank the Wireless Telecommunications Bureau and the Chairman for moving us forward on the increasingly important matter of backhaul for rural consumers.

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: *Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses and to Provide Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees; Petition for Rulemaking filed by Fixed Wireless Communications Coalition to Amend Part 101 of the Commission's Rules to Authorize 60 and 80 MHz Channels in Certain Bands for Broadband Communications; WT Docket No. 10-153; RM-11602*

I am voting to approve this order and further notice of proposed rulemaking because the actions we take today are consistent with my longstanding commitment to creating meaningful competitive opportunities for cost-efficient backhaul, which ultimately benefits America's consumers. I am pleased that we are removing regulatory barriers that unnecessarily hamper the ability to enter the marketplace for wireless backhaul and other point-to-point and point-to-multipoint communications. We are also making additional spectrum available for this purpose, as well as seeking comment on allowing wider channels and smaller antennas in certain bands. With these actions, the Commission is taking another step to spur the construction of advanced broadband services.

I thank the talented group in the Wireless Telecommunications Bureau for your work in this highly-technical proceeding. I look forward to reviewing the record resulting from the further notice with the hope that we will be able to do more to promote flexible, cost-effective microwave services.

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses and to Provide Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees; Petition for Rulemaking filed by Fixed Wireless Communications Coalition to Amend Part 101 of the Commission's Rules to Authorize 60 and 80 MHz Channels in Certain Bands for Broadband Communications; WT Docket No. 10-153; RM-11602*

The federal government is often criticized by those who believe that pro-consumer regulation automatically harms business development. This item is an example of how the FCC uses its regulatory authority to the benefit of both consumers and businesses.

By adopting the rules in this item, the Commission takes important steps to give mobile service consumers, particularly those living in rural areas, more competitive choices. How? By encouraging businesses to deploy more services. As our past two Mobile Services Reports have demonstrated, backhaul transport is necessary to deploy mobile service. But backhaul imposes significant costs on mobile service providers, especially in rural areas. Providers are increasing their use of microwave communications to reduce those costs. So, by permitting microwave communications in more spectrum bands, these rules enhance the flexibility of service providers to find the most cost effective backhaul transport solutions for their respective business models.

These changes to Part 101 of our Rules could enable as much as 650 megahertz of spectrum, for backhaul transport, in rural areas. Consequently, these rules enhance the ability for rural consumers, to receive more mobile services. They also create new business opportunities for companies, that want to offer more backhaul transport to mobile service providers, and companies that seek to serve mobile wireless consumers.

I was pleased to see, that the item does not stop at adopting rules to permit more use of microwave communications in rural areas. It also adopts a Further Notice on proposals that could further reduce the costs to deploy mobile wireless services. For example, allowing the use of smaller antennas should lower the costs that providers currently incur to manufacture and maintain antennas. This proposal could also allow existing towers to accommodate more antennas. Collocation of antennas tends to streamline the process for obtaining local government approval of siting applications. Therefore, smaller antennas should also reduce the administrative costs associated with network deployment.

The proposal to permit wider channel bandwidths in the 6 and 11 GHz bands is also promising for those rural areas that are hardest to serve. Wider channels, allow providers to build backhaul links that are more reliable and able to accommodate increased demand for broadband services. It is possible, in the least populated rural areas, that there is sufficient spectrum available in the 6 and 11 GHz bands, to allow the use of wider channels, and spur greater deployment of wireless broadband services. I encourage the industry to continue to provide us with creative proposals.

I commend Chairman Genachowski for his leadership in directing the staff to find practical solutions to the challenges facing mobile service providers in rural areas. And I wish to thank Rick Kaplan and his staff at the Wireless Telecommunications Bureau, for their hard work on this important item.