



July 26, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Ex Parte Presentation**
WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135,
WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No.
96-45, WC Docket No. 03-109 and WT Docket No. 10-208

Dear Mr. Genachowski:

We are writing to address certain claims made in a recent letter that you received from five Members of Congress concerning Phase I of the Connect America Fund (“CAF”). For your convenience, a copy of the July 20, 2012 letter is attached.

The Wireless Internet Service Providers Association (“WISPA”) is an international trade association composed of more than 700 wireless Internet service providers (“WISPs”). WISPs are not eligible under existing statutory interpretations to receive federal Universal Service Fund support. Notwithstanding this fact, WISPs provide *unsubsidized* fixed wireless broadband service to millions of Americans, many of whom live in rural areas where broadband would not otherwise be available from terrestrial wired technologies. Our members are proud of the fact that they have built their networks and provide service the old-fashioned way – through self-funding, hard work, ingenuity and a passion for community service.

The July 20 letter makes several erroneous claims about the quality of WISPA service and about alleged inaccuracies in the National Broadband Map, which will be used to determine areas eligible for CAF Phase I support. WISPA¹ and others² have

¹ See WISPA’s Opposition to Petition for Waiver, WC Docket No. 10-90, *et al.*, filed July 12, 2012.

² See, e.g., Opposition of Redwood County Telephone Company to CenturyLink’s Petition for Waiver, WC Docket No. 10-90, *et al.*, filed July 12, 2012; Comments of Montana Internet Corporation on CenturyLink’s Petition for a Waiver, WC Docket No. 10-90, *et al.*, filed July 12, 2012; Opposition of Broadband Corp. to Petition for Waiver, WC Docket No. 10-90, *et al.*, filed July 12, 2012; Opposition of JAB Wireless, Inc. to Petition for Waiver, WC Docket No. 10-90, *et al.*, filed July 12, 2012; Opposition of

strongly opposed these assertions and exposed the flaws in the assumptions underlying these arguments in opposing a petition for waiver filed by CenturyLink.

We write to emphasize a few important points to ensure that your understanding is not tainted by these inaccuracies. First, the National Broadband Map is the most accurate representation of broadband availability that the country has. It is not perfect, but contrary to the claim made in the July 20 letter, in some cases the National Broadband Map *understates* fixed wireless broadband coverage.³ The Commission correctly concluded in two separate decisions that it would not, for purposes of the one-time CAF Phase I process, consider additional information that would question the accuracy of the Map.⁴

Second, claims that WISPs are saddled with so-called “weak signal strength, line-of-sight blockage and limited capacity” are false. By using sound wireless network design principles, lower-frequency non-line-of-sight bands and “smart” antennas, WISPs are able to provide reliable broadband service that in many cases exceeds the level of service provided by landline telephone companies – and at a comparable end-user cost.⁵

Western WiMax, LLC to Petition for Waiver, WC Docket No. 10-90, *et al.*, filed July 12, 2012; Response to Petition of Wired or Wireless, Inc., WC Docket No. 10-90, *et al.*, filed July 11, 2012.

³ See, e.g., Opposition of Washington Broadband, Inc. to Petition for Waiver, WC Docket No. 10-90, *et al.*, filed July 12, 2012.

⁴ See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; and Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011); *In the Matter of the Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service – Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Second Order on Reconsideration, FCC 12-47 (rel. Apr. 25, 2012). See also *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; and Universal Service Reform – Mobility Fund*, Order, DA 12-1155 (rel. July 18, 2012).

⁵ See, e.g., Opposition of Inventive Wireless of Nebraska, LLC to Petition for Waiver, WC Docket No. 10-90, *et al.*, filed July 12, 2012; Comments of GVEC.net, WC Docket No. 10-90, *et al.*, filed July 11, 2012.

WISPs today are providing *unsubsidized* broadband service to areas that price cap carriers have elected not to serve – until now, when federal funding is available. The Commission should not rely on misinformed and incorrect technical information in reaching its decisions, but should instead rely on facts and law. Fairly considered, the statements in the July 20 letter do not withstand the careful scrutiny we know the Commission will give to this important matter.

Respectfully,



/s/ L. Elizabeth Bowles, President

/s/ Richard D. Harnish, Executive Director

Enclosure

cc: Honorable Paul A. Gosar, DDS
Honorable Norm Dicks
Honorable Denny Rehberg
Honorable Ed Perlmutter
Honorable Doug Lamborn

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July 20, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Mr. Chairman:

Reforming federal universal service and intercarrier compensation is one of the most important challenges the Federal Communications Commission faces. Because of the direct impact it can have on consumers, jobs, and economic opportunities in numerous rural communities that we represent. In the near term, we are encouraged by the opportunity the Connect America Fund Incremental Support (“CAF 1”) creates to expand broadband infrastructure to currently unserved homes and businesses on an expedited basis. This effort will bring more consumers into the digital economy and expand their ability to search for work opportunities, seek distance education, or simply connect with friends and family.

As the Commission completes its allocation process for CAF 1 support, we encourage you to pay special attention to the underlying data used to indicate whether a particular community is unserved and therefore eligible for support. For example, the Commission’s maps could show hundreds of customers as “served” by fixed wireless providers even though weak signal strength, line-of-sight blockage, limited capacity or other deficiencies prevent those customers from receiving service that meet the Commission’s standards. For those customers, an inaccurate map would mean needlessly losing out on the opportunity to receive broadband access, an unacceptable result from our point of view. By the same token, CAF 1 support should not extend to overbuilding of areas where comparable broadband service, such as cable, is already available.

With this in mind, the Commission should review areas upon request where broadband service, including fixed wireless, is purportedly available, but not sufficient. By considering waivers where better data is available, the Commission can better achieve the goals of the interim Connect America Fund.

Ensuring all customers have access to broadband is the core objective of the National Broadband Plan and the Connect America Fund. Broadband serves as an economic driver, bringing jobs and new investments into areas hard hit by the downturn in the economy. As the reform process continues to unfold, it is vital to our rural communities that the Commission ensures affordable broadband is available in rural America.

Sincerely,



Paul A. Gosar, DDS
Member of Congress

Ed Perlmutter
Member of Congress



Norm Dicks
Member of Congress

Doug Lamborn
Member of Congress



Denny Rehberg
Member of Congress