

24 September, 2012

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St SW  
Washington, DC 20554

Re: GN Docket No. 09-191: In the Matter of Preserving the Open Internet  
WC Docket 05-25: Special Access Rates for Price Cap Local Exchange Carriers  
WC Docket No. 07-52: Broadband Industry Practices  
GN Docket No. 09-137: Advanced Telecommunications Deployment  
WC Docket No. 10-90: Connect America Fund  
WC Docket No. 05-337: High-Cost Universal Service Support  
CC Docket No. 96-45: Federal-State Joint Board on Universal Service  
WC Docket No. 03-109: Lifeline and Link-Up  
ET Docket No. 04-186: Unlicensed Operation in TV Broadcast Bands

Ms. Dortch:

This letter is to advise you that I met on Monday, 24 September 2012 with Commissioner Ajit Pai and Legal Advisor Courtney Reinhard. Our wide ranging conversation touched on topics covered by the above-captioned dockets. I described the operations of LARIAT, the wireless Internet service provider (WISP) which I own and operate. I expressed concern that the Commission had neither allowed us to receive CAF funds (even though WISPs are, in fact, the most effective way to reach unserved and underserved areas) nor recognized us as unsubsidized competitors (the subject of a petition, filed by WISPA, on which the Commission has not acted).

I noted that in Wyoming, the Public Service Commission had been stripped of virtually all authority over telephone service and was no longer designating carriers as Eligible Telecommunications Carriers. I further noted that, because voice is rapidly becoming an “app” for broadband, the Commission should recognize broadband service plus VoIP to be “substitutable” for POTS and declare any broadband service capable of supporting over-the-top, interconnected VoIP to be eligible for CAF funding. I expressed concern regarding the petition, filed by CenturyLink, for funding to overbuild WISPs’ existing coverage areas, noting that granting this petition would waste taxpayer dollars and harm competition.

I noted that WISPs had been treated inequitably in the Commission’s “Open Internet” rules – being subjected to the more stringent regulations applied to wireline providers rather than the more flexible ones applied to mobile carriers – even though, in fact, WISPs face greater challenges due to their use of unlicensed and nonexclusively licensed spectrum. I further noted that potential investors in my company were taking a “wait and see” attitude, conditioning investment upon at least partial nullification of the Commission’s Order by the DC Circuit.

I also noted that while it was undesirable to “re-regulate” Special Access services in areas where they were subject to competition, the Commission should act swiftly to

prevent exploitation of Special Access monopolies for anticompetitive purposes. I noted that, in rural areas, this practice has hurt broadband adoption, availability, and affordability, and that incumbents such as CenturyLink were charging up to 100 times as much (per unit bandwidth) for wholesale middle mile transport as for complete Internet service at retail.

We also discussed the engineering principles which should guide spectrum policy. In particular, we discussed shared, nonexclusively licensed and exclusively licensed spectrum, and how frequency bands should be chosen for each in the event that they were cleared or shared by government agencies and/or broadcasters. I expressed my concerns that the recently adopted rules for the TV white spaces would not facilitate their use for the provision of wireless broadband, and should be revisited to provide wide channels, which are not accessible to interfering consumer devices, for that purpose.

This letter 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,

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