LERMAN SENTER PLLC

WASHINGTON, DC

STEPHEN E. CORAN
202.416.6744
SCORAN@LERMANSENTER.COM

May 13, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Oral Ex Parte Presentation
Docket No. 12-268, WT Docket No. 08-166, WT Docket No. 08-167 and ET Docket No. 10-24

Dear Ms. Dortch:

The Wireless Internet Service Providers Association ("WISPA"), by counsel, hereby provides notice that, on May 10, 2013, certain of its members and undersigned counsel met with Commission staff discuss the unlicensed spectrum aspects of the above-referenced incentive auction proceeding.[1]

In introducing themselves, the WISPA attendees, all of whom operate wireless Internet service provider ("WISP") businesses, identified the need for access to TV "white space" spectrum. They explained the 900 MHz band is the best-propagating unlicensed band currently in commercial use, but that it was becoming increasingly congested. In many areas, licensed spectrum in the 2.5 GHz band is not being deployed and satellite broadband is not an option because of tree coverage and/or climate restrictions. The WISPA participants stressed that white space spectrum would be a valuable spectrum tool for WISPs.

The meeting attendees engaged in a discussion concerning the points contained in the attached presentation. Mr. Stooke explained that some wireless equipment manufacturers had elected to not develop white space equipment at this time because of the uncertainty surrounding the availability of spectrum following the incentive auction and the re-packing of the TV band.

The discussion focused on WISPA's proposals to optimize the amount and utility of white space spectrum for unlicensed use in "regional" areas following the auction and the re-packing of the TV band. The WISPA participants explained that, in order to develop a viable

[1] A list of the attendees is attached.

business plan, a WISP would require a significant amount of contiguous unlicensed spectrum in a given market, preferably above Channel 20. In response to a Commission staff question, Mr. Stooke suggested that his company would require at least 18 megahertz of contiguous spectrum in order to invest in and deploy commercial operations on white space spectrum.

Discussion focused on certain of the points raised in the written presentation, which summarizes the positions WISPA has taken in its Comments and Reply Comments. First, the meeting participants discussed the complications involved in making Channel 37 available in certain parts of the country where radioastronomy and WMTS facilities could be protected. The Commission attendees noted that use of WMTS was extensive. WISPA reiterated its belief that a majority of the WMTS facilities were likely located in urban areas and that Channel 37 could be made available in some areas without causing interference to WMTS facilities.

Second, the participants discussed WISPA's proposals concerning low power television stations. WISPA emphasized that unlicensed spectrum could be optimized through channel-sharing by LPTV licensees and by prioritizing the channels that would be available for displacement in order to increase the amount of contiguous spectrum that would remain for unlicensed use.

Third, the participants discussed WISPA's proposal to allow unlicensed white space operations to continue until such time as a 600 MHz licensee actually begins operations in the specific areas where unlicensed operations were ongoing. WISPA's representatives pointed out that it may take several years for auction winners to deploy in rural areas, and that there was no need to require ongoing unlicensed white space operations to cease providing service until the licensee actually initiated licensed service in the area where unlicensed operations were being conducted. The attendees discussed various means by which licensees and unlicensed operators could cooperate in the service commencement process in order to minimize disruption of service.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceedings.

Respectfully submitted,

/s/ Stephen E. Coran

Stephen E. Coran

Enclosure
cc: Attendee List

May 9, 2013 Meeting
List of WISPA Attendees

Elizabeth Bowles
Aristotle, Inc.
President of WISPA
Forbes Mercy
Washington Broadband, Inc.
Vice President of WISPA
Nathan Stooke
Wisper ISP, Inc.
WISPA Board Member

List of Commission Attendees

Gary Epstein
AJ Glusman
Chris Helzer
Katie Hinton
Ira Keltz
Madelaine Maior
Paul Murray
Aspasia Paroutsas
Jamison Prime
Blaise Scinto
Rodney Small
Edward Smith
Serey Thai
Jennifer Tomchin
Hugh Van Tuyl
Robert Weller

WISPA®
Wireless Internet Service Providers Association

WISPs and White Spaces

May 10, 2013

WISPA®
Wireless Internet Service Providers Association

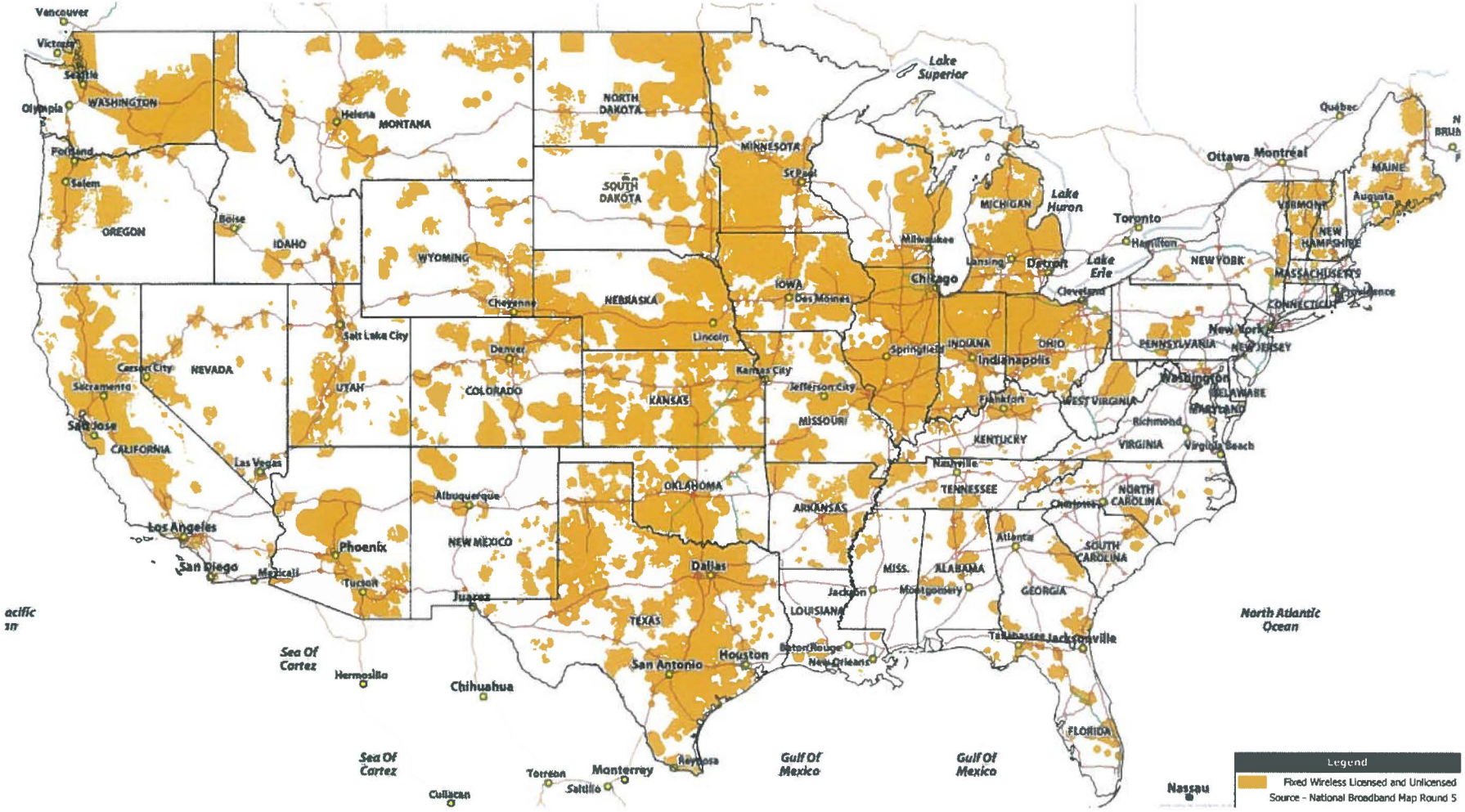
Who is WISPA

The trade association for wireless Internet service providers

- 700 members
- Provide *unsubsidized* cost-efficient service to areas that cannot be economically reached by wireline platforms
- Rely on Part 15 *unlicensed* spectrum in the 900 MHz, 2.4 GHz and 5 GHz bands, "lightly licensed" spectrum in the 3.65 GHz band and licensed spectrum primarily for backhaul
- Active participant in FCC proceedings involving spectrum and CAF reform

WISPA®
Wireless Internet Service Providers Association

Where WISPs Are



WISPA®
Wireless Internet Service Providers Association

White Space Developments

- WISPs see TV white space spectrum as an important fixed broadband delivery tool
  - Superior propagation characteristics
  - Helps alleviate congestion, capacity constraints and interference that exist in other unlicensed bands
- Several WISPs operate under experimental license while equipment goes through certification processes
  - Results are promising – better connectivity in the presence of trees and other obstructions
- Some uncertainty remains

WISPA®
Wireless Internet Service Providers Association

TV White Spaces Overview

- Focus is on optimizing *regional* white space spectrum above Channel 20 that will be vacant after the auction and re-packing
  - Most WISPs operate in smaller geographic areas, so *nationwide* contiguous band is not a critical issue
  - Re-packing process should optimize white space into *contiguous blocks* of spectrum in *regional* markets to promote fixed broadband deployment
    - Because of adjacent-channel interference protection requirements, WISPs need *at least three contiguous TV channels* in a given area to create one channel for fixed broadband ("triplets")
- Rules must eliminate uncertainty and create contiguous channels to drive equipment ecosystem and deployments

WISPA®
Wireless Internet Service Providers Association

Channel 37

- Allow use of Channel 37 outside of protection zones for radioastronomy and WMTS
  - No reason to preclude use of Channel 37 in the majority of the country where Channel 37 is not used
  - FCC should consider relocating WMTS to other bands
- Rules should allow operation inside of protection zones where parties can agree
  - Similar to rules in 3650 MHz Service that protect earth stations
  - Incumbents should have good faith obligation to negotiate

WISPA®
Wireless Internet Service Providers Association

Wireless Microphones

- FCC should eliminate the two-channel exclusive reservation for wireless microphones
  - Wireless microphones should be operated co-channel with TV stations where possible
    - Record shows that this is common practice
  - Spectrum can be shared with other devices
  - Wireless microphones should be registered in the TV bands database
  - Wireless microphones should not be entitled to a full 6 megahertz of protection when they only use 200 kilohertz
- FCC should develop path for digital microphones

WISPA®
Wireless Internet Service Providers Association

Low Power Television

- FCC should allow LPTV stations to share channels with other TV stations
- LPTV displacement practices should optimize unlicensed spectrum (e.g., LPTV stations on adjacent channels where feasible)
- FCC should enforce rules that would remove protection for dark and non-compliant stations
  - LPTV stations failing to operate for a period of 30 days or more shall in certain circumstances be deemed to be evidence of discontinued operation
  - LPTV stations failing to transmit broadcast signals for any consecutive 12-month period should automatically lose their license
  - Downgrade Class A television stations to secondary LPTV status where the licensee has failed to meet the eligibility criteria in the Community Broadcasters Protection Act of 1999
  - LPTV digital migration standards and deadlines should be followed

WISPA®
Wireless Internet Service Providers Association

Post-Auction Operations

- Unlicensed operations should be permitted after the auction until the licensee actually begins operating in the particular area of unlicensed operations
  - Licensed operations in an urban area should not preclude unlicensed operations in a rural area
- FCC can adopt procedures to ensure licensees will not experience interference from unlicensed operations
  - Licensee to file notice of initial operations with FCC and work with database administrators to ensure area of operations are accurately added to database
  - Licensee would have continuing obligation to database administrator to provide updated areas of coverage
  - Process should encourage cooperation between licensees and unlicensed operators
- Interim use is consistent with rules for 2.5 GHz services

WISPA®
Wireless Internet Service Providers Association

Auction Rules

- Auction rules should encourage meaningful participation by small businesses
  - At least two paired 5 x 5 blocks should . . .
    - Be auctioned by Cellular Market Area (CMA), and
    - Allow a 35% bidding credit for "very small businesses," i.e., those with average gross revenues of $3 million or less
- Results of past auctions show that when spectrum is auctioned by CMA, smaller entities have acquired a greater percentage of licenses, especially in rural counties, which leads to greater development of the spectrum

WISPA®
Wireless Internet Service Providers Association

TV White Space Rules

- Consider rule changes that will enable greater use of white space spectrum for fixed uses
  - Can adjacent-channel protections be liberalized?
  - Can out-of-band restrictions be loosened?
  - Can existing WMTS be located to other spectrum bands?

WISPA®
Wireless Internet Service Providers Association