Wireless Internet Service Providers Association

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
GN Docket No. 12-354
ET Docket No. 13-49
WC Docket No. 10-90

Dear Ms. Dortch:

On May 13, 2013, I met with Commissioner Ajit Pai and his Legal Advisor, Courtney Reinhard, to discuss the above-referenced pending rulemaking matters. Joining me were Forbes Mercy and Alex Phillips, who serve on the Board of Directors of the Wireless Internet Service Providers Association ("WISPA"), and Stephen Coran, its counsel. The attached presentation was distributed at the conclusion of the meeting.

Regarding the Connect America Fund proceeding (WC Docket No. 10-90), I explained that wireless Interent service providers ("WISPs") are not eligible to obtain federal subsidies and relied solely on private investment to construct and operate their networks. I emphasized that WISPs strongly believe that (a) CAF subsidies should not be applied to areas already served by an unsubsidized competitor, and (b) WISPs hould not be required to constribute to CAF if they cannot receive funding from the program. In response to a question, we explained WISPA's position that unused CAF Phase I funds should be contributed to the Remote Areas Fund if WISPs would have access to such funding to deploy broadband to extremely high cost areas.

Regarding spectrum matters, I stressed WISPA's desire for additional unlicensed spectrum that could be used to deliver fixed wireless broadband services. I emphasized that WISPA has asked the Commission to optimize the remaining "regional" white space spectrum so that there is a sufficient amount of unlicensed "white space" available after the incentive auction and re-packing process have concluded (Docket No. 12-268, WT Docket No. 08-166, WT Docket No. 08-167 and ET Docket No. 10-24). Regarding the

proceeding involving the 3500-3700 MHz band (GN Docket No. 12-354), I reiterated WISPA's view that the Commission should make additional spectrum available for unlicensed use in rural areas subject to a spectrum access system that would protect incumbents. I also indicated that, in the 5 GHz proceeding (ET Docket No. 13-49), WISPA supported the allocation of additional spectrum on a shared basis with incumbents and generally favored harmonization of the technical rules.

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/ L. Elizabeth Bowles

L. Elizabeth Bowles,
President

Enclosure

cc: Commissioner Ajit Pai
Courtney Reinhard

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Where There is a WISP, There is a Way

May 9, 2013

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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

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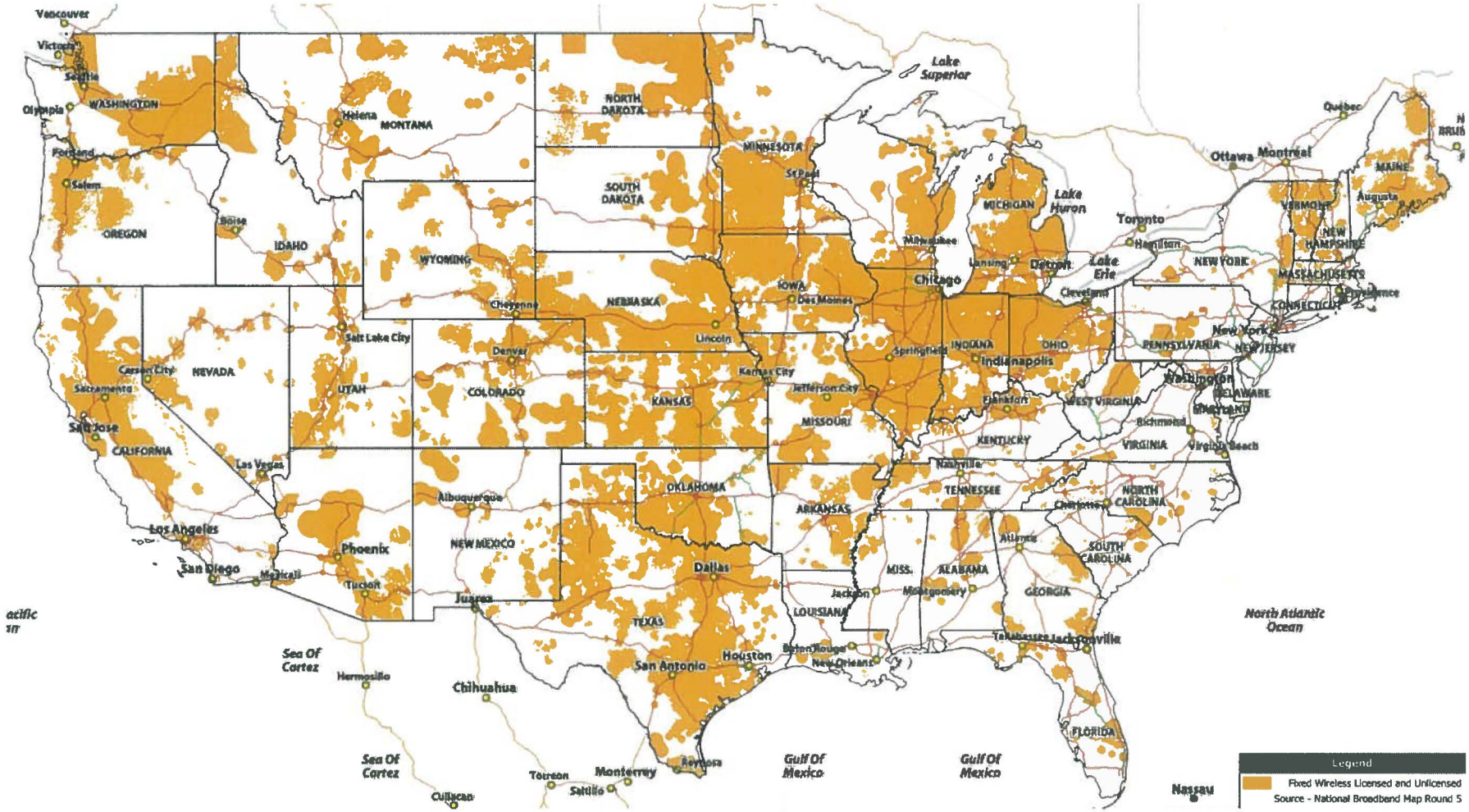
Where WISPs Are



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Key Issues

- Access to additional spectrum for unlicensed use
  - TV White Spaces
  - 3.5 GHz Band
  - 5 GHz Band
  - 900 MHz Band – the Progeny threat
- USF Reform
  - Connect America Fund
  - Remote Areas Fund
  - Contribution Methodology

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TV White Spaces

Focus on optimizing *regional* white space spectrum that will be vacant after the auction and re-packing

- Optimize white space into contiguous blocks of spectrum to promote fixed broadband deployment
- Prevent spectrum warehousing by allowing unlicensed use of auctioned spectrum until the new licensee actually deploys service in the area
- Allow use of Channel 37 outside of protection zones for radioastronomy and WMTS
- More efficient use of spectrum to accommodate wireless microphones
- Allow LPTV stations to channel share

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3.5 GHz Band

- Adopt multi-tiered spectrum access system to protect incumbents and coordinate use among unlicensed users
- Increase amount of spectrum available for higher-power uses in rural areas
  - Can share with small cells via spectrum separation and database management while maintaining interference protection for incumbents and federal users

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5 GHz Band

- Very interested in the Commission's proposals to allow shared unlicensed use
  - 120 MHz at 5350-5470 MHz
  - 75 MHz at 5850-5925
  - 100 MHz at 5150-5250 MHz (currently indoor only)
- Harmonize technical rules to drive equipment innovation, competition and lower costs

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900 MHz Band

- Results of joint WISPA-Progeny test showed 50% reduction in throughput
  - Other Part 15 users have taken note and believe that *additional testing* is necessary to measure potential impact on millions of critical Part 15 consumer, industrial and life-safety devices
  - Progeny has not met its burden of showing "unacceptable levels of interference"
- Approving Progeny would sent the wrong signal to users of unlicensed devices

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Connect America Fund

- WISPs are statutorily ineligible to receive federal subsidies because they are not providers of "telecommunications services"
  - Can become ETCs if they provide interconnected VoIP
- Concern that carriers will obtain subsidies for areas where WISPs already provide unsubsidized broadband service

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Remote Areas Fund

- WISPs are extremely well suited to provide service to remote areas, but the ETC requirement will render most unable to participate
- Challenge process to confirm areas depicted as unserved on the National Broadband Map must be transparent and place burden on the carrier seeking funding

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Contribution Methodology

- WISPs that are ineligible to receive CAF funds should not be required to contribute to the system
  - Small companies that are built *without* subsidies should not help subsidize large carriers that rely on federal funding to sustain their business model
  - Once paid, contributions could be used *anywhere*, using government funding to compete

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Conclusion

- WISPA and its members work to . . .
  - Provide cost-effective and affordable fixed broadband services in rural, unserved and underserved areas
  - Maximize the benefits of unlicensed and licensed –light spectrum
  - Encourage effective spectrum sharing
  - Compete on a level playing field

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