



Cherry Capital Connection, LLC
Northern Michigan's Telecommunication Provider
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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, S.W.
Washington, D.C. 20554

RE: Revision of Part 15 of the Commission's rules to permit Unlicensed National Information Infrastructure (U-NII) devices in the 5Ghz Band, ET Docket NO. 13-49. Comments in support of petitions for Reconsideration.

Cherry Capital Connection, LLC ("CCC") files these comments in support of the Petitions for Reconsideration filed by petitioners such as the Wireless Internet Service Providers Association, Cambium Networks, LTD in the above-referenced proceeding. These petitioners and many others ask the Federal Communications Commission ("FCC") to retain the section 15.247 GHz out-of-band emissions ("OOBE") limit for the 5.725-5.850 GHz band. In the First Report and Order in this proceeding, the FCC voted to replace the OOBE limit with the much more restrictive limits in Section 15.407. This decision will negatively impact CCC's ability to deliver services in rural areas of Northern Michigan.

Cherry Capital Connection, LLC (CCC) is Fixed Point wireless provider of High Speed Internet access and WI-FI enabled solutions. We specialize in delivering Internet Protocol based services and transport throughout Northern Michigan. This is commonly referred to as a "Last Mile deployment". Our deployment model has been shaped by the increasing demand for internet and related services in rural Northern Michigan. With over 13 years of deployment history Cherry Capital Connection has held leadership positions within the WISPA (Wireless Internet Service Provider association) and was a member of the Michigan Public Service Commission CBC group in Lansing, MI.

The Cherry Capital Connection 12 county Network provides service to over 1,200 locations. The unserved population in our region, as defined by the Connect-MI National Broadband Mapping effort, exceeds 100,000 households. Many of these areas support a population density of less than 10 households per square mile. To service these remote areas we rely extensively on over forty (40) PtP 5.725-5.850GHz links that exceed 10 miles. We currently service over 150 customer locations that utilize PtP links in excess of 21 miles. Many of these households are located along water ways that are at the base of 80-100 foot cliffs. They can only be serviced through these extraordinary means. The 5.725-5.850Ghz frequency has become the workhorse of our ability to deliver high speed internet access cost effectively and with a reasonable measure of financial sustainability.

The financial impact, of not retaining the existing 15.247 OBEE, on our business would create a devastating financial hardship. Combine this with increased financial burdens of local regulatory requirements we estimate that the first year capital requirement would exceed \$1 million. The resulting network limitations would eliminate service to significant portion of our current customer base. It is worth noting that the cost of an average operational tower was \$5,800 in 2013 with a time to deliver to a neighborhood of 6 weeks. The burden of local renewed regulatory oversight and permitting fees the average cost per tower has increased to \$8,900 in 2014 and requires on average 90 days a deliver to a neighborhood. Not retaining the existing section 15.247 OBEE the increased burden would raise the cost of delivering to a neighborhood to over \$20,000. With less than 10 households per square mile an additional \$1,000 per household for infrastructure build out would be required raising the cost per household to our consumers to over \$1,500. This is financially unacceptable and unreasonable.



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Cherry Capital Connection believes every home deserves High Speed Internet. Where you live or work should not be a barrier to access. It is our mission to make this a reality **“one customer” at a time**. Our customers understand that their choice to live in the rural areas of Northern Michigan adds to their financial burden. However, it is expected that this burden be reasonable. These consumers also understand that these rural areas of Northern Michigan do not provide the financial return required to sustain the larger providers. Therefore they have partnered with Cherry Capital Connection to deliver services that meet or exceed the current FCC definition of High Speed Internet access. This consumer commitment to High Speed Internet access is creating new economic opportunities in these rural communities. Without FCC reconsideration our mission will not be possible and the negative impact on the local economy will be real.

We join the Petitioners and others in urging the FCC to retain the existing Section 15.247 OOB limit to preserve our company's ability to deploy longer-range wireless links for uses such as broadband access and backhaul. Cherry Capital Connection over 40 long range PtP (tower to tower links) and over 200 customer links approaching 26 miles. The availability of cost-effective, point-to-point and point-to-multipoint equipment is vital to our continued ability to provide broadband services to customers in our region.

Unless the FCC reconsiders the new OBEE limit, it will no longer be economically feasible for our company to fill new service requests from rural residents, businesses, not-for-profits and other institutions. This will result in a loss of service to potentially thousands of unserved rural consumers.

The reduced usable spectrum and consequent reduction of potential throughput renders 5.725-5.850Ghz unusable for long-range backhaul, necessitating the use of significantly more expensive part 101 licensed links. This increase in costs directly affects our ability to build out rapidly, and significantly raises the demand threshold for considering a build out. Due to this, many potential consumers will be left with no option.

For these reasons, CCC respectfully requests that the FCC grant the petitions for reconsideration in this proceeding that advocate retaining existing Section 15.247 OOB limit.

Respectfully submitted,

Cherry Capital Connection, LLC

Tim Maylone
General Manager
Managing Member