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Via ECFS
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-N11) Devices in the 5 GHz Band,
ET Docket No.13-49
Comments in Support of the Petitions for Reconsideration

New Wave Net Corp ("NWNC") files these comments in support of the Petitions for Reconsideration filed by petitioners such as the Wireless Internet Service Providers Association, Mimosa, Cambium Networks, Ltd., JAB Broadband 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 this OOBE limit with the much more restrictive limits in Section 15.407. This decision will negatively impact NWNC's ability to deliver services to rural areas.

NWNC is a facilities-based, regional Internet Service Provider that has been providing Internet access services since 1999. NWNC began by offering dial-up internet access, but NWNC's services have evolved to include fixed broadband Internet access services, mobile 4G WiMax data and recently fiber-optic services to customers in 9 counties in central Illinois. NWNC has an extensive wireless network of point-to-point links, and some parts of the network backhaul data over unlicensed frequencies in the 5.725-5.825 GHz band.

We join the Petitioners and others in urging the FCC to retain the existing Section 15.247 OOBE limit to preserve our company's ability to deploy longer-range wireless links for uses such as broadband access and backhaul. NWNC

operates approximately 20 longer-range wireless links in the 5.725-5.825 GHz band to provide services, with link distances of up to 30 miles. The availability of cost-effective, point-to-multipoint equipment is vital to our continued ability to provide broadband services to customers in these areas. Unless the FCC reconsiders the new OOB limit, it will no longer be economically feasible for our company to fill new service requests from rural residents or businesses. In many cases, the expected doubling (or more) of equipment costs would render the provision of services to sites with a limited number of possible users uneconomical, resulting in a loss of service to potentially thousands of the most remote users, who can least afford to bear cost increases, and who have no other terrestrial means of accessing the Internet. In other cases, the reduced usable spectrum and consequent reduction of potential throughput renders 5.725-5.850 unusable for long-range backhaul, necessitating the use of significantly more expensive (both to acquire and to operate) part 101 licensed links. We estimate having to convert our tower backhauls to licensed band links would add an unbudgeted \$500,000 expense. 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 users will be left with no options other than satellite. For those on the Commission or staff that believe satellite Internet is an acceptable option for rural customers, we have a backlog of rural people on satellite that want to switch to our service once we add tower sites in their area. This is due to the failure of satellite to provide useable VPN connections back to their business for those that work at home. Also the latency and high cost make it unacceptable for uses like video streaming that urban customers get to enjoy.

While watching the July 11th Commission meeting online, I heard every Commissioner voice their desire to insure that rural America have access to broadband Internet. Implementing Section 15.407 will run contrary to that desire by slowing or eliminating the ability of fixed wireless providers to serve Rural America. Something WISPs have been doing for years with their own funds because we care about providing reliable affordable broadband to our neighbors in our communities.

TDWR interference:

We are aware there have been incidents of operators illegally modifying equipment to operate in the 5600-5650 MHz TDWR band, or to defeat DFS. Our industry association WISPA, and vendors like Cambium, Mimoso, Ubiquiti have been very active in promoting the rules and locking down the equipment. The WISP industry

strives to be good citizens, and we are as frustrated by these incidents as the FCC and FAA. Some of the offenders have received big fines and we hope this dissuades others in the future. In any case, as far as the FCC record shows, all the TDWR incidents have been the result of someone modifying or programming the equipment to actually operate on a TDWR frequency. The cause has NOT been insufficiently tight transmitter OOB (out of band emissions) specs, or section 15.247 allowing high gain antennas. And as noted in the Mimosa Ex Parte, there is 75 MHz of guard band between the edges of the TDWR and U-NII-3 bands. The proposed changes do not address or solve any known TDWR interference problem.

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

Respectfully submitted,
New Wave Net Corp.

By: Garth Nicholas

Title:
CFO