VIA ELECTRONIC FILING

October 31, 2008

Re: Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04-186;
Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Docket No. 02-380

Dear Ms. Dortch:

Aloha Partners, COMPTEL, CTIA – The Wireless Association®, FiberTower Corporation, the National Telecommunications Cooperative Association, Qualcomm, the Rural Cellular Association, the Rural Independent Competitive Alliance, and the Rural Telecommunications Group write to address recent press reports that the Commission is considering an order to allocate the TV white spaces, in their entirety, to unlicensed use.\(^1\) We urge the Commission to reject the “all unlicensed” approach and instead set aside some or all of the TV white spaces for licensed operations. This approach will promote broadband deployment in the newly available spectrum bands – which are uniquely suited to broadband service – while simultaneously protecting against harmful interference.

Allocating at least a portion of the TV white space spectrum for licensed use will serve the national goal of expanding next-generation broadband service in rural areas. Only a set-aside of spectrum for licensed commercial use will encourage service providers to make the necessary investments in innovation and infrastructure to achieve broadband deployment in the TV white spaces. The record demonstrates that investors and service providers prefer to invest in wireless broadband innovations and networks that rely on exclusive-use, licensed spectrum with meaningful interference protection. In contrast, commercial support for an unlicensed use of the TV white spaces comes from the edge of the network (applications providers, device manufacturers, and chip makers) – and there is no evidence of investors who intend to pursue widespread broadband deployment configured on unlicensed spectrum with no interference protection. Indeed, despite the fact that hundreds of megahertz of spectrum have been set aside for unlicensed use for years, no provider has stepped forward with the capital necessary to create a nationwide unlicensed broadband network (and investments in local and regional networks have largely failed).

In addition, as the Commission has repeatedly emphasized, the propagation characteristics of the 700 MHz spectrum render it ideally suited for use in providing wireless broadband service, whether in the “last mile” or long-haul. This is particularly beneficial for broadband deployment in rural areas. If the Commission adopts an unlicensed-only approach for the TV white spaces (below 700 MHz), it threatens to relegate use of the TV white space to short-range communications such as in-home networking – a result at odds with the promise of the spectrum.

\(^1\) See, e.g., Brad Reed, FCC chairman gives support for use of ‘white spaces’; FCC chief Kevin Martin would support conditional unlicensed use of white space spectrum, NETWORK WORLD (October 15, 2008).
Allocation of TV white spaces to licensed commercial use would also help to mitigate the risks of harmful interference in the affected channels. The recent report by the Commission’s Office of Engineering and Technology raised concerns over interference from unlicensed white space devices. Despite OET’s determination that the devices met the “proof of concept” burden, there are significant questions about the viability of the technologies tested to protect authorized operations in the TV bands. Uniformly unlicensed use of the white spaces would exacerbate the problem: Once an unlicensed device is sold to an end user, there is no way to identify that user in the future, and thus no ready means of addressing any harmful interference at its source. In contrast, licensed operators are easily located, ensuring speedy remediation of any unexpected harmful interference.

In sum, the undersigned organizations and companies urge the Commission to promote broadband deployment and mitigate interference risks by allocating some or all of the TV white space to licensed use. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS with the FCC.

Sincerely,

/s/ Charles Townsend
Charles Townsend
President
Aloha Partners, L.P.

/s/ Todd B. Lantor
Todd B. Lantor
Regulatory Counsel
Rural Cellular Association

/s/ Karen Reidy
Karen Reidy
Vice President, Regulatory Affairs
COMPTEL

/s/ Rick Vergin
Rick Vergin
Director
Rural Independent Competitive Alliance

/s/ Christopher Guttman-McCabe
Christopher Guttman-McCabe
Vice President, Regulatory Affairs
CTIA-The Wireless Association®

/s/ Caressa D. Bennet
Caressa D. Bennet
General Counsel
Rural Telecommunications Group, Inc.

/s/ Joseph M. Sandri, Jr.
Joseph M. Sandri, Jr.
Senior Vice President of Government and Regulatory Affairs
FiberTower Corporation

/s/ Jill Canfield
Jill Canfield
Senior Regulatory Counsel, Legal and Industry
National Telecommunications Cooperative Association

/s/ Dean R. Brenner
Dean R. Brenner
Vice President, Government Affairs
Qualcomm