

June 5, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Office of the Secretary
Washington, DC 20554

David R. Arvig
President

Kelly Worthington
Executive Vice President

Written Ex Parte Presentation

Re: Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band (WT Docket No. 07-195) (AWS-3)

Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands (WT Docket No. 04-356) (AWS-2)

Dear Ms. Dortch:

The Western Telecommunications Alliance (WTA)¹ hereby submits this ex parte letter regarding a reported Commission plan to auction certain consolidated AWS-2 and AWS-3 spectrum blocks as either a single nationwide license or a few super-regional licenses in which the licensee(s) would be required to provide free broadband service (hereinafter “AWS broadband license”). This proposal raises several serious issues and concerns that the Commission should consider. However, these issues, some of which are discussed below, have not had the benefit of being fully vetted via the Commission’s notice and comment procedures. Therefore, WTA respectfully requests that the Commission issue a notice of proposed rulemaking (NPRM) so that interested parties can fully participate and express their views on this proposal.

WTA members are concerned that auctioning the proposed AWS broadband license on a nationwide or super-regional basis would have the affect of excluding rural carriers from any meaningful opportunity to acquire this valuable spectrum. Small, rural wireless carriers do not have a realistic opportunity to obtain spectrum when it is auctioned over large geographic license areas. This is due, in part, to the fact that they do not have access to the same levels of capital as their large counterparts. Rural carriers have a strong track record of providing high-quality communications services throughout their service areas. Auctioning this AWS spectrum on the basis of smaller license areas, such as Cellular Market Areas, would therefore provide greater assurance that the AWS spectrum would be acquired by carriers committed to serving rural areas. Moreover, smaller license areas would further the section 309(j)² goal of ensuring that licenses are disseminated to a wide variety of entities, including rural telephone companies.

¹ Western Telecommunications Alliance (WTA) represents more than 250 small communications companies across the 24 states west of the Mississippi River. WTA’s members serve some of the most remote, rural and hard-to-serve communities in the country and are obligated by federal statute with being the provider of last resort to these communities. Practically all WTA member companies provide high-quality voice, broadband, and video services in high-cost areas. Most members serve fewer than 3000 access lines overall, with fewer than 500 access lines per exchange.

² 47 U.S.C. § 309(j).

In addition, the Commission's proposed AWS broadband license is akin to a universal service program, and thus issues of technological neutrality must be considered. Specifically, because the AWS broadband licensee would be required to provide free broadband service, auctioning this spectrum can be expected to net the country far less revenue than it otherwise would absent this requirement. As a result, consumers across the nation would subsidize the cost of the AWS broadband license and the resulting free service. As with any other universal service program, principles of technological neutrality are significant and must be duly considered. Yet, the Commission's proposal would only make this "program" available to wireless carriers, excluding all other technologies.

WTA strongly supports efforts to increase the deployment of broadband Internet access services to consumers all across the nation. WTA's rural ILEC members have made great strides in deploying broadband to rural consumers using a variety of technologies, and the Commission's policies in this proceeding can and should facilitate the increased availability of this valuable service. By issuing an NPRM to fully consider the numerous issues raised by this proposal, the Commission will better ensure that its policies further the goals of sections 254, 706, and 309(j) of the Communications Act and will avoid unintended consequences.

Sincerely,

/s/Derrick B. Owens

Derrick B. Owens
Director of Government Affairs
Western Telecommunications Alliance
317 Massachusetts Ave. NE
Suite 300
Washington, DC 20002
(202) 548-0202