



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12<sup>th</sup> Street, S.W., TW-A325

WASHINGTON, DC 20554

DA 04-1266

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**Released: May 5, 2004**

## **WIRELESS BROADBAND ACCESS TASK FORCE SEEKS PUBLIC COMMENT ON ISSUES RELATED TO COMMISSION'S WIRELESS BROADBAND POLICIES**

**GN Docket No. 04-163**

**Comment Date: June 3, 2004**

**Reply Comment Date: July 1, 2004**

Wireless broadband platforms are an increasingly popular alternative for business and residential consumers. In light of the continuing development of the market for wireless broadband services, Chairman Michael Powell has formed a Wireless Broadband Access Task Force, whose objective is to review applicable spectrum management policies and regulations. The Task Force will reach out to all relevant stakeholders and develop recommendations that will further the deployment of wireless Internet service providers (WISPs).

This Task Force will review current policies to identify whether any changes can further facilitate WISP growth. To assist with its review, the Task Force will also actively solicit public input in numerous ways, including seeking comment on the questions posed in this Public Notice and conducting various outreach activities.

The Wireless Broadband Access Task Force's tentative work plan for this inquiry is as follows:

- Public Notice seeking comment on wireless broadband policies and deployment, issued May 5, 2004.
- Comments filed by June 3, 2004.
- Reply comments filed by July 1, 2004.
- Conduct and participate in multiple outreach activities to obtain input regarding current wireless broadband policies, such as, the upcoming Wireless Broadband Forum scheduled for May 19, 2004, from May 2004 to August 2004.

- Wireless Broadband Access Task Force provides report with its findings and recommendations to Commission by October 2004.

The Task Force is requesting that interested parties submit written comments. We welcome comments from all interested parties, including, but not limited to, academia, private industry, think tanks, consumers, and all levels of government. To provide guidance to the public, we are including, as part of this public notice, specific questions relating to wireless broadband access policy. These questions are intended to promote discussion and comment across a range of issues and are not intended, in any way, to limit the scope of the comments filed in response to this Public Notice. In this regard, parties are encouraged to file comments on related issues even if they do not respond directly to any particular question posed. We note, however, that this is not a rulemaking proceeding and that the scope of this inquiry does not include addressing issues related to the regulatory treatment of particular services offered using wireless broadband networks, including VoIP, except to the extent that new service offerings affect consumer demand for such services and impact deployment. Likewise, commenters should not revisit the recommendations of the Spectrum Policy Task Force. To the extent relevant comments or information have already been filed with the Commission in other proceedings, cross referencing those comments is sufficient. We also note that the Commission's recent Section 706 Notice of Inquiry seeks comment on related issues, and we encourage parties to participate fully in that proceeding.

We seek comment on the following questions:

1. To what extent are both licensed and unlicensed wireless broadband networks providing an alternative facilities-based platform to other broadband services, including cable and DSL? To what extent have wireless broadband service providers increased broadband access and competition in rural and underserved areas? If so, are regulatory changes needed to promote or advance these trends?
2. Does the Commission currently provide sufficient spectrum suitable for wireless broadband networks? Is the relative availability of spectrum for licensed services or unlicensed devices appropriate? If not, how so?
3. Do the services offered using unlicensed devices and those using licensed networks complement each other? If so, how?
4. There are several different regulatory approaches that determine access to the spectrum for wireless broadband service providers. Service providers using networks composed of unlicensed devices do not pay for access to the spectrum, but must not cause interference and must share the spectrum with other operators of unlicensed devices, whereas access to other spectrum is obtained through licensing after successful bidding at auction. In addition, some spectrum has been made available on a first come, first served basis. Has the method for access to spectrum affected the development of wireless technologies and the provisioning of wireless broadband services? If so, how?

5. Wireless broadband offers clear advantages over other broadband alternatives in terms of both portability and mobility. Do the Commission's rules effectively provide for or account for these capabilities? Could these rules be more flexible? If so, how?
6. Are there regulatory incentives that would foster continued investment in and deployment of state-of-the-art technologies? If so, what are they? Are the incentives different for licensed services as compared with services offered using unlicensed devices?
7. We seek comment on the extent and nature of the deployment of wireless broadband services. For example, we are interested in data regarding market penetration rates; the geographic distribution of wireless broadband services; the extent of competition in the areas in which wireless broadband is deployed; and whether licensed services, unlicensed devices, or a combination of both licensed service and unlicensed devices are used; and the types of technologies used in the networks deployed.
8. With the continued development of new technologies and network configurations, including mesh networks and integrated wireless broadband networks and devices that use both licensed and unlicensed spectrum, are there any rules that require review for updating or increased flexibility?
9. We also seek comment on the types of applications associated with wireless broadband deployment.
  - a. What types of applications are or will be offered over wireless broadband networks? Are they similar to the applications of the wired Internet (email and web surfing), or are other, more personalized, niche applications being developed? Do the applications differ between licensed and unlicensed networks? What is the relationship between network operators and content providers?
  - b. What are typically available data rates, and at what pace are they increasing?
  - c. Is the traffic associated with wireless broadband more typically symmetric or asymmetric? Does the relative distribution of these traffic patterns affect the required bandwidth for wireless broadband systems? If so, how?
  - d. What is the distribution of wireless broadband between fixed, mobile, and portable installations?
10. While we are interested in these deployment data across larger geographic regions and on an aggregate basis, we are also interested in information about wireless broadband deployment in specific communities -- rural or urban, large or small, and in varied geographic regions. With a view toward using successful deployments as models or examples for other service providers or communities, have there been pilot or full-scale programs that have been particularly innovative or successful in terms of increasing access to broadband through wireless facilities?
11. Are there ways in which federal wireless broadband policies could facilitate better available policy options for states and municipalities? If so, how?

12. What barriers (information, infrastructure) to entry remain for WISP entrepreneurs particularly for unlicensed services? To the extent identified, how can government address these issues?

Interested parties may file comments no later than June 3, 2004. Reply comments are due July 1, 2004. All filings should refer to GN Docket No. 04-163.

An original and four copies of all documents must be filed with the Commission's Secretary, Marlene H. Dortch, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c).<sup>1</sup> **In addition, one copy of each document must be delivered to each of the following locations:** (1) the Commission's duplicating contractor, Qualex International ("Qualex"), 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Office of Media Relations, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554; (3) Lauren M. Van Wazer, Associate Chief and Special Counsel, Office of Engineering and Technology, 445 12th Street, S.W., Room 7-C257, Washington, D.C. 20554; and (4) John Branscome, Legal Advisor, Wireless Telecommunications Bureau, 445 12<sup>th</sup> Street, S.W., Room 3-C227, Washington, D.C. 20554.

Copies of the comments and reply comments filed in this matter may be obtained from Qualex, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893. The documents are also available for public inspection and copying during normal reference room hours at the FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554.

Instead of filing paper comments, parties may file comments using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

For further information, contact Erin Boone, Office of Strategic Planning and Policy Analysis, at (202) 418-2030.

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<sup>1</sup> On October 17-18, 2001, the Commission announced modified procedures for parties wishing to hand-deliver, or deliver by overnight courier, documents to the FCC's Office of the Secretary. *See* Public Notice Nos. DA 01-2430, DA 01-2436 and DA 01-2451.