



TRANS METRO BROADBAND

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FILED ELECTRONICALLY

Federal Communications Commission
Office of Engineering and Technology
Experimental Licensing Branch
Washington, DC, 20554

Re: Request for Expedited Processing and Grant by May 31, 2007

Trans Metro Broadband, Inc.

Application for Special Temporary Authority
File No. 0040-EX-ST-2007

Dear Sirs:

On behalf of Trans Metro Broadband, Inc. ("Trans Metro"), this letter is to request expedited processing of the above-referenced application ("STA Request") wherein Trans Metro requested that the Commission grant special temporary authority ("STA").

As explained in the STA Request, the experiment relates to Trans Metro's development and testing of technology and systems to aid in the deployment of high speed broadband service in the 3.65-3.70 GHz band. The Commission has not yet opened the licensing process for this technology. Until such time as the licensing process commences, network architects such as Trans Metro, working in conjunction with equipment manufacturers, must develop the appropriate radio techniques, and gather the appropriate equipment and engineering data for this anticipated service, to ensure that deployment of WiMax technology succeeds in the manner and scope envisioned by the Commission and industry. Trans Metro's investigation and deployment of this technology and this research effort is necessary to fulfill the Commission's mandates to deploy of this technology to underserved populations.

The STA Request was filed with the Commission on January 19, 2007, which Trans Metro believed was sufficiently timely to permit grant in time to meet the external requirements associated with the experiment. However, based on continued processing backlogs, however, it appears that without expedited processing the instant STA Request is unlikely to be granted prior to the time Trans Metro must commence the experiment. As explained below, the impending occurrence of certain factors beyond the control of Trans Metro require that the STA Request be granted by May 31, 2007 in order for the experiment to be completed in a manner that is useful

to the development of this technology prior to Commission licensing of the 3.65-3.70 GHz band. These factors supporting expedited Commission grant by May 31, 2007, are as follows:

Federal Communications Commission
Office of Engineering and Technology
Page 2

- Limited Availability of Equipment

As explained in the STA Request, the experiment is to be conducted using Airspan HiperMax equipment that is in the experimental phase of development and is not yet commercially available. However, Trans Metro has reserved initial usage of this equipment from the manufacturer for only a short window. If the requested tests cannot be commenced by May 31, 2007, Trans Metro may not have access to this critical equipment for the time required to complete the experiment.

- Critical Environmental and Tower Access Issues

As explained in the STA Request, the experiment is intended to be conducted in three geographic areas characterized by very different terrains and propagation potential. Delay in the grant of the STA Request beyond May 31, 2007, will prevent timely and effective completion of the experiment in these areas due to environmental and tower access issues, as follows:

- A portion of the experiment is to be conducted in a rural area of the Lake of the Ozarks region of Missouri, where Trans Metro will test the long distance capabilities of the technology over a terrain marked by rolling hills and heavy foliage. Performance of this test in the Spring and Summer months is necessary to ensure that the foliage is sufficiently present to ensure an accurate collection of data demonstrating the true propagation potential in this context.
- The rural portion of the experiment described above, as well as the other portions of the test to be conducted on flat highway terrain and in an urban environment, will require access to certain antenna structures in the requested area of operation. For over two hundred of the towers (and other structures) to be used for the experiment, Trans Metro has access to the towers for only a limited duration. At this time, Trans Metro has been granted access to such towers only thorough the Fall of 2007, which would, therefore, require that the experiment be commenced immediately to ensure that there is sufficient time to complete the experiment prior to that time. The tower owner has advised Trans Metro that if a delay in the commencement of the tests results in a failure to implement a successful test within this timeframe, the owner cannot guarantee extended access to these towers. Accordingly, it is critical that the instant STA Request be granted no later than May 31, 2007.

- Minimal Required Coordination of 3.65-3.70 GHz Band/Reduced Interference Potential

As discussed in the STA Request, the Commission has already concluded that shared operations in the 3.65-3.70 GHz band is feasible, and the Commission is actively encouraging the development of WiMax technologies for shared use (see e.g., FCC 05-56). Specifically, the Commission has concluded:

The record clearly supports use of the 3650 MHz band for a variety of FS and MS operations. We conclude that it would serve the public interest to maintain primary FS and MS allocations and a secondary FSS allocation in the band and to devise a regulatory scheme that provides flexibility for a variety of new terrestrial uses. Further, *the public interest is best served by establishing minimal regulatory barriers* to encourage multiple entrants in the 3650 MHz band and to stimulate the rapid expansion of broadband services - especially in America's rural heartland.¹

As stated above, the Commission has not yet opened the licensing process for this technology. During this interim period Trans Metro must quickly evaluate the system level performance of technology and equipment designed to meet WiMax performance criteria. Because the Commission has already conducted an evaluation of the interference potential in this band, and has determined that a flexible, non-exclusive, nationwide licensing scheme "similar to the licensing scheme used for the shared private land mobile radio (PLMR) frequencies" is appropriate and will not implicate any significant interference concerns,² coordination of this STA Request is unlikely to present any significant issues. In addition, Trans Metro understands that the FAA has no particular interest in these frequencies. Finally, all towers to be used in this experiment are in full compliance with all FAA and FCC registration and related requirements, thereby further obviating interference concerns with respect to such operations.

For the foregoing reasons, expedited grant of Trans Metro's STA Request by May 31, 2007, is in the public interest, convenience and necessity.

¹ Wireless Operations in the 3650-3700 MHz Band, Report and Order and Memorandum Opinion and Order, ET Docket No. 04-151, 20 FCC Rcd 6502, Par. 15 (2005).

² *Id.* at Par. 25-26.

Federal Communications Commission
Office of Engineering and Technology
Page 4

Should any questions arise with respect to this letter, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be 'Richard Eaton', with a long horizontal line extending to the right.

Richard Eaton

VP Marketing

Trans Metro Broadband, Inc.