



Viacel's Application For An STA Should Be Expedited Because Viacel Is Testing A Modulation For The Commercial Use Of Spectrum Purchased At Auction In Such A Way As To Augment First Responders And Homeland Security

Viacel has already purchased spectrum in Auction #49 and is working with and talking to other interested parties to buy spectrum in an upcoming auction. This spectrum would be used for a commercial venture but as an integral part of that venture our business plan envisions allowing First Responders and others to make use of our spectrum on a demand basis, being able to over ride our use at their command, to communicate with themselves and the public in an emergency situation having to do with any aspect of Homeland Security.

We were demonstrating this capability to the Police and Fire Departments of New York City well before September 11, 2001 and did so again after September 11, 2001 in November 2001 at Ground Zero with FEMA and the Department of Defense using Channel 24, WNYE digital with DVB-T COFMD modulation.

We demonstrated this capability again later with our FCC Experimental License for over six months. Always central to our plan has been the use of the spectrum in emergency situation by the proper authorities, local, State and Federal.

We now want to test and demonstrate what we think is the state of the art in an over the air broadcasting modulation. We believe this modulation should be used in spectrum we own and that will be auctioned early next year.

It is imperative that we show the nature of this modulation to prospective partners as soon as possible since we have to prepare for becoming a bidder in that upcoming auction and applying for said, mandated by Congress auction, will happen as soon as this or next month.

**Robert T. Miller
Viacel Corp
212-655-4415**