

Opening Statement

by

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Good morning Chairman Genachowski and Commissioner Baker. We consider it an honor to be invited to this panel. Thank you for the opportunity.

Let me start by saying that the four goals outlined under FCC's Mobile Broadband Agenda are appropriate and timely. And yes, it's all about mobile. My comments today will focus primarily on "unleashing spectrum" and "removing obstacles", especially as it relates to backhaul and middle mile services that enable mobile broadband.

Let me now introduce myself and my company. My name is Ravi Potharlanka and I am the Chief Operating Officer of FiberTower Corporation. Formed in 2000, FiberTower is the nation's leading alternative carrier for middle mile and backhaul services. We operate hybrid fiber/microwave networks in 13 U.S markets and provide bandwidth to over 6,000 cell sites. The top 8 mobile carriers and the government are amongst our largest customers. We have national scope 24GHz and 38GHz wide area spectrum licenses. In addition to that, we operate several thousand point of point fixed wireless links that are licensed in the common carrier bands. I must note that spectrum availability and policy play a critical role in our business. We've been offering backhaul services for the last 6 years and are in a position to offer a unique perspective. Let me explain:

Backhaul connects last mile end-user networks - such as mobile wireless networks as well as those that serve first responders, schools, and libraries - to the Internet or to other network switching centers. Absent this critical connectivity broadband networks cannot operate. Backhaul infrastructure must be built before end users can fully realize the benefits of broadband. In fact, backhaul is often considered the "Achilles heel" to achieving broadband connectivity. There is ample evidence now that lack of backhaul has in fact inhibited the growth of mobile broadband services.

So, how is our experience and place in the industry relevant to today's topic?

It is our belief, based on years of experience in working with wireless carriers, that critical matters in the backhaul arena, if addressed in a timely manner, can become enablers versus impediments to widespread deployment and adoption of mobile broadband services in the United States.

Let me now draw your attention to three such important matters.

First, the FCC needs to encourage investment in and adoption of policies that facilitate deployment of multiple use backhaul platforms. At FiberTower we call these shared platforms, MuniFrames®.

We believe that custom and captive backhaul networks and platforms more often than not lead to sub-optimal investments. Our company's business model is based on the core premise that shared access platforms optimally use funds and allow for services to be deployed more swiftly. Multiple end user network providers can leverage these platforms and benefit from the shared economics. As we consider policies that could fundamentally

reshape our landscape, it is also important to ensure that shared backhaul platforms be deployed first, and that all parties have the ability to access them in a non-discriminatory manner. It must be noted that FiberTower filed 7 applications impacting 18 states under NTIA's BTOP program. Multiple use backhaul platforms were a key tenet of these applications.

Second, the FCC needs to make a limited number of the numerous vacant TV White Space channels available for point-to-point licensing.

The recently completed FCC TV White Spaces Order is the first step in unleashing broadband deployments to unserved and underserved areas. 15 to 45 White Spaces channels lie fallow in unserved and underserved areas. The lack of backhaul and transport services is particularly problematic in these areas. The White Spaces channels make long range propagation possible hence reducing the number of required towers to reach the same distance, and thereby allowing for delivery of economic backhaul solutions to unserved and underserved areas. Our proposal, which has been supported by several industry leaders, recommends that up to six UHF TV Band channels in rural areas be set aside for fixed, licensed operations. We propose that these be 2nd, 3rd, or greater vacant adjacent channels thereby practically eliminating any potential for interference. To summarize then, our proposal enables critical backhaul in rural areas and protects incumbents *while* promoting plentiful and healthy sustained growth of unlicensed devices.

Third, the FCC needs to re-enforce existing federal preemptions over burdensome zoning and permitting restrictions for fixed wireless antenna placements.

Leasing, zoning, and permitting requirements continue to impose an undue "tax" on backhaul network deployments, especially when small antennas are involved. Delays due to approvals and increased costs due to leasing translate ultimately to higher prices to consumers. FCC's rule, Section 1.40000 of Title 47 CFR, preempts restrictions that impair the use of small antennas that receive and transmit broadcast, satellite, and fixed wireless signals. In fact the rule expressly prohibits private restrictions. Furthermore, this law takes precedence over state and local regulations. Unfortunately, reality is far different from the spirit and intent of this rule. We recommend that FCC aggressively re-enforce these preemptions and provide further clarifications. We would in fact go as far as saying that this rule needs to be interpreted to expressly prohibit any restrictions on fixed wireless installations that support mobile broadband networks.

In conclusion, let me say that we have a unique opportunity to shape the landscape and the trajectory at which we bring true mobile broadband to large parts of the United States. Our competitiveness depends on this. We firmly believe that our proposals, once adopted into formal policies and embraced by the industry, will have a material impact on both the current landscape as well as future trajectory.

With that I would like to conclude my prepared remarks. Thank you again for this opportunity.