

April 9, 2003

Federal Communications Commission  
Washington, D.C.

RE: Comments in support of Petition for Reconsideration  
Proceeding #03-66

WinBeam, Inc. (“WinBeam”), a Pennsylvania based wireless Internet service provider, licenseholder and lessee of various MMDS and ITFS spectrum in and around Pennsylvania, hereby, expresses its strong support for the petition for reconsideration filed by the Wireless Communications Association International, Inc. (“WCA”) regarding WT Docket No. 03-66.

In the petition for reconsideration, the WCA urges the Commission to limit the freeze on filing of applications for new or modified facilities in the ITFS and MDS to only those applicants seeking licenses for what is now ITFS spectrum white space. We concur wholeheartedly with the WCA’s petition for reconsideration.

Our company deployed a wireless broadband system in Altoona, Pennsylvania during 2002. The city of Altoona in Blair County now enjoys a third last mile alternative for broadband Internet access versus the traditional cable company and incumbent phone company options. WinBeam’s wireless Internet business continues to progress. As such, we have just initiated plans to serve Bedford, Pennsylvania, a community approximately 30 miles south of Altoona in Blair County. According to the Bedford Broadband task force, there is a significant need in their community for broadband Internet service given the lack of cable modem service in the community and the age of the copper plant resulting in limited or unreliable DSL service. In order for WinBeam to provide service to Bedford, PA, it is prepared to file for a two-way application under the old Appendix D rules.

If the FCC does not reconsider its freeze on new two-way applications during the pendency of the proceedings, WinBeam will be unable to provide broadband Internet services over the MMDS spectrum to a rural community in its footprint that has expressed an immediate need to bring broadband to its community.

Moreover, WinBeam continues to evaluate second generation portable/mobile broadband wireless technologies for MMDS and ITFS deployment. The company is seriously considering launching a second generation system in the very near future based not on regulatory conditions but on business opportunity, and is prepared to file such an application under the Appendix D rules if necessary. Each month that passes without a broadband wireless deployment in key markets is another month that certain customers make a decision to select DSL or cable modems for their broadband service. If the FCC

freezes the acceptance of new two-way applications, the available market of unpenetrated broadband customers will surely be smaller whenever the freeze is lifted resulting in some marginal business plans never being implemented.

In conclusion, WinBeam believes the MMDS and ITFS spectrum provides a viable third alternative for broadband Internet, promoting competition in the marketplace and offering choice to consumers. However, in order to provide the third alternative for broadband, operators like WinBeam need to have the flexibility to deploy two-way services when it makes business sense to do so, not when the pendency of regulatory proceedings is concluded. We therefore urge the Commission, in the public interest, to reconsider and reverse its decision to suspend the filing of applications for any new or modified MDS and ITFS facilities during the proceeding, and instead limit its freeze to applications proposing new ITFS stations in areas that are outside the protected service areas of currently licensed or applied for stations.

Respectfully Submitted,

Mark Schoeppner  
Chairman  
WinBeam, Inc.