

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of)	WT Docket No. 03-66
the Commission’s Rules to Facilitate the)	RM-10586
Provision of Fixed and Mobile Broadband)	
Access, Educational and Other Advanced)	
Services in the 2150-2162 and 2500-2690)	
MHz Bands)	

Comment in Support of Petition for Reconsideration

Navini Networks, Inc, (“Navini”), by its attorneys, hereby files these comments in the above-captioned proceeding in support of the Petition for Reconsideration filed by the Wireless Communications Association International, Inc. (“WCA”).

Navini is a manufacturer of “low power” wireless internet access systems. The Navini RipWave 2.6 GHz system is a non line-of-sight, synchronous CDMA system that operates in the MMDS bands. It is designed to deliver high-speed broadband access to residences, home offices and small to medium size business establishments. Using advanced digital signal processing and an adaptive phased array “smart antenna”, the Navini base station is capable of generating a customized, highly directional (“beamformed”) transmission to each user location. The adaptive phased antenna array and digital beamforming techniques provide significant enhancement in the signal to interference and signal to noise ratios, improving response station performance while minimizing interference to other spectrum users. The Navini response stations use an omnidirectional antenna, are intended to be purchased commercially and do not require professional installation by an MMDS licensee (“zero install”). Navini will be directly affected by the outcome of a Commission decision in this proceeding.

At issue is the Commission’s Order in its recently released Notice of Proposed Rulemaking and Memorandum Opinion and Order that “ applications for new MDS or ITFS licenses, major modifications of MDS stations, or major changes to ITFS stations other than applications for license assignments or transfers of control will not be accepted until further notice.”

Although Navini does not question the Commission’s authority to issue a temporary freeze of its licensing process, the basis for doing so in this proceeding is of dubious public benefit. Navini agrees with the WCA that in a proceeding intended “to promote competition, innovation and investment in wireless broadband services,” a freeze on applications for new or modified stations (other than applications for stations located in ITFS “white space”) “is contrary to those objectives.”

Navini urges the Commission to lift the freeze and permit MDS and ITFS providers to continue their license activities during the course of what could be a lengthy proceeding.¹ Applications for new facilities within a licensed service area are, as WCA points out, already subject to rules designed to mitigate interference. Thus, no harm to others will be caused. Moreover, no useful purpose can be served by refusing existing licensees the ability to add or modify facilities.

Navini is in the business of marketing equipment to MDS operators who wish to extend or complete service within their licensed areas. Navini and other manufacturers of equipment will be harmed by the freeze. MDS licensees will be harmed by the freeze. And the public, without access to competitive broadband services, will surely be harmed by the freeze. The freeze should be lifted forthwith.

Respectfully submitted,



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¹ The Notice in this proceeding, released on April 2, 2003 has yet to appear in the Federal Register.