

**Before the
FEDERAL COMMUNICATIONS COMMISSION**

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)
Provision of Fixed and Mobile Broadband)
Access, Educational and Other Advanced)
Services in the 2150-2162 and 2500-2690)
MHz Bands)
)
)

October 23, 2003

REPLY COMMENTS OF

Joe Plotkin for
Bway.net, Inc.
459 Broadway
2nd floor
New York, NY 10013
212.982.9800

Bway.net, a NYC-based ISP, fully supports the Comments of New America Foundation and NYCwireless, advocating that the Commission create additional unlicensed spectrum, which we believe will have enormous public benefit.

As we've seen already the explosion in applications and ubiquitous connectivity thanks to WiFi, unlicensed spectrum offers a blank canvas for myriad creative uses. The value of a digital public commons cannot be overemphasized.

Bway.net is *not* a wireless ISP (WISP) – we connect to our broadband customers primarily by wireline DSL. However, we enthusiastically support NYCwireless and the free wireless movement. We encourage our customers to share their DSL connections with the public or just their own employees. We do this because we've seen the effect of a virtuous cycle – by increasing ubiquity of broadband connectivity, there is a concomitant increase in broadband usage and reliance. We have benefited from this as small businesses and individuals choose Bway.net DSL, which they can then share as they see fit.

We have seen first-hand the tremendous public benefits of WiFi – as an amenity in parks and other public space, as well as schools and businesses privately networking within and among common spaces.

Additional unlicensed spectrum would undoubtedly encourage and expand the WiFi phenomenon. Bway.net urges the FCC to move away from the narrow spectrum licensing regime and instead toward increased unlicensed spectrum. We believe it is in the public interest.

Respectfully submitted

October 23, 2003