

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of 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)	WT Docket No. 03-66
MHz Bands)	RM-10586
)	
Part 1 of the Commission's Rules - Further Competitive)	
Bidding Procedures)	
)	
Amendment of Parts 21 and 74 to Enable Multipoint)	WT Docket No. 03-67
Distribution Service and the Instructional Television)	
Fixed Service Amendment of Parts 21 and 74 to Engage)	
in Fixed Two-Way Transmissions)	MM Docket No. 97-217
)	
Amendment of Parts 21 and 74)	
of the Commission's Rules With Regard to)	
Licensing in the Multipoint)	
Distribution Service and in the)	
Instructional Television Fixed Service for the)	WT Docket No. 02-68
Gulf of Mexico)	RM-9718

REPLY COMMENTS OF

THE TEXAS ISP ASSOCIATION

The Texas ISP Association (TISPA), requests leave to file late Reply Comments in the above captioned proceeding.

TISPA is a non-profit trade organization representing dedicated to committed to advocate and support a healthy Internet industry in the State of Texas. TISPA believes an open, competitive marketplace for Internet access and services benefits the Internet service industry and the people they serve. TISPA has State membership in the hundreds, including a growing number of wireless ISPs (WISPs) as members. In addition, non-WISP members of TISPA use unlicensed spectrum access in a number of ways to serve their customers.

TISPA supports the proposal of NAF, *et al.* to set aside a band of spectrum

exclusively for unlicensed access or, in the alternative, to extend the Part 15 underlay to the entire 2500-2690 MHz band.¹ Many of our members serve rural customers in areas that are prohibitively expensive to reach by wire. Unlicensed access provides genuine competition and a path to rural broadband deployment.

More spectrum is needed, however, if unlicensed access is to become a viable and widespread solution. In addition to congestion issues, a band exclusive to unlicensed would allow WISPs to provide rural service without fear of generating interference to protected licensed service. This will allow all our members, particularly rural WISPs, to experiment with innovative technologies to address growing concerns over quality of service (QoS) and security in unlicensed access.

Even if the Commission does not create a separate band, extending the underlay will provide necessary room to expand while technologies develop. TISPA members already face congestion issues in the 2.4 GHz band, the most useful band for unlicensed access as a last mile solution. Innovative technologies and approaches to deployment are emerging to address these issues and encourage better use of the spectrum. But the Commission must provide time to WISPs while these technologies emerge. Unlicensed access as a last mile solution – even as a popular networking solution – is still in the start up phase. It must be nurtured and given room to grow. Additional spectrum will allow WISPs and others to get past these “growing pains” with viable businesses, ready to challenge incumbent telcos and incumbent cable companies. Without the breathing space additional spectrum for unlicensed offers, the future for unlicensed as a viable last mile solution is much less certain.

¹ TISPA explicitly takes no position on any other comments, positions or proposals contained in the Comments or Reply Comments of NAF, *et al.*

Respectfully submitted,

David R. Robertson
President
Texas Internet Service Provider's Association
P. O. Box 328
Bastrop, TX 78602