DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration

DEPARTMENT OF AGRICULTURE
Rural Utilities Service

In the Matter of American Recovery and Reinvestment Act of 2009 Broadband Initiatives	Docket No. 090309298-9299-01

INITIAL COMMENTS OF NEXTG NETWORKS, INC.

T. Scott Thompson
James W. Tomlinson
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue, N.W., Suite 200
Washington, D.C. 20006
Tel. (202) 973 - 4200
Fax. (202) 973 - 4499
ScottThompson@dwt.com
JimTomlinson@dwt.com

Robert L. Delsman
NEXTG NETWORKS, INC.
2216 O'Toole Avenue
San José, CA 95131
Tel. (510) 845-9681
RDelsman@NextGNetworks.net

Counsel for NextG Networks, Inc.

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Executive Summary

NextG Networks, Inc. ("NextG") believes that the Broadband Technology Opportunities Program ("BTOP") represents a unique and historic opportunity to further the deployment of broadband facilities in the U.S. NextG provides telecommunications services to wireless carriers, which, in turn, allow those carriers to provide the next generation of broadband wireless services. NextG accomplishes this via a relatively new network architecture called a "Distributed Antenna System" or "DAS", which is comprised of (1) fiber-optic cable; (2) small pole-mounted antennas; and (3) small pole-mounted equipment boxes containing transmission electronics. The following characteristics of DAS makes it well suited for BTOP funding:

- **Wireless Broadband Delivery Platform**. NextG's DAS networks permit carriers to offer a full suite of next generation mobile broadband service.
- **Host for Multiple Carriers**. NextG's DAS networks can host multiple wireless carriers and are a cost-effective alternative for the deployment of multiple wireless facilities.
- **Technologically Neutral Platform.** NextG's wireless solution is "protocol agnostic" and is optimized to carry RF traffic in all the major formats used by wireless carriers.
- **Diverse Geographic Options and Scalability**. Because NextG's DAS networks are completely scalable, they can range in size from a few nodes covering a limited area (such as a low income neighborhood) to very large network deployed throughout a major city. DAS is well suited for deployment in rural areas and BTOP grants could tip the economic scale and make DAS deployments in rural areas economically viable.
- **Rapid Deployment**. Because DAS networks use existing infrastructure, they can be rapidly deployed.

For several reasons, NTIA should find that it is in the public interest for any certificated telecommunications carrier to be eligible for BTOP grants for projects in states in which they hold certificates of public convenience and necessity ("CPCNs"). First, the text and legislative history of the Recovery Act makes clear that NTIA should make commercial enterprises (as well as non-profit entities) eligible for BTOP grants. Second, while non-profit entities would in most cases be starting from scratch, private sector carriers already have the technical and managerial expertise needed to rapidly deploy new broadband networks. Third, because state regulatory commissions have already made a finding that certificated carriers are qualified to provide service and that grant of the CPCN is in the public interest it would be unwise for NTIA to "reinvent the wheel" by making a duplicative and time-consuming public interest determination.

Some assert that private-sector companies should only be eligible for BTOP grants if they "partner" with state or local governments or non-profit entities. However, both the text of Recovery Act and its legislative history clearly indicate that private-sector entities may be eligible on their own accord. NTIA should not attempt to override Congress' explicit directive.

Regarding the selection criteria for BTOP grants, NextG urges NTIA to award funding in a technologically neutral manner. NTIA should be mindful not to "tip the playing field" in favor of landline platforms (for example, by fixating on service speed) at the expense of wireless platforms. The selection criteria also should avoid discrimination against wholesale carriers. Wholesale carriers are ideal candidates for BTOP funds because they construct large capacity network platforms that can be used by multiple carriers to offer competitive retail services.

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NextG Networks, Inc., on behalf of its operating subsidiaries NextG Networks of NY, Inc., NextG Networks of California, Inc., NextG Networks Atlantic, Inc., and NextG Networks of Illinois, Inc. (jointly "NextG"), respectfully submits these Comments pursuant to the Joint Request for Information ("RFI") issued by the National Telecommunications and Information Administration ("NTIA') and the Rural Utilities Service ("RUS") on March 9, 2009 in the captioned docket.

Although the deployment of broadband networks and services in the United States is advancing, there remain significant barriers to the robust, multi-platform deployment and competition that could and must exist. The Broadband Technology Opportunities Program ("BTOP") set forth in Section 6001 of the American Recovery and Reinvestment Act of 2009 ("Recovery Act") represents a unique and historic opportunity to further jumpstart the deployment of broadband facilities to areas and demographic groups that are presently unserved or underserved.

I. NEXTG AND ITS ROLE IN DEPLOYING BROADBAND INFRASTRUCTURE AND SERVICES

NextG is at the cutting edge of the provision of telecommunications services, using existing advanced technologies and capabilities as well as developing new technologies. At the most general level, NextG provides telecommunications services to wireless carriers as a "carrier's carrier." Such services enable wireless carriers to provide the next generation of broadband wireless services. NextG provides such a platform for its wireless customers via a relatively new network architecture called a "Distributed Antenna System" or "DAS" that uses fiber-optic cable and small antennas mounted on infrastructure in public rights-of-way, such as utility poles and lamp posts, to provide telecommunications services to wireless providers. NextG's telecommunications services in turn allow its wireless provider customers to increase capacity and bandwidth to provide the next generation of broadband wireless services.

However, NextG does not itself hold wireless licenses or provide wireless service. Instead, NextG provides wholesale telecommunications services to licensed wireless carriers. To date, NextG has been granted certificates of public convenience and necessity to provide telecommunications services in 31 states. NextG has deployed its technology in numerous locations across the country by using existing public infrastructure, thereby improving safety, the ability of people to communicate with loved ones, and delivering many of the additional ancillary advantages that accompany broadband deployment.

A. NextG's Architecture And Service

NextG's telecommunications service and network are currently utilized primarily by Commercial Mobile Radio Service ("CMRS") providers; however, its networks and services are not limited to CMRS providers. While frequently focused initially on a specific customer's needs, NextG can host multiple carriers and is therefore an efficient, cost-effective alternative for

the deployment of multiple wireless telecommunications facilities. In other words, NextG enhances the performance of existing mobile wireless infrastructure with minimally intrusive installations using, to the extent possible, existing infrastructure.

As wireless providers seek to deploy the next generation of broadband wireless services, one of the central obstacles they face is the technical limitations of traditional "high site" antenna towers and local management of their placement. Traditional towers and rooftops are good solutions for providing low-capacity, wide area coverage (assuming the sites can be built or acquired where they are needed). As demand for capacity on the network grows, however, more and more sites must be added to the network so that the frequency spectrum that a particular operator owns can be re-used more often.[1]

One of the most effective ways to add sites is through the use of "low site" antennas. The low antenna sites facilitate a greater re-use of the wireless spectrum since the antennas are well isolated from each other, thus resulting in a much higher capacity and quality network that cannot be delivered by traditional means. In addition, a network of low sites in an urban area can provide coverage in many areas, or "dead spots," that would be shadowed by the traditional antenna locations. Higher capacity and greater coverage in turn are the necessary building blocks for wireless broadband.

The architecture of NextG's DAS facilities consists of fiber-optic lines leading to and connecting various equipment and antennas at remote locations called "Nodes," which are located on utility poles in public rights-of-way and utility easements, with a central "hub," which typically is located in a building on private property.

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[1] Capacity in a cellular network comes from reusing spectrum. The greater the number of radiating elements, the more often spectrum can be reused and the more capacity the network will have.

Specifically, the DAS networks that NextG installs typically are comprised of (1) fiber-optic cable, which is attached horizontally to utility poles in the traditional manner; (2) small pole-mounted antennas; and (3) small pole-mounted equipment boxes containing transmission electronics for the system connected to the fiber-optic cable and antennas. While NextG serves wireless providers and incorporates antennas into its network, its system consists primarily of wireline (fiber-optic cable) deployments. The equipment NextG is deploying for its current DAS networks typically includes either an omnidirectional antenna or a directional panel antenna, as well as an equipment box located on the pole's unusable space in various sizes depending on the particular deployment. Pictures of typical installations of NextG's equipment on utility poles are provided in Attachment 1.

B. DAS Is An Ideal Broadband Delivery Platform For BTOP Funding

While NextG's comments focus on its own experience, it is not alone in proposing to move wireless and wireless-related networks into the public rights-of-way and onto utility poles. Numerous other providers compete with NextG. Moreover, in order to help facilitate the deployment of next-generation broadband services, wireless carriers such as AT&T, Verizon Wireless, T-Mobile, and Sprint/Nextel have begun to place equipment in public rights-of-way and onto utility poles. Without this migration and new deployment, broadband wireless offerings will be slowed or even stifled altogether.

The primary purposes of the BTOP program are to (1) provide access to broadband service to consumers residing in unserved areas of the United States; (2) provide improved access to broadband service to consumers residing in underserved areas of the United States; and (3) stimulate demand for broadband, economic growth, and job creation.[2] The benefits and

[2] Recovery Act, Section 6001(b).

characteristics of DAS makes it particularly well suited to meet all three of these important purposes. These characteristics include the following:

- **Wireless Broadband Delivery Platform**. In addition to carrying traditional mobile voice communications, NextG's DAS networks permit carriers to offer a full suite of next generation mobile broadband services, including 3G and 4G services, Internet access, Wi-Fi, WiMAX[3].
- **Host for Multiple Carriers**. While frequently focused initially on a specific customer's needs, NextG's DAS networks can and do host multiple wireless carriers and are therefore an efficient, cost-effective alternative for the deployment of multiple wireless telecommunications facilities. This offers consumers in the service area the option of multiple competitive offerings, each with excellent signal quality – an issue that must be given priority under the RUS portion of the Recovery Act and one that likewise should be given priority by NTIA.[4]
- **Technologically Neutral Platform.** NextG's wireless solution is "protocol agnostic" and is optimized to carry all RF traffic including GSM, CDMA, EDGE,[5] EV-DO,[6] 1xRTT,[7] UMTS,[8] WiMAX, LTE,[9] as well as traditional backhaul.

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3 "Worldwide Inter-Operability for Microwave Access," a telecommunications technology that provides wireless transmission of data using a variety of transmission modes, from point-to-multipoint links to portable and fully mobile Internet access.

4 *See* Public Law 111-5, American Recovery and Reinvestment Act of 2009 (Feb. 17, 2009), Division A, Title I, Rural Utilities Service, Distance Learning, Telemedicine and Broadband Program ("priority for awarding such funds [appropriated for RUS loans] shall be given to project applications for broadband systems that will deliver to end users a choice of more than one service provider").

5 "Enhanced Data Rates for GSM Evolution," a 3G mobile phone protocol.

6 "Evolution-Data Optimized," a telecommunications standard for the wireless transmission of data through radio signals, typically for broadband Internet access.

- **Diverse Geographic Options and Scalability**. NextG has deployed DAS networks in a variety of geographic settings, including
    - major metropolitan areas such as New York City, Los Angeles, San Francisco, Chicago, Detroit, Boston, Philadelphia, Atlanta, and San Diego;
    - suburban areas such as Carlsbad, Encinitas, Compton, Malibu and Del Mar, California; and Brookline, Cambridge, Somerville Massachusetts;
    - on college campuses such as the University of Notre Dame, University of California - Santa Cruz, and San Diego State University;
    - and even rural areas, such as Highway 50 in the Sierra Nevada Mountains.

  Because NextG's DAS networks are completely scalable, they can range in size from a few nodes covering a limited area (for example, to fill in a wireless coverage gap in a small area) to a specific neighborhood within a city or even to a very large DAS system deployed throughout major metropolitan area. This gives DAS the flexibility, for example, to facilitate targeted wireless broadband access in underserved areas, such as in low-income neighborhoods or to deliver broader access across a broader region.

  Although DAS has historically been used primarily in more densely populated areas because they offer the prospect of a higher return on investment, DAS systems are well suited for deployment in rural areas as well. NextG envisions that BTOP grants

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[7] "1 times Radio Transmission Technology", the core CDMA2000 wireless air interface standard.

[8] "Universal Mobile Telecommunications System," a 3G mobile telecommunications technology.

[9] "Long Term Evolution**,"** the next major step in mobile radio communications, which will be introduced in 3rd Generation Partnership Project Release 8.

could tip the economic scale and make DAS deployments in rural areas economically viable.

- **Rapid Deployment**. Because DAS networks use pre-existing infrastructure, such as utility poles, lamp posts, and street lights, these networks can be deployed in a matter of months. NextG is confident that DAS networks can be substantially complete in well less than the two year period following a grant award, as required by Section 6001(d)(3).

C. Examples of NextG DAS Deployments

Several examples of recent system deployments by NextG will illustrate the range and flexibility of DAS.

New York City. In February 2009, NextG announced that that it successfully launched its largest DAS system to date in the densely-populated five boroughs of New York City. With more than 1,000 DAS nodes providing wireless coverage for more than 130 square miles in the Bronx, Staten Island, and parts of Manhattan, Brooklyn, and Queens, NextG believes that the New York City DAS system is the industry's largest outdoor DAS deployment. NextG's DAS system successfully addressed the boroughs' dense urban environment and the high-level RF complexity that the project's enormous size presented. The DAS system can support multiple carriers and enhances wireless performance, capacity, and coverage for the region where more than two million New Yorkers, who are in the NextG DAS system coverage area, live and work. More than 200 NextG employees and subcontractors — ranging from engineers and site planners to technicians and construction personnel — were employed on the job.

Philadelphia. In July 2008, NextG announced the launch of a large new northeast DAS network in Philadelphia. With just over 400 DAS nodes providing coverage over 110 square miles, the network provides a new mobile telecommunications infrastructure for metropolitan Philadelphia residents and visitors.

Carlsbad, California. In 2007, NextG announced that it had installed a DAS network in Carlsbad and Encinitas, California in less than five months.

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The Legislative History of the Recovery Act states that Congress intends that NTIA "select grant recipients that it judges will best meet the broadband access needs of the area to be served, whether by wireless provider, a wireline provider, or any provider offering to construct last-mile, middle-mile, or long haul facilities." These service descriptions clearly encompass DAS networks.

A Pew Internet study released in December 2008 predicted that by 2020, the vast majority of broadband access will come via ***mobile devices***.[10] Key members of Congress also recognize this important technological development. In a March 25, 2009 letter to the Chairman of the FCC, Reps. Henry Waxman (D-CA, Chair of House Commerce Committee) and Rick Boucher (D-VA, Chair of House Telecom/Internet Subcommittee) stated that "broadband services are increasingly reliant on fixed and mobile wireless networks."[11] Because the clear trend in user preference is *wireless* broadband connectivity, BTOP funding certainly should be made available for DAS networks, which are now an integral part of the nation's wireless infrastructure and undoubtedly will become increasingly vital component for the deployment of wireless broadband to the public in the future.

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10 *See* http://www.pewinternet.org/Reports/2008/The-Future-of-the-Internet-III.aspx.

11 *See* http://energycommerce.house.gov/Press_111/20090325/copps.pdf.

II. NTIA SHOULD FIND THAT IT IS IN THE PUBLIC INTEREST FOR PRIVATE TELECOMMUNICATIONS CARRIERS TO BE ELIGIBLE FOR BTOP GRANTS

A. Declaring Certificated Carriers Eligible Will Serve The Public Interest Goals Of The Recovery Act And The Intent Of Congress

Section 6001(e)(1)(C) of the Recovery Act requires NTIA to determine by rule whether it is in the public interest that entities other than non-profit entities listed in Section 6001(e)(1)(A) and (B) should be eligible for BTOP grant awards. Question 3 of the RFI asks what standard NTIA should apply to determine whether it is in the public interest that private sector such as NextG should be eligible for grant awards. For the reasons set forth below, NextG submits that at a minimum NTIA should find that it is in the public interest for all certificated telecommunications carriers, such as NextG, to be eligible for BTOP grant funding.

The Legislative History of Section 6001 makes clear that in the final version of the Recovery Act adopted by Congress, NTIA should make commercial enterprises (as well as non-profit entities) eligible for BTOP grants. It states:

> *Eligible Entities*. The Conference substitute creates a new, broad definition of entities that are eligible to receive grants. It is the intent of Conferees that, consistent with the public interest and purposes of this section, ***as many entities as possible be eligible to apply for a competitive grant***, including wireless carriers, wireline carriers, backhaul providers, satellite carriers, public-private partnerships, and tower companies.[12]

In the United States, the overwhelming majority of the listed groups of carriers – wireless carriers, wireline carriers, backhaul providers, satellite carries, and tower companies – are commercial enterprises, not public sector or non-profit entities. Thus, although the eligible entity

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[12] *Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency, and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization for the Fiscal Year Ending Sept. 30, 2009, and for Other Purposes*, Conference Report to Accompany H.R. 1, House Report 111-6 (111th Congress 1st Session, Feb. 12, 2009), Title VI (Emphasis added) ("Recovery Act Legislative History").

definition in Section 6001 represents a compromise between the House and Senate versions of the Recovery Act, and therefore includes the requirement of a public interest finding by NTIA, the Legislative History makes clear that "as many entitles as possible" includes private sector, commercial enterprises, such as NextG.

As a matter of public policy, Congress was correct in directing NTIA to make private sector entities eligible for BTOP grants. While non-profit entities would in most cases be starting from scratch, private sector carriers already have the technical and managerial expertise needed to rapidly deploy new broadband networks. BTOP grants will fill in the missing component – capital funding – that has hindered broadband deployment to certain areas and populations in recent years. As stated by Curt Stamp, President of the Independent Telephone and Telecommunications Alliance at a recent NTIA and RUS sponsored Public Meeting:

> If we are to reach the goal of ubiquitous broadband availability in the United States, we must use all tools available, and the private sector can and should be part of that solution. These companies have extensive technical, financial and managerial experience and expertise in providing networks and providing broadband service. … The experience and expertise of the private sector places us in a unique position of being able to quickly and effectively undertake projects that will give broadband to the far reaches of rural America, as well as pockets in urban areas that do not have access to broadband today. …. Making [private sector] providers eligible for BTOP funds offers the best opportunities to make sure the funds are used immediately to create jobs, extend broadband, facilitate adoption and serve the public interest and statutory goals.[13]

NextG has gone through the (sometimes arduous) process of being granted certificates of public convenience and necessity ("CPCNs") to provide telecommunications service in 31 states. With rare exception, this process entails a finding by the state regulatory commission that (1) NextG has the requisite technical, financial and managerial expertise to provide telecommunications service; and (2) grant of the CPCN will benefit the public interest. Thus, the

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13 *See* Transcript of March 16, 2009 Public Meeting at 4-5, available at http://www.ntia.-doc.gov/broadbandgrants/090316/NTIA_031609_1000-1130session.pdf.

state regulatory commissions have already made a positive finding that is identical to – and indeed, even more probing – than the public interest determination set forth in Section 6001(e)(1)(C). Particularly in light of Congress' intent to *rapidly* stimulate broadband access through BTOP, it would be unwise for NTIA to "reinvent the wheel" by making a duplicative and time-consuming public interest determination.

Based on the foregoing, NextG submits that NTIA should find, at a minimum, that it is in the public interest for any certificated telecommunications carrier, such as NextG, to be eligible for BTOP grants for projects in the state(s) in which they hold CPCNs (or whatever certificate or registration the state may require of competitive providers) in good standing with the state regulatory commission.[14]

B. Eligibility Should Not Require "Partnering" With Or "Endorsement" By State Or Local Government Or Non-Profit Entities

Some assert that private-sector companies should only be eligible for BTOP grants if they "partner" with or have the "endorsement" of state or local governments or non-profit entities. For example, at the March 16, 2009 Public Meeting sponsored by NTIA and RUS, Betty Anne Kane, the Chair of the District of Columbia Public Service Commission, speaking on behalf of NARUC stated: "Private firm or sole proprietorships or individuals should be considered eligible for participation in [BTOP] in the public interest when that entity is acting in partnership

[14] The fact that a state may not refer to its authorization as a "CPCN" should not be determinative. In many states, the legislatures and/or the regulatory commissions have found that it is in the public interest to allow competitive telecommunications providers to enter the market with only a registration, or may require no formal authorization whatsoever. For example, following the adoption of the Telecommunications Act of 1996, the FCC adopted a rule granting "blanket" authority for new entrants under Section 214 of the Communications Act, with no registration or application necessary. *See* 47 C.F.R. § 63.01. Similarly, the state of Colorado does not require NextG to apply for a certificate or submit any registration as a prerequisite to providing competitive telecommunications service. NextG should still be eligible to apply for and receive BTOP grants in Colorado, despite the fact that there is no formal "CPCN" issued by the state in that case.

with any [state entity, such as state public service commissions, state broadband authorities and state service administrative agencies.]"[15] Tellingly, Ms. Kane gave no reference any provision of Section 6001 or its legislative history that requires such a partnership, and none can be found. Indeed, the text of Section 6001(e)(1) states that "To be eligible for a grant under the program, an applicant shall … be a State or political subdivision thereof … a nonprofit … ***or*** any other entity, including a broadband service provider …" (Emphasis added). Use of the word "or" – as opposed to, for example, "with" – clearly indicates that private-sector entities may be eligible on their own accord. In addition, the legislative history of Section 6001 further supports a determination of stand-alone eligibility for private-sector entities. While the original Senate bill would have allowed private entities to participate only through public-private partnerships, this limited definition was rejected in Conference and replaced with a "new, broad definition of entities that are eligible to receive grants … including, wireless carriers, wireline carriers, backhaul providers, satellite carriers, public-private partnerships, and tower companies."[16]

Thus, while public-private partnerships certainly are eligible to receive grants, Congress intended private-sector entities to be directly eligible as well. NTIA should not attempt to override Congress' explicit intent to permit direct private-sector participation by reverting to a rejected version of the legislation by imposing a public-private partnership mandate for eligibility.

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15 *See* Transcript of March 16, 2009 Public Meeting at 9-10, available at http://www.ntia.-doc.gov/broadbandgrants/090316/NTIA_031609_1000-1130session.pdf.

16 Recovery Act Legislative History, Title VI.

III. THE SELECTION CRITERIA FOR BTOP GRANTS SHOULD BE TECHNOLOGY NEUTRAL AND NOT DISCRIMINATE AGAINST WHOLESALE CARRIERS

In Question 4 of the RFI, NTIA and RUS have requested comment about how to establish selection criteria for grant awards. At this preliminary stage in the process, NextG would like to emphasize two basic but important points about the selection criteria.

Technological Neutrality. In Section 6001(e)(1)(C), Congress has expressly directed NTIA to "promote the purposes of this section in a technologically neutral manner." NextG supports Congress' directive and submits that NTIA should not favor, inadvertently or intentionally, one technology over another. In particular, NTIA should be mindful not to "tip the playing field" in favor of landline broadband delivery platforms at the expense of wireless broadband platforms.

For example, NTIA should not inadvertently favor wireline networks by adopting service speed limits that can only be met currently by wireline networks. The text and legislative history of Section 6001 supports a conclusion that NTIA should not place an undue emphasis on service speed. While Section 6001(h) directs NTIA to take broadband service speed into consideration, it is but one of several factors that should be considered. And although the House version of the Recovery Act included definitions of "basic" and "advanced" broadband service, that approach was rejected in the final version of the Act, which "requires only that the NTIA consider the speeds that would be delivered to consumers in awarding grants," because "a specific speed threshold could have the unintended result of thwarting broadband deployment in certain areas." Moreover, in a letter dated March 25, 2009 to NTIA and RUS, key members of Congress, Reps. Joe Barton (R-TX, Ranking Member of House Commerce Committee) and Cliff Stearns (R-FL, Ranking Member of House Telecom/Internet Subcommittee), stated "Shouldn't the criteria for allocating [BTOP] funds be technologically and competitively neutral? It is not the role of

government to put a finger on the scale or pick winner and losers." This language, viewed in conjunction with Congress' express admonition that wireless carriers should be eligible for BTOP grants, confirms that NTIA should not essentially dictate the result of the BTOP grant selection process by specifying broadband service speeds that can only be met by landline services at this time.

Indeed, wireless networks and services offer distinct benefits, such as mobility, which landline services cannot and which consumers increasingly demand. Consumers are increasingly choosing the flexibility and convenience of receiving broadband services via wireless devices. As noted above, a recent study predicted that by 2020, the vast majority of broadband access will come via mobile devices, and the clear trend in consumer preference is toward wireless delivery of broadband services. In light of that trend, to promote sustainable jobs and usage, grants should go as well to promote deployment of next generation wireless infrastructure. Finally, wireless services offer the ability to provide ubiquitous broadband coverage across a broad geographic area, without the cost and delay of installing cables and wiring on a building-by-building basis.

In short, NTIA's selection criteria should not unduly fixate on broadband service speed, but instead should view speed as one piece of the overall puzzle. NTIA's selection criteria also should take into account the flexibility and benefits of wireless broadband delivery platforms, such as DAS.

No Discrimination Against Wholesale Carriers. Section 6001 and its legislative history make clear that wholesale carriers – *i.e.*, carriers such as NextG that do not provide retail services to end users, but instead provide services to other carriers – are eligible for BTOP

grants.[17] Beyond basic eligibility, NextG submits that wholesale providers should not be put at an unfair disadvantage during the grant selection process. Indeed, in some respects, wholesale carriers are even *better* candidates for BTOP funds than retail carriers because they typically construct large capacity network platforms that can be used by multiple retail carriers to offer service to the public. The retail carriers then compete in the downstream retail market and consumers have a variety of providers and service offerings to choose from, rather than a single dominant provider.

[17] *See* Recovery Act Legislative History ("It is the intent of Conferees that, consistent with the public interest and purposes of this section, as many entities as possible be eligible to apply for a competitive grant, including wireless carriers, wireline carriers, backhaul providers, satellite carries, public-private partnerships, and tower companies.").

IV. CONCLUSION

NextG enthusiastically supports the goals and objectives of the BTOP. In order to ensure the effectiveness of the program, however, NTIA should (i) ensure that DAS networks are eligible for funding; (ii) determine that it is in the public interest for any certificated telecommunications carrier to be eligible for BTOP grants; and (iii) ensure that the selection criteria for grants prioritize technological neutrality and do not discriminate against wholesale telecommunications carriers.

Respectfully submitted,

NextG Networks, Inc.

By: /s/ T. Scott Thompson

T. Scott Thompson
James W. Tomlinson
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue, N.W., Suite 200
Washington, D.C. 20006
Tel. (202) 973 - 4200
Fax. (202) 973 - 4499
ScottThompson@dwt.com
JimTomlinson@dwt.com

Its Attorneys

Dated: April 13, 2009

Attachment 1
Pictures of Representative NextG DAS Installations


MIRA MESA BL.


Giggles