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October 31, 2018

**Via Electronic Filing**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Transforming the 2.5 GHz Band* – WT Docket No. 18-120 – *NOTICE OF EX PARTE PRESENTATION*

Dear Ms. Dortch:

I am writing pursuant to Section 1.1206(b)(2) of the Commission's rules to report that on October 29, 2018, Lynn Rejniak and Todd Gray, representing the National EBS Association ("NEBSA"), and David Moore, Donna Balaguer, and the undersigned, representing the Catholic Technology Network ("CTN"), met with Blaise Scinto, John Schauble, Nancy Zaczek, Nadja Sodos-Wallace, and Catherine Schroeder of the Wireless Telecommunications Bureau regarding the above-referenced proceeding. During the meeting, we pointed out several misperceptions about EBS and provided the attached summary of those misperceptions.

We also discussed EBS renewal standards. In the Notice of Proposed Rulemaking ("*Notice*") in this proceeding at paragraph 55, the Commission asked for comment on bringing existing Educational Broadband Service ("EBS") licensees, once their licenses have been rationalized, into the Wireless Radio Services ("WRS") harmonized framework for license renewal. CTN and NEBSA indicated that the WRS renewal standard set forth in Section 1.949 of the Commission's rules could be applied to both existing and new EBS licenses with appropriate safe harbors. Under the WRS renewal framework, a licensee will meet the renewal standard by certifying it has satisfied a safe harbor which is based on the license's existing performance requirements (47 C.F.R. §1.949(e)). If the framework is applied to EBS as it was to other wireless licenses, including the Broadband Radio Service, then an EBS licensee could meet the renewal standard by certifying it has satisfied the existing performance requirements for EBS set forth in Section 27.14(o) of the Commission's rules. Specifically, an EBS licensee should be able to assert the renewal safe harbor by certifying it meets any of the safe harbors in Section 27.14(o), including

the educational safe harbor noted by the Commission in the paragraph 52 of the *Notice*.<sup>1</sup> In terms of timing, the *Notice* sought comment on whether the WRS framework should be applied following any rationalization of the EBS licenses. CTN and NEBSA agree that such rationalization must take place before any revisions to the renewal standard take effect. The Commission provided at least five years in the WRS renewal proceeding for licensees to transition to the new renewal requirements, and should similarly provide a minimum five-year transition period after the rationalization occurs for existing EBS licensees to adapt to any new renewal standards.

Respectfully submitted,

*/s/ Edwin N. Lavergne*

Edwin N. Lavergne

cc Lynn Rejniak  
Todd Gray  
David Moore  
Blaise Scinto  
John Schauble  
Nancy Zaczek  
Nadja Sodos-Wallace  
Catherine Schroeder

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<sup>1</sup> The EBS substantial service safe harbor in Section 27.14(o)(2)(iii) incorporates the educational use requirement of twenty hours per channel per week. In the WRS renewal proceeding, the Commission did not alter wireless licensees' performance requirements but rather incorporated those requirements into the renewal safe harbor. The same should hold true for EBS. Furthermore, while the *Notice* solicited comment regarding performance requirements for newly-issued 2.5 GHz licenses, and also sought comment on eliminating the EBS educational use requirements, it did not seek comment on eliminating or modifying the substantial service requirements for existing licensees or the effect of doing so if EBS licenses are incorporated into the WRS renewal framework.

1. **Misperception - EBS is Underutilized.** In areas where EBS is licensed, which cover about 85% of the U.S. population, the spectrum is widely deployed. EBS is underutilized only in “white space” areas where it has not yet been licensed. These unlicensed areas cover only about 15% of the U.S. population.
2. **Misperception - EBS Was a Spectrum Policy Mistake.** EBS (formerly ITFS) did have a difficult start decades ago, when it was used for video service. However, EBS was revitalized in 2004, when the entire 2.5 GHz band was overhauled to accommodate wireless broadband service. Today, EBS works. It works for educators, students, commercial operators, and consumers.
  - EBS is not hampering investment in the 2.5 GHz band.
  - EBS is not slowing commercial deployment in the band.
  - EBS is not holding-up spectrum needed for 5G.

**Nothing is broken; nothing needs fixing.** From a policy perspective, EBS facilitates digital education without government subsidies. Educators educate; commercial operators serve customers for a profit. These entirely different objectives are *both* furthered by the existing EBS regulatory model.

3. **Misperception – EBS is No Longer Necessary.** The notion that EBS is no longer necessary for education because many EBS licensees “ride over-the-top” of commercial broadband networks and lease 95% of their capacity is a misnomer. Shared networks were anticipated and encouraged by the FCC as a means of making efficient use of spectrum.
  - Leasing significant spectrum capacity makes perfect sense in a broadband environment where greater spectrum efficiencies can be achieved if a single entity subdivides and combines channels. The Commission encouraged such leasing, and educators embraced that call by establishing successful public-private partnerships with commercial service providers.
4. **Misperception – EBS Licensees are Middlemen.** Middlemen simply broker an asset. That’s not what happens with EBS. EBS licensees *educate*; commercial operators serve customers for a *profit*. These are different goals – both of which are served under the existing regulatory model (without government subsidies) because educators have a “seat at the table.” The best way to avoid positioning future EBS licensees as middlemen is to retain educational use requirements and limit eligibility to local accredited institutions and governmental organizations.