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**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

Dear Ms. Dortch:

We are writing on behalf of the Catholic Technology Network (“CTN”) and the National EBS Association (“NEBSA”) in response to the white paper entitled *Roadmap for a Voluntary Incentive Auction of Educational Spectrum in the 2.5 GHz Band*, which was submitted into the record by Fred Campbell, Director of Tech Knowledge on March 27, 2019.

The fundamental premise of the white paper is that flexible-use rights (*i.e.*, commercial rights) should not be granted to Educational Broadband Service (“EBS”) licensees unless the Commission first conducts an incentive auction to ensure that EBS spectrum ends up in the hands of those who value the spectrum most.<sup>1</sup> Otherwise, the white paper argues, granting flexible-use rights to incumbent EBS licensees would result in EBS spectrum being commercialized and sold at below-market prices, which would yield inefficient results and be contrary to the public interest.<sup>2</sup>

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<sup>1</sup> White paper at 10 (“auctions are better at getting spectrum into the hands of those who value it the most than secondary market transactions.”) and 18 (“The FCC should not grant commercial spectrum rights to EBS licensees without a competitive bidding process.”).

<sup>2</sup> White paper at 15 (“pricing data indicates that EBS spectrum auctioned with flexible-use rights would be worth from 1.8 to 6.8 times more than the \$.030 per MHz-pop that Sprint paid Clearwire for its EBS leases.”); 18 (“Eliminating the educational restrictions while leaving the EBS band’s historical legacy in place is likely to yield inefficient results.”); 20 (“A voluntary incentive auction is still the most efficient way to transition restricted EBS spectrum to commercial use.”); and 28 (“the FCC also has legal authority to determine [how] the public interest would be better served...”).

Under the approach advocated in the white paper, EBS spectrum that is not submitted for auction would remain subject to existing EBS eligibility restrictions and educational use requirements.<sup>3</sup> The inescapable logical converse of the white paper's call for an EBS incentive auction is that if the Commission *retains* EBS educational eligibility and use requirements there is no need for an incentive auction. CTN and NEBSA agree with the white paper on that point. There is no need for an EBS incentive auction because there is no need to permit licensed EBS spectrum to be sold to commercial entities.

The record in this proceeding leaves no doubt that licensed EBS spectrum is already being used efficiently and effectively for both commercial and educational purposes. The existing EBS regulatory regime has proven successful for over a decade in making ample EBS spectrum available for commercial 3G, 4G, and now 5G services, while at the same time providing private funding and resources for education without reliance on federal assistance or other government funding. That is why CTN, NEBSA, the Schools, Health & Libraries Broadband Coalition, the State Educational Technologies Directors Association, the School Superintendents Association, and dozens of other parties have opposed the commercialization of EBS.<sup>4</sup>

Even if the Commission were to conclude that an EBS incentive auction is feasible and legally permissible, it would be a mistake to attempt to conduct an incentive auction at this critical juncture in the evolution of 5G. Sprint has long-term lease arrangements covering over 1,500 EBS licenses, and the 2.5 GHz band serves as the backbone of Sprint's network, covering hundreds of

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<sup>3</sup> White paper at 20 ("Spectrum that is not submitted for auction would continue to be subject to be subject to the current EBS licensing restrictions (e.g., the educational eligibility and educational use requirements).").

<sup>4</sup> See Comments of Havasupai Tribal Council at 3 (filed June 19, 2018); Comments of Hackett School District at 2 (filed June 28, 2018); Comments of Lawrence County School System at 2 (filed June 28, 2018); Comments of Torstrick Ministries Inc. at 2 (filed July 24, 2018); Comments of King George County Schools at 1 (filed July 24, 2018); Comments of Amelia Academy at 2 (filed July 24, 2018); Comments of Love Covenant Christian School at 1 (filed July 24, 2018); Comments of California K-12 High Speed Network at 4, 21 (filed Aug. 7, 2018); Comments of Educators and Broadband Providers for American Rural Communities at 9-10 (filed Aug. 7, 2018); Comments of Utah Educational and Telehealth Network at 1 (filed Aug. 7, 2018); Joint Comments of CTN and NEBSA at 16-18 (filed Aug. 8, 2018); Comments of Northern Michigan University at 9-10 (filed Aug. 8, 2018); Comments of School Superintendents Association and the Association of Educational Service Agencies at 5, 15 (filed Aug. 8, 2018); Comments of State Educational Technology Directors Association at 3-6 (filed Aug. 8, 2018); Comments of TechSoup Global at 3 (filed Aug. 8, 2018); Joint Comments of South Florida EBS Licensees at 3-6 (filed Aug. 8, 2018); Comments of PCs for People at 1-2 (filed Aug. 8, 2018); Comments of Rural EBS Coalition at 7 (filed Aug. 8, 2018); Comments of North American Catholic Educational Programming Foundation and Mobile Beacon at 7-9 (filed Aug. 8, 2018); Comments of Digital Wish at 1, 3 (filed Aug. 8, 2018); Comments of Consortium for School Networking at 2-4 (filed Aug. 8, 2018); Comments of National Digital Inclusion Alliance at 3 (filed Aug. 8, 2018); Comments of Hispanic Information and Telecommunications Network, Inc. at 2 (filed Aug. 8, 2018); Comments of North Carolina Broadband Infrastructure Office at 5-6 (filed Aug. 8, 2018); Comments of the Schools, Health & Libraries Broadband Coalition at 9 (filed Aug. 8, 2018); and Comments of Northern Arizona University Foundation at 8-9 (filed Aug. 8, 2018).

millions of POPs. Any effort to commercialize EBS through an incentive auction surely will result in legal challenges, which will take years to resolve. Those challenges, in turn, would cause needless disruption, delay, and uncertainty, and threaten a smooth transition of valuable midband spectrum for 5G. Moreover, the record in this proceeding reveals other risks associated with commercializing EBS.<sup>5</sup> A better path forward, and the fastest way to ensure that EBS spectrum is quickly deployed for 5G, is to leave the existing EBS rules largely unchanged.

Respectfully submitted,

*/s/ Edwin N. Lavergne*

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<sup>5</sup> See e.g., Comments of North American Catholic Educational Programming Foundation and Mobile Beacon at 9 (“While the proposal [to commercialize EBS] has facial appeal, it ignores market realities. ... Commercial entities will have the ability and incentive to offer favorable *transfer* terms – and highly unfavorable (or no) lease terms – in an attempt to drive EBS licensees to sell.”) and Reply Comments of CTN/NEBSA at 7 (“Allowing EBS licenses to be sold to commercial entities is sure to result, over time, in the loss of EBS as a public asset to the detriment of education.”).