

May 3, 2018

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: *Transforming the 2.5 GHz Band*, WT Docket No. 18-120.

Dear Ms. Dortch:

On May 1, 2018, Katherine Messier, Director of Development of the North American Catholic Educational Programming Foundation, Inc. (NACEPF), John Schwartz, President and CEO, and Mark Colwell, Director of Telecommunications Strategy, of Voqal, and I met separately with Rachael Bender, Wireless and International Advisor to Chairman Pai; Umair Javed, Wireless and International Legal Advisor to Commissioner Rosenworcel; Erin McGrath, Wireless, Public Safety, and International Legal Advisor to Commissioner O’Rielly; and the following members of the Wireless Telecommunications Bureau: Deputy Bureau Chief Dana Shaffer, Legal Advisor Charles Eberle, Broadband Division Chief Blaise Scinto, Broadband Division Deputy Chief John Schauble, Nancy Zaczek, Catherine Schroeder, and Nadja Sodos-Wallace. In these meetings, we discussed the draft Notice of Proposed Rulemaking in the above-captioned proceeding.

Voqal is the common trade name for a collaboration of five Educational Broadband Service (EBS) licensees¹ that advance social equity through innovation by creating an educated and engaged public. One of Voqal’s programs, Mobile Citizen, focuses on expanding internet access to educational institutions and nonprofit organizations, particularly organizations working to bridge the digital divide. NACEPF is a nonprofit organization that has licensed EBS spectrum in 51 markets across the U.S., including 9 large metropolitan areas, 18 mid-size markets, and 24 rural, under-served parts of the country. Through its Mobile Beacon program, NACEPF supports the broadband needs of K-12 schools, public libraries, colleges and

¹ The five Voqal licensees are: (1) Chicago Instructional Technology Foundation, Inc., an Illinois nonprofit corporation; (2) Denver Area Educational Telecommunications Consortium, Inc., a Colorado nonprofit corporation; (3) Instructional Telecommunications Foundation, Inc., a Colorado nonprofit corporation; (4) Portland Regional Educational Telecommunications Corporation, an Oregon nonprofit corporation; and (5) Twin Cities Schools’ Telecommunications Group, Inc., a Minnesota nonprofit corporation. Instructional Telecommunications Foundation hold seven EBS licenses. Each of the remaining four Voqal entities holds one.

universities, nonprofits, and other community anchor institutions. Using EBS spectrum, NACEPF currently serves 749 schools, 622 libraries, and 4,223 nonprofits across all 50 states.

Voqal and NACEPF welcome the Commission’s decision to initiate this EBS proceeding, which has the potential to facilitate 5G wireless deployment and help close the digital divide, while advancing both commercial and educational uses of this spectrum. In particular, we applaud the Commission’s decision to end the freeze on assignments that has left large areas of EBS spectrum unused, particularly in rural areas.

In these meetings, we discussed the importance of ensuring that the Commission develops a comprehensive record on how to put EBS spectrum to its highest and best use. To that end, we discussed the following issues:

First, for over 50 years, EBS spectrum has been—and remains—the only spectrum band designed to promote educational use. For the existing 2,190 EBS licensees, paragraph 22 of the draft NPRM seeks comment on “eliminating the educational use requirements,” explaining that they are “out of date” and asking “whether there is value in attempting to update the educational use requirements.”² Voqal and NACEPF recognize that the current rules are outdated, but want to ensure that the Commission has a full record on the impact of such a change and ways to modernize, rather than eliminate, educational use requirements. Today, EBS spectrum is being used to provide broadband connectivity to students and their families—both inside and outside the classroom. As reflected in the attached reports, Mobile Beacon has published extensive research into how its EBS spectrum is being used for education.³ Asking additional questions about how EBS service is used today, what educational use requirements make sense in the broadband context, and how such usage could be measured will allow the Commission to make a decision on a full record.

Second, in assigning new EBS licenses, paragraph 28 of the draft NPRM expresses a preference for local licensees by proposing to allow only those entities that are “physically located” in an area to participate in each of the priority filing windows.⁴ While agreeing on the value of local community involvement, Voqal and NACEPF expressed concern that this proposed definition is too narrow. For example, entities that already provide educational service to communities or in partnership with similar organizations may have just as much knowledge of local conditions and needs as a licensee physically located in the license area. Whatever the ultimate answer, we think the Commission would be well served to ask in the NPRM about alternative definitions, such as

² *Transforming the 2.5 GHz Band*, Draft Notice of Proposed Rulemaking, WT Docket No. 18-120, FCC CIRC1805-02 ¶ 22 (“draft NPRM”).

³ Samantha Schartman-Cyck & Katherine Messier, *Creating Opportunity through Connectivity: How Mobile Broadband for Anchor Institutions Impacts Communities*, available at https://www.mobilebeacon.org/wpcontent/uploads/2018/01/CreatingOpportunitiesResearchPaper_2018-1.pdf; Samantha Schartman-Cyck & Katherine Messier, *Bridging the Gap: What Affordable, Uncapped Internet Means for Digital Inclusion*, available at https://www.mobilebeacon.org/wpcontent/uploads/2017/05/MB_ResearchPaper_FINAL_WEB.pdf.

⁴ Draft NPRM ¶ 28.

whether the Commission should consider a licensee to be local if the licensee already provides educational service pursuant to Section 27.1203 of the Commission's Rules to the community or metropolitan area.⁵

Relatedly, Voqal and NACEPF expressed concern that too narrow a focus on "localism" could actually hinder 5G deployment, particularly to schools and other anchor institutions. Paragraph 30 of the draft NPRM suggests that 'national' licensees that lack a local physical presence lack a close understanding of a local community's needs and are less likely to use EBS to meet those needs.⁶ Voqal and NACEPF discussed their track record of providing robust EBS broadband offerings and programs that have been locally tailored to meet the needs of particular communities, whether or not Voqal or NACEPF have a mailing address in the community. The Commission can better develop its record by asking about whether and how collaborations of EBS licensees can serve local communities and how, if at all, that record of service differs from service offered by local licensees individually.

Third, we appreciate the many proposals and questions asked in paragraphs 11 through 18 of the draft NPRM about how best to rationalize existing EBS license areas.⁷ To inform the overall record of this proceeding, Voqal and NACEPF suggested that the Commission ask how the decision about rationalizing existing licenses relates to the assignment of new licenses. In particular, the Commission should seek comment on how the decision to use census tracts or county boundaries could affect the complexity of the assignment process and the speed of wireless deployment to currently unlicensed areas.

Finally, Voqal and NACEPF agree with the Catholic Television Network and the National EBS Association⁸ that, given the complexity of some of the issues raised in the NPRM, extending the draft NPRM's 30-day comment, 30-day reply comment cycle would help ensure that EBS licensees and other stakeholders can provide the Commission with thorough comment on its proposals and questions. For example, the mapping and analysis needed to evaluate the draft NPRM's alternatives for rationalizing licenses using different areas and thresholds will take time to develop. Further, the summer comment cycle may be particularly challenging for educational stakeholders that wish to engage in this proceeding by filing comments. We suggest extending the comment period to 90 days and the reply comment period to 45 days.

⁵ 47 C.F.R. § 27.1203.

⁶ Draft NPRM ¶ 30.

⁷ See Draft NPRM ¶¶ 11-18.

⁸ Letter from Edwin N. Lavergne, Catholic Technology Network, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 18-120 (filed Apr. 30, 2018).

Sincerely,



Stephanie Weiner
Counsel to Voqal and NACEPF

Attachments

Cc: Rachael Bender
Umair Javed
Erin McGrath
Dana Shaffer
Charles Eberle
Blaise Scinto
John Schauble
Nancy Zaczek
Catherine Schroeder
Nadja Sodos-Wallace