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July 3, 2019

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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:

I am writing pursuant to Section 1.1206(b)(2) of the Commission’s rules to report that on July 2 and July 3, 2019, Todd Gray, representing the National EBS Association (“NEBSA”), and the undersigned, representing the Catholic Technology Network (“CTN”), talked by phone with William Davenport, legal advisor to Commissioner Starks; Will Adams, legal advisor to Commissioner Carr; Erin McGrath, legal advisor to Commissioner O’Rielly; and Umair Javed, legal advisor to Commissioner Rosenworcel. We discussed the draft Report and Order in the above-referenced proceeding (“*Draft Order*”) focusing, in particular, on AT&T’s last minute request to impose new performance requirements on incumbent Educational Broadband Service (“EBS”) licensees. AT&T’s request was filed just days before further presentations are prohibited in this proceeding.<sup>1</sup>

We urged that the existing performance requirements for incumbent EBS licensees be retained as proposed in the *Draft Order*. In recognition of the fact that incumbent EBS licensees have already satisfied their performance requirements, the *Draft Order* provides that incumbent licensees may continue to use those standards for future renewal showings. *Draft Order* at ¶ 103. Consistent with the Commission’s proposal in the Notice of Proposed Rulemaking (“NPRM”) and consistent with NEBSA and CTN’s comments submitted in response to the NPRM, the *Draft Order* subjects EBS licensees to the same WRS framework that applies to other wireless service licensees.<sup>2</sup> *Draft Order* at ¶ 108.

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<sup>1</sup> Letter dated June 28, 2019 from Alex Starr, AT&T Services, Inc. (WT Docket No. 18-120).

<sup>2</sup> See Notice of Proposed Rulemaking (WT Docket No. 18-120), FCC 18-59 (May 10, 2018) at ¶ 55 (“We also seek comment on bringing existing EBS licensees, once their licenses have been rationalized as discussed earlier, into the WRS framework for license renewal.”); see also CTN/NEBSA Comments dated August 8, 2018 at 20-21 and CTN/NEBSA letter dated October 31, 2018 in which CTN and NEBSA supported applying the WRS framework to EBS licensees.

AT&T's letter – which was filed more than a year after adoption of the NPRM and just three business days before the date on which further presentations are cut-off in this proceeding – now proposes a significant change in the performance standards for existing EBS licenses. The NPRM did not contemplate or propose such standards, and the Commission has not received comment on AT&T's proposed standards. It would be unfair, and we believe unlawful, for the Commission to take any action on the AT&T proposal at this late date.

Throughout this proceeding, CTN and NEBSA repeatedly have been assured that no action was contemplated that would be disruptive or harmful to incumbent EBS licensees. The *Draft Order* is consistent with those assurances. Conversely, implementation of AT&T's proposal would be disruptive and potentially harmful. Indeed, the performance requirements proposed by AT&T would subject incumbent governmental, educational, and nonprofit EBS licensees to far more stringent performance requirements than are applicable to incumbent commercial Broadband Radio Service licensees. There is no legally supportable basis for such a disparity.

Finally, we noted that that at least one party recently proposed providing bidding credits to certain entities that may choose to participate in the overlay auction. We asked that if bidding credits are provided to such entities, similar credits be made available to governmental entities, schools, and nonprofit entities that may wish to participate in the auction.

Respectfully submitted,

*/s/ Edwin N. Lavergne*

Edwin N. Lavergne

cc    Nicholas Degani  
      Aaron Goldberger  
      Bill Davenport  
      Will Adams  
      Erin McGrath  
      Umair Javed