

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Amendment of Parts 1, 21, 73, 74 and 101 of
the Commission's Rules to Facilitate the
Provision of Fixed and Other Advanced
Services in the 2150-2162 and 2500-2690
MHz Bands

Transforming the 2.5 GHz Band

WT Docket No. 18-120

**COMMENTS OF AMERICA'S PUBLIC TELEVISION STATIONS
AND CORPORATION FOR PUBLIC BROADCASTING**

America's Public Television Stations ("APTS") and the Corporation for Public Broadcasting ("CPB") submit these comments in response to the referenced Notice of Proposed Rulemaking, released May 10, 2018 ("*Notice*"). In its consideration of new rules for the Educational Broadband Service ("EBS") and the 2.5 GHz band, APTS and CPB urge the Commission to recognize and preserve the success and value of the EBS service and its existing regulatory environment, which enables public television stations holding EBS licenses to enhance service to their communities. APTS and CPB also encourage the Commission to adopt rules to rationalize the service areas of existing licenses, and to issue new EBS licenses to qualified educational entities, in both cases including local public television stations.

Background

APTS is a non-profit organization whose membership comprises the licensees of nearly all of the nation's CPB-qualified noncommercial educational television stations. The APTS mission is to support the continued growth and development of a strong and financially sound

noncommercial television service for the American people. CPB is a private, non-profit corporation created and authorized by the Public Broadcasting Act of 1967 to facilitate and promote a national system of public telecommunications. Pursuant to its authority, CPB has provided millions of dollars in grant monies for support and development of public broadcasting stations and programming.

The licensees of nearly 50 public television stations hold one or more EBS licenses. Certain of these licensees are accredited colleges and universities or other governmental educational entities, such as state broadcasting networks, and others are “community licensees” – local private nonprofit organizations created specifically to provide high quality public television programming to the communities in their service areas. By virtue of their public service mission and their reliance on public support, all public television licensees have an intensive connection to and engagement with their local communities.

Public Television and EBS

Public television stations early on recognized the value of being able to transmit multiple channels of educational television programming, and many applied for and obtained licenses as far back as the 1970’s and 1980’s for what were then called Instructional Television Fixed Service (“ITFS”) stations.

South Carolina Educational Television Commission (“SCETV”), for example, pioneered the use of EBS stations to augment its state public television network to provide multiple channels of both locally selected and statewide instructional television programming into virtually every classroom in the state. Detroit Public Television for many years transmitted multiple educational television programs 24 hours per day to local schools and to as many as 29 cable television head-ends in the metropolitan area. Its Homework Channel was carried into more than 450,000 homes. Clark County School District in Nevada (“Vegas PBS”) has effectively used its EBS channels for decades to deliver instructional television programming to

the District's schools. Vegas PBS continues to transmit programs selected by school curriculum advisors over six (6) digital channels to schools with 320,000 students and 18,000 teachers. It leases the remainder of its EBS capacity to Sprint for use in its wireless system in the Las Vegas area, and revenue from that lease helps support the educational services of Vegas PBS.

With the advance of digital television technology offering multicasting opportunities on public TV stations themselves, and the growing reliance on Internet distribution for educational and instructional video material, operation of EBS-based video systems by public TV stations has largely given way to the deployment of EBS assets for wireless broadband systems. One public television licensee, Northern Michigan University ("NMU"), has developed its own EBS-based wireless LTE system covering Michigan's rural Upper Peninsula, including areas otherwise unserved or underserved by broadband providers. The NMU system provides broadband services to more than 9,000 users, including nearly 2,000 K-12 and life-long learning students. This robust, carrier-grade network provides wireless educational broadband in a manner that addresses serious "homework gap" problems encountered by many students. NMU's LTE service is not data-capped and users are able to subscribe on a month-to-month basis without penalties or contracts. Additionally, NMU offers families with school-aged children a Children's Internet Protection Act ("CIPA") compliant, filtered service that delivers, to the home, an internet connection identical to the one used in their public school. This added protection provides the safety margin for families who desire added internet security. The University offers a choice of indoor, outdoor or hotspot CPE devices capable of delivering LTE service up to nine miles from an LTE transmitter site.

Most public TV stations with EBS licenses, however, have partnered with wireless operators, most notably Sprint, to utilize capacity of their spectrum in wireless systems offering

services to the general public. The lease arrangements underpinning these partnerships have provided significant benefits to public TV stations, including wireless services for local schools and the TV stations themselves to support their educational services, as well as revenues to support their programs and operations. SCETV, for example, now uses Sprint wireless devices to provide wireless broadband access and filtered, kid-friendly, student-centric educational content to hundreds of pre-K program locations (such as South Carolina Head Start, First Steps and After School Alliance) to power laptops, tablets and smart phones. Detroit Public Television, together with Detroit Public Schools, Wayne State University and intermediate school districts of Wayne, Oakland and Macomb counties have created an EBS-based consortium called the Community Telecommunications Network (“CTN”). These EBS licensees lease their capacity to CTN, who in turn subleases it to Sprint. The partnership with Sprint provides both funding for the licensees’ educational programs and Sprint wireless Internet devices used by the licensees for educational and institutional purposes and to support other community endeavors, such as the Connect your Community program, which included training and computers for more than 6,000 low-income households.

A particularly exciting prospect exists for the future of EBS in the hands of public television stations. Public television is deeply invested in providing educational services in both the broadcast and broadband domains. Public television has started to explore the potential for combining these capabilities using EBS-based wireless broadband transmissions and broadcasts offered through public television facilities. The pending transition of broadcast television to ATSC 3.0 offers great possibilities when combined with the power of two-way wireless communications. Particularly in places (such as the Michigan Upper Peninsula as noted above) where broadband is limited or unaffordable, the combination of ATSC 3.0 with EBS-based

Internet service could enable rich content tailored to the student. The significant capacity and personalization capabilities of ATSC 3.0 together with the interactive and back-channel capabilities of EBS could enable educationally effective and economical services for students of all ages – overcoming the cost and capacity limitations of wireless-only solutions, particularly as manufacturers begin to offer mobile and fixed receivers capable of both LTE and ATSC 3.0 reception.

Preserving EBS Licenses and Regulatory Environment

Public television stations' EBS licenses and leasing arrangements significantly enhance their service to their communities. Given the success of the Commission's current regulatory model for EBS, APTS and CPB urge the Commission to focus in this proceeding on adopting a process for licensing EBS white space so that the public interest benefits of the existing EBS regulatory environment extend nationwide. The Commission should avoid any changes to its rules that would disrupt existing licensees and their leasing arrangements.

Rationalizing Existing Licenses and Licensing EBS White Space

APTS and CPB support the Commission's proposal to rationalize circular Geographic Service Areas ("GSAs") of existing EBS licenses by expanding them to county boundaries. This would have a number of advantages, including eliminating inefficient and disruptive gaps between existing licensed service areas, conforming licenses to a geographic unit recognized by the FCC's Universal Licensing System, and enabling a process by which new EBS license opportunities can be efficiently identified, applied for, processed and granted by the Commission.

APTS and CPB urge the FCC to implement an efficient rationalization process. The *Notice* suggests that the Commission might do this in two discrete steps -- an automatic

expansion for all licensed GSAs to a smaller geographic unit (such as a Census Tract), followed by an application process limited to certain EBS licensees for further expansion to a larger geographic unit (such as a county). APTS and CPB believe it would be better for rationalization to take place in a single automatic step applicable to all EBS licenses (including public TV stations). APTS and CPB support the proposal set forth in the “consensus plan” submitted to the Commission by the EBS community in 2014 (referenced in the *Notice* at note 23), under which existing EBS GSAs that currently cover a portion of a county and are adjacent to “white space” in that county would expand to the boundaries of that county.

Regarding the issuance of new licenses for EBS white space, APTS and CPB support the concept of priority filing windows for Native American Tribes and for local educational entities, but urge that public TV stations – given their focus on local service and engagement -- should be qualified to participate in the window for local educational entities. Public TV licensees in some instances may not be accredited schools, but their educational mission and service is clear. For example, through its funding of multi-media Ready to Learn content, Congress has specifically intended that public television stations use technology to advance childhood education. Access to new EBS licenses is in keeping with Congressional intent.

Public TV licensees should be deemed “local” throughout their stations’ service areas. Given the prospect of interactive communications between public TV stations transmitting in ATSC 3.0 to their audiences using EBS, and the benefits that could flow from the merging of television and EBS technologies, public TV licensees should be eligible to participate in new EBS station licensing opportunities in those areas where they provide public television service.

Conclusion

The Commission should preserve the success and value of the EBS service and its

existing regulatory environment. The Commission should move forward with its plans to rationalize the service areas of existing licenses, and to issue new EBS licenses to qualified educational entities, in both cases including local public television stations.

Respectfully submitted,

**AMERICA'S PUBLIC TELEVISION
STATIONS**

By: /s/ Lonna Thompson
Executive Vice President, Chief
Operating Officer and General
Counsel

America's Public Television Stations
2100 Crystal Drive
Suite 700
Arlington, VA 22202

**CORPORATION FOR PUBLIC
BROADCASTING**

By: /s/ J. Westwood Smithers, Jr.
Senior Vice President and General
Counsel

Corporation for Public Broadcasting
401 Ninth Street, NW
Washington, DC 20004

August 8, 2018