

**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

JOINT REPLY COMMENTS OF EBS LICENSEES

The numerous Educational Broadband Service ("EBS") licensees shown below (the "EBS Parties") provide these joint reply comments in response to comments filed in the referenced rulemaking proceeding. The EBS Licensees hereby express their strong support for the positions taken in the Joint Comments of the National EBS Association and Catholic Technology Network (the "NEBSA/CTN Comments").

Background on EBS Parties

The EBS Parties are public and private colleges, universities and university systems, county school boards or offices of education, school districts, community and technical colleges, private K-12 schools, consortia of educators engaged in distance learning, public broadcasters and governmental or non-profit educational telecommunications entities. Many of the EBS Parties are long-time licensees who over time have invested substantial resources (including state, local and charitable funding) in their telecommunications-based facilities and programs. All of the EBS Parties have provided valuable educational services over

EBS (formerly ITFS) stations to learners in schools, workplaces and homes. Among the EBS Parties are operators of some of the oldest, largest and most innovative EBS operations in the country. The EBS Parties collectively serve millions of students and adult/workforce learners.

The EBS Parties believe that the Educational Broadband Service as it exists today reflects extraordinarily successful FCC spectrum management policy. The FCC's implementation of the EBS licensing structure, regulatory regime and secondary markets leasing environment has transformed EBS from an underutilized and increasingly obsolete instructional video service into a flexible, modern and robust wireless data service that serves educators and their students, as well as large and small wireless operators and their customers. The EBS Parties do not believe that EBS or the 2.5 GHz band needs to be "transformed." The principal problem with EBS is the FCC's failure, since 1995, to adopt and implement rules to extend the value of EBS throughout the remainder of the United States. As stated in the NEBSA/CTN Comments, EBS does not need "fixing," it needs "finishing."

GSA Rationalization

The EBS Parties support the FCC's proposal to rationalize Geographic Service Areas ("GSAs") of existing EBS stations to resolve gaps in EBS coverage created by circular service areas and conform GSAs to the extent possible to recognized geographic boundaries. Doing so would improve operational effectiveness of existing wireless systems using EBS spectrum and enable the FCC to implement a more efficient process for issuing new EBS licenses.

The EBS Parties urge the FCC to use county boundaries for rationalization. Rationalization should be accomplished by automatically extending each GSA currently covering a portion of a county that is adjacent to "white space" in the county to the boundaries of

that county. Expansion by more than one existing GSA into the same county can take place by extending the “football” splitting lines currently existing between overlapping GSAs. To the extent that the FCC believes that some threshold of current coverage of a county should be met before expansion takes place, the EBS Parties support Sprint’s proposal for a threshold of 10% of the geographic area of the county.

New EBS Licenses

The EBS Parties also support the FCC’s proposal to issue new EBS licenses through priority filing windows for Tribal Nations and new local educational entities, consistent with the comments of NEBSA/CTN. Under this approach, after the window for Tribal Nations, new EBS licenses would be granted only to local educators who currently do not have EBS licenses, thus spreading the benefits of EBS to a new generation of prospective licensees.

The EBS Parties support the issuance of these licenses for geographic service areas based on counties, with a limit of two channel groups per applicant. Even so, the EBS Parties believe that more than one eligible party will be interested in many if not virtually all application opportunities, and they urge the FCC to avoid auctions to the greatest degree possible in issuing such licenses. The EBS Parties concur with the suggestions of NEBSA/CTN that a “first-come, first-served” approach, combined as necessary with a settlement window, would be most appropriate.

The EBS Parties urge the FCC not to implement incentive auctions or overlay auctions for EBS. An incentive auction simply will not work without substantial “buy-in” by existing EBS licensees and their excess capacity operators, which is not likely to exist. Overlay auctions would introduce a pernicious and disruptive incentive into the existing successful EBS license and leasing model, because an overlay auction winner for a given geographic area, presumably a

commercial operator, might be motivated to undermine existing EBS licenses serving the area, in order to obtain access to that EBS spectrum under the overlay license without having to lease it.

Non-Disruption

As noted above, the EBS Parties, all of whom are existing EBS licensees, support the FCC's proposal that new EBS licenses would be issued only to educators currently holding no licenses. Obviously, this means that the EBS Parties could not apply for additional EBS licenses. They are willing to forgo that opportunity, in the interest of promoting the benefits of EBS to others, but they seek in return for the FCC to avoid changing rules to disrupt their existing licenses and leasing arrangements, as well as existing market structures and operations.

Preservation of EBS as Educational Service

The EBS Parties concur with the NEBSA/CTN Comments that the existing EBS licensing and leasing model has been a success in serving the needs of educators and making available 2.5 GHz spectrum for commercial deployment. There is no need to change this model through the various "flexibility" proposals proposed by the FCC.

EBS Renewal Requirements/Discontinuance of Service

The EBS Parties also concur with NEBSA/CTN that generally applicable wireless buildout and renewal standards may reasonably be applied to EBS, with appropriate EBS-specific safe harbors and a transition period similar to that given to other wireless services. There is no reason why these standards should be different for existing and new EBS licenses.

However, the EBS Parties have a concern about application of the general wireless discontinuance of operation rule to EBS. The governmental and/or nonprofit nature of EBS licensees warrants a longer period than 180 days, and the EBS Parties urge the FCC to define permanent discontinuance of service for EBS as 365 consecutive days without service. This is

necessary to accommodate the reality of yearly budget cycles and other funding limitations commonly applicable to educational institutions and other public agencies.

The discontinuance of service rule should also include a process by which a licensee can request an extension of the deadline in exigent circumstances where there is no intention to permanently discontinue operations, but for reasons beyond the licensee's reasonable control, the licensee has been unable to restore operations within the applicable deadline. Additional time would be particularly critical, for example, in the event that an excess capacity lessee were to terminate a leasing relationship and withdraw EBS spectrum from its network, or where a self-deployed EBS licensee's transmission facilities are destroyed in an earthquake or hurricane. In such cases, governmental and nonprofit licensees may not be able to expend funds for restoring service until the next budget can be adopted, and that might well be more than one year in the future.

Conclusion

EBS does not need to be "transformed." The Educational Broadband Service is an FCC spectrum policy success that supports flexible, modern and robust wireless data services for educators, students, commercial operators and their customers. The FCC should adopt rules that preserve the EBS service and finally expand its benefits to the rest of the United States.

Respectfully submitted,

Anaheim Elementary School District
Beebe School District
Belmont University
Bertha-Hewitt Independent School District #786
Blue Ridge Public Television, Inc.
Bowling Green School
Bulloch County Board of Education
California State University
CALNET
Carl Albert State College

Central Piedmont Community College
Chino Valley Unified School District #51
Clarendon Foundation, Inc.
College of Southern Idaho
The Colorado State University System
Comanche Public Schools
Diocesan Telecommunications Corporation
EducationPlus
Ellicott School District
Fishburne Military School
Florida Gulf Coast University
Florida Polytechnic University
Fresno County Office of Education
George Mason University Instructional
Foundation
Greater Dayton Public Television, Inc.
Hampton Roads Educational
Telecommunications Association
Harlem Consolidated School District #122
Harvard University
Idaho State University
Indian Lake Schools
Indian River State College
Innovative Technology Education Fund
Intelcom Intelligent Telecommunications
Kentucky Authority for Educational Television
Kings County Superintendent of Schools
Kirkwood Community College
Lane Community College
La Roche College
Linn-Benton Community College
Manatee County School Board
Merced County Office of Education
Milwaukee Area Technical College
Milwaukee Public Schools
Mineola Union Free School District
Missouri Baptist University
Mohawk Local School District
Montana State University
New Jersey Public Broadcasting Authority
New Orleans Educational Telecommunications
Consortium, Inc.
Nicolet College
Northeastern Educational Television of Ohio
Northwest Florida State College
The Ohio State University

Okaloosa Public Schools Foundation, Inc.
Oklahoma Educational Television Authority
Oklahoma State University
Oregon State University
Palomar College
Point Park University
Portland State University
Public Television 19, Inc.
Pueblo Public School District # 60
Regents of the University of California
Region 4 Education Service Center
Region 10 Education Service Center
Rural California Broadcasting Corporation
San Diego Community College District
San Diego County Superintendent of Schools
School Board of Okaloosa County, Florida
Sea Girt School District
South Carolina Educational Television
Commission
Southeastern Oklahoma State University
Southern Oregon University
South Florida State College
South Suburban College
State of Wisconsin – Educational
Communications Board
St. Christopher's School
St. Norbert College
University of Arizona
University of Central Florida
University of Evansville
University of Idaho
University of Maryland
University of Minnesota
University of Oregon
University of Southern California
University of Southern Indiana
Valley Lutheran High School
Ventura County Office of Education
Verde Valley School
Washington State University
Western Oregon University
Willwoods Community

By: /s/Todd D. Gray

Their Counsel

Gray Miller Persh LLP
1200 New Hampshire Avenue, NW
Suite 410
Washington, DC 20036
202- 776-2571
tgray@graymillerpersh.com

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