**Before the**

**Federal Communications Commission**

**Washington, D.C. 20554**

In the Matter of )

)

Amendment of Parts I, 21, 73, 74 and IOI of the )

Commission's Rules to Facilitate the Provision of ) WT Docket No. 03-66

Fixed and Mobile Broadband Access, Educational ) (Terminated)

and Other Advanced Services in the 2150-2162 )

and 2500-2690 MHz Bands )

)

Transforming the 2.5 GHz Band ) WT Docket No. 18-120

Reply Comments of Gallatin Wireless Internet, LLC

Gallatin Wireless Internet, LLC (Gallatin) hereby replies to certain of the comments filed in this proceeding. Gallatin set forth in its initial comments a regulatory paradigm for the Educational Broadband Service that would preserve the fundamental educational nature of this service by requiring that it actually provide such service. EBS licensees to date have received their licenses *gratis* with the only quid pro quo being that that they would use the licenses to actually provide educational service to students. Over the last 40 years the service has evolved into a service that is educational in name only for many of its licensees. It has become nothing more than a vehicle to generate funds for most of the licensees with any “educational” service (often nothing more than ordinary internet access) relegated to an inconvenient afterthought on a tiny percentage of its authorized bandwidth delivered solely to meet minimum FCC requirements.

To be sure, some of the commenters in this proceeding do indeed provide educational programming to students as originally contemplated by the Commission, but these are few and far between. Yet even these licensees insist on the perpetuation of the right to use of much of the educational band not for education but for lease to revenue-generating commercial operators. There is nothing wrong with that per se – who doesn’t want a free source of revenue? – but Gallatin believes that the use of the spectrum for this purpose detracts from what should be the exclusive use of this spectrum for its intended purpose: education.

The way this service has developed, and the way the EBS licensees prefer to maintain it, is primarily as a source of funds for their operations rather than as a medium for education. It is akin to a situation where a city council donates an acre of land next to a high school for use as a football field. Only instead of using it as a football field, the school rents it out to developers for a strip mall, who, as part of their deal, set aside a room for the football team to watch video of practices and games. The school gets revenue to be sure, but this becomes an insanely convoluted, inefficient, and probably less remunerative means of generating revenue than if the City had just leased the land to the developers itself. Direct school funding would cut out the wholly unnecessary involvement by the school authorities (who are typically educators unqualified and ill-suited to be negotiating real estate deals in any case), and the City could negotiate the deal itself. Funding for school operations would then come from the City coffers under the normal budgeting and appropriation mechanisms that govern educational funding. And, of course, the football field would fall by the wayside in either scenario, just as educational uses have become an afterthought in the EBS.

Gallatin has presented a forward looking plan for the EBS that (i) rationalizes current EBS licenses to conform with established geographic boundaries, (ii) makes available the remaining EBS white spaces for free to educators and tribes who will actually use it solely for education, and (iii) transitions the service on a graduated basis to one in which the licensees must either use the spectrum exclusively for education, return it to the Commission, or sell it to commercial operators when their leases terminate or provide an opt out. This plan preserves the current status quo of EBS leases in accordance with their lease terms, works no unfairness on parties to current lease arrangements, ensures going forward that spectrum designated by the FCC for educational usage is actually put to that use exclusively, and, to the extent that the spectrum is not needed for educational use, provides that it can be sold by EBS licensees to commercial operators who can them put it to its fullest commercial use without the burden of providing minimal educational service and subsidizing educational institutions. We therefore urge that Gallatin’s plan be adopted.

Gallatin Wireless Internet, LLC

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