

**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

**REPLY COMMENTS OF
NORTHERN ARIZONA UNIVERSITY FOUNDATION, INC.**

The Northern Arizona University Foundation, Inc. ("NAUF") submits this Reply to comments filed in response to the above-referenced Notice of Proposed Rulemaking, released May 10, 2018 ("*Notice*").¹

As noted previously, NAUF is a 501(c)(3) non-profit corporation that manages private contributions to Northern Arizona University ("NAU") in order to assist NAU in offering expanded educational opportunities and program offerings to students in Arizona, the Southwest Region, United States and beyond. NAUF is a member institution of the National EBS Association ("NEBSA"). NAUF has reviewed the numerous comments (generally "Comments") filed by licensees, lessees, various industry groups and members of the public. With the hope of assisting the FCC in its rulemaking process, NAUF offers these additional points for consideration.

¹ By order released on June 21, 2018, the Commission extended the comment and reply comment deadlines by 30 days to August 8, 2018 and September 7, 2018, respectively.

I. The FCC Should Lift the Freeze on Issuance of New Licenses.

A reoccurring theme throughout the Notice and Comments is the recognition that the twenty-year freeze on the granting of new licenses has had a detrimental impact on the EBS system. Regardless of which side of the argument is being advocated, one aspect of the current regime is that there remain substantial portions of the country where licenses are not available. Further, there is significant overlap between those areas lacking the opportunity to license EBS and unserved or underserved residents and businesses.²

When reviewing any argument that EBS has failed to fulfill its educational mission, hindered commercial deployment, or can best be served by commercialization, the FCC must first acknowledge that the basis for many of these positions arises from the lack of deployment of EBS licenses – not the failure of EBS to meet its original purpose.

As such, first and foremost, NAUF encourages the FCC to reinvigorate the EBS by maintaining the current process and lifting the freeze on the issuance of new EBS licenses.

II. The FCC Should Revise Existing EBS Geographic Services Areas.

The current methodology for determining EBS geographic service areas (“GSAs”) further exacerbates lack of access, particularly in rural and remote areas where there are significant unserved and underserved residents and businesses. Parallel with the grant of new licenses should be the creation of a reasonable rationalization process to ensure full access to the spectrum. Such a process should not reduce the coverage of existing GSAs held by EBS licensees but ensure that no single geographic area is left unserved or underserved.

² Joint Comments of National EBS Association and Catholic Technology Network at 8, WT Docket No. 18-120 (filed Aug. 8, 2018).

III. EBS Licenses Should Maintain their Educational Purpose.

Further in support of Section I and II above, NAUF believes it is a false narrative to purport that the EBS system has (1) failed to fulfill its educational mission³, and (2) hindered commercial deployment⁴. The Comments provide substantial evidence of the success of the EBS system. The educational benefits experienced by tens of thousands of users at schools, libraries, nonprofits, and anchor institutions across the country show the positive impact of the EBS system and underscores the foresight of the Commission when crafting the existing framework to support education.⁵ That impact could increase exponentially if the Commission would begin granting new licenses under the existing framework.

The Comments also show that commercial deployment has flourished where the FCC has issued EBS licenses. Licensees and commercial lessees provide an uninhibited range of wireless

³ Comments of the Wireless Communications Association International at 4, 26, WT Docket No. 18-120 (filed Aug. 8, 2018).

⁴ Comments of the Wireless Communications Association International at 26, WT Docket No. 18-120 (filed Aug. 8, 2018) (“Banning the lease or sale of licenses for any period of time harkens back to command and control policies that were responsible for underutilization of the band in the first place.”).

⁵ Comments of Northern Michigan University at 3, 5–6, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of the Kings County Superintendent of Schools at 3–5, WT Docket No. 18-120 (filed Aug. 8, 2018); *See, e.g.*, Comments of North American Catholic Educational Programming Foundation and Mobile Beacon at 16, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of PCs for People at 1, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of TechSoup Global at 2, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of Digital Wish at 2–3, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of National EBS Association and Catholic Technology Network at 4, WT Docket No. 18-120 (filed Aug. 8, 2018); Joint Comments of South Florida EBS Licensees at 3 n.3., WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of the Bad River Band of the Lake Superior Tribe of Chippewa Indians at 3, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of the Havasupai Tribal Council at 1, WT Docket No. 18-120 (filed July 19, 2018); Comments of Mural Net at 3, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of North Carolina Department of Information Technology, Broadband Infrastructure Office at 4, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of the Consortium for School Networking at 8, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of Voqal at 10–13, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of Northern Arizona University Foundation, Inc. at 2–3, WT Docket No. 18-120 (filed Aug. 8, 2018).

services that are competitive and at the leading edge of the wireless industry, both with respect to technologies and network speed. Commercial operators have successfully capitalized on their leased EBS spectrum.⁶ The Commission can further optimize the success of these commercial operators by continuing the current regime that supports the original educational purpose by unfreezing the issuance of EBS licenses.

IV. Commercializing the EBS System Does Not Guarantee Improved Access at a Lower Cost.

The FCC must recognize that allowing direct commercial entrance into the EBS system would not only foreclose future educational opportunities for licensees and their current and potential beneficiaries, but would provide no guarantee that gaps in the digital divide would remain unfilled by the commercial marketplace - gaps that are currently being met in those areas where the FCC has issued licenses.⁷

⁶ Comments of Sprint Corporation at 3, WT Docket No. 18-120 (filed Aug. 8, 2018) (“Sprint’s 2.5 GHz spectrum is the source of most of the 4G LTE capacity in Sprint’s existing commercial wireless network”); Comments of the Wireless Communications Association International at 4, WT Docket No. 18-120 (filed Aug. 8, 2018) (“[I]n those areas of the country where EBS spectrum has been made available (which encompass far in excess of 50 percent of the US population), commercial lessees in the 2.5 GHz band have provided a full range of wireless services.”); Joint Comments of National EBS Association and Catholic Technology Network at 3–8, WT Docket No. 18-120 (filed Aug. 8, 2018).

⁷ See, e.g., Comments of the Bad River Band of the Lake Superior Tribe of Chippewa Indians at 3, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of the Havasupai Tribal Council at 1, WT Docket No. 18-120 (filed July 19, 2018); Comments of Mural Net at 3, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of North American Catholic Educational Programming Foundation and Mobile Beacon at 22, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of the Consortium for School Networking at 8, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of Voqal at 10–13, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of Northern Arizona University Foundation, Inc. at 2–3, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of Northern Michigan University at 3, 5–6, WT Docket No. 18-120 (filed Aug. 8, 2018); See, e.g., Comments of North American Catholic Educational Programming Foundation and Mobile Beacon at 16, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of North Carolina Department of Information Technology, Broadband Infrastructure Office at 4, WT Docket No. 18-120 (filed Aug. 8, 2018); See, e.g., Comments of TechSoup Global at 2, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of Digital Wish at 2–3, WT Docket No. 18-120 (filed Aug. 8, 2018); Joint Comments of National EBS Association and Catholic Technology Network at 4, WT Docket No. 18-120 (filed Aug. 8, 2018); Joint Comments of South Florida EBS Licensees at 3 n.3, WT Docket No. 18-120 (filed Aug. 8, 2018); Comments of Educators and Broadband Providers for American Rural Communities at 2, WT Docket No. 18-120 (filed Aug. 8, 2018).

Further, while the commercial sector purports they offer “the same if not better” broadband⁸ at the lowest possible cost to consumers, publicly available information tells a different story. By way of example, the 3G plan offered by Sprint’s 1Million project is 80% less than what the general EBS community offers, but also 70% less than the lowest level retail plan Sprint currently offers for a mobile hotspot. This evidence underscores the importance of maintaining the Commission’s existing eligibility rules – requiring commercial entities to partner with educators. Through this framework, educational institutions and their affiliates are able to provide free or low-cost broadband at a significant level of service that does not economically marginalize the otherwise unserved or underserved.

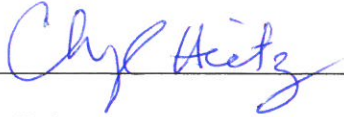
V. Conclusion.

There is compelling evidence that educational entities from across the nation have not only met the original educational purpose envisioned by the existing EBS regulatory model, but have done so successfully. In addition, these educational entities have provided a clear road map as to the deployment of EBS to address currently unmet needs once the Commission has unfrozen the issuance of future licenses. NAUF encourages the Commission to maintain the majority of the current EBS system rules, focus on unfreezing the issuance of future licenses, and improving the definition and designation of the GSA’s.

⁸ Comments of the Wireless Communications Association International at 16 n.37, WT Docket No. 18-120 (filed Aug. 8, 2018).

Respectfully submitted,

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September 7, 2018