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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of	)	
	)	
Implementation of Section 207 of the Telecommunications Act of 1996	)	CS Docket No. 96-83
	)	
Restrictions on Over-the-Air Reception Devices: Television Broadcast and Multichannel Multipoint Distribution Service	)	

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To: The Commission

COMMENTS OF ITFS PARTIES

The Alliance for Higher Education, Arizona Board of Regents for Benefit of the University of Arizona, Board of Regents of the University of Wisconsin System, California State University, Calnet, Catholic Telemedia Network, Greater Dayton Public Television, Inc., INTELECOM Intelligent Telecommunications, KCTS Television, Long Beach Unified School District, Oklahoma State University, San Diego State University, Santa Ana Unified School District, Santa Clara County Office of Education, South Carolina Educational Television Commission, St. Louis Regional Educational and Public Television Commission, State of Wisconsin--Educational Communications Board, University of Idaho, University of Southern California, University System of the Ana G. Mendez Educational Foundation and Washington State University (collectively, the "ITFS Parties"), by their counsel, submit these comments in response to the Commission's *Notice of Proposed Rulemaking* in CS Docket No. 96-83, FCC 96-151, implementing Section 207 of the

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Telecommunications Act of 1996, with respect to restrictions on over-the-air reception devices for TV broadcast and Multichannel Multipoint Distribution Service ("MMDS").

The ITFS Parties are public and private universities and university systems, school districts, consortia of university campuses and community colleges, public broadcasters and governmental or non-profit educational telecommunications entities. Each is an experienced licensee of one or more ITFS stations providing critical educational services to its students and other learners in schools, workplaces and homes; indeed, among the ITFS Parties are operators of some of the oldest, largest and most innovative ITFS systems in the country. Each of the ITFS Parties either contemplates or is already participating with wireless cable operators in the development and operation of ITFS/MMDS video systems.

The ITFS Parties support the Commission's proposal in this proceeding, with one clarification as noted below. The proposal faithfully reflects the will of Congress as reflected in Section 207 of the Telecommunications Act of 1996 that viewers' ability to receive video programming services from various sources should not be impaired by governmental policies not reasonably related to public health or safety or by private restrictions. The proposal appears to set forth a well-defined standard and procedure for the implementation of Section 207, one which favors the widest possible availability of video signals.

The proposal is also clearly within the mandate of the Commission's public interest standard for the adoption of regulations. From their perspective, the ITFS parties believe that the public interest is served by the widest possible availability of wireless cable system services for at least two reasons. First, wireless cable systems by necessity incorporate ITFS channels on which the ITFS Parties and other educators deliver in-school instructional and educational programming and

administrative and training support, workplace training, and instructional, educational and cultural programming for individual viewers. Wireless cable systems offer educators many advantages, not the least of which is access to the public in their homes, thereby making possible the efficient delivery of their services to a much wider audience. This potential audience should not be limited by unnecessary or unreasonable restrictions on the placement of receiving equipment. The proposed regulation thus directly furthers the ITFS Parties' educational missions.

Second, ITFS licensees in wireless cable systems benefit from the provision of facilities and operational, programmatic and financial support by their wireless cable operators, giving them a strong interest in the success of the wireless cable operators' businesses. To the extent that the proposed regulations enhance the abililty of wireless cable operators to thrive over the long term, educators are beneficiaries for this reason as well.

The ITFS Parties therefore support the proposed regulation. They request the Commission to consider one clarification, however--the inclusion of ITFS signals (and also single channel MDS signals) in the regulation. Although Section 207 of the Telecommunications Act of 1996 refers to reception of Multichannel Multipoint Distribution Service signals, the ITFS Parties urge that the effective intent was to encourage the widest dissemination of services in the MDS, MMDS and ITFS bands. Some wireless cable systems will not incorporate any stations actually licensed as MMDS stations (for example, in the Los Angeles area, where both the E and F MMDS channel groups are licensed as ITFS stations to campuses of California State University), and it makes no public policy sense to exclude such systems from the effect of the rule. Also, with the advent of affordable receive installations, some ITFS operators not necessarily working with wireless cable operators may seek access to homes and business sites that could be affected negatively by restrictions on receive

antennas. The rule should be written inclusively so as to permit all operators of MDS, ITFS and MMDS facilities to take advantage of its provisions, and to avoid potential disputes based on the licensed nature of any given point-to-multipoint facility.

For the foregoing reasons, and with the clarification requested above, the ITFS Parties support the proposed regulation in this proceeding and urge its speedy adoption.

Respectfully submitted,

ALLIANCE FOR HIGHER EDUCATION

ARIZONA BOARD OF REGENTS FOR BENEFIT OF THE UNIVERSITY OF ARIZONA

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

CALIFORNIA STATE UNIVERSITY

CALNET

CATHOLIC TELEMEDIA NETWORK

GREATER DAYTON PUBLIC TELEVISION, INC.

INTELECOM INTELLIGENT TELECOMMUNICATIONS

KCTS TELEVISION

LONG BEACH UNIFIED SCHOOL DISTRICT

OKLAHOMA STATE UNIVERSITY

SAN DIEGO STATE UNIVERSITY

SANTA ANA UNIFIED SCHOOL DISTRICT

SANTA CLARA COUNTY OFFICE OF EDUCATION

SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION

ST. LOUIS REGIONAL EDUCATIONAL AND PUBLIC TELEVISION COMMISSION

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UNIVERSITY SYSTEM OF THE ANA G. MENDEZ EDUCATIONAL FOUNDATION

WASHINGTON STATE UNIVERSITY

By: Todd D. Gray
Todd D. Gray
Their Attorney

DOW, LOHNES & ALBERTSON
A Professional Limited Liability Company
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036-6802

(202) 776-2571

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