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February 9, 1998

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BY HAND DELIVERY

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: In the Matter of Amendment of Parts 1, 21, and 74 to Enable  
Multipoint Distribution Service and Instructional Television Fixed  
Service Licensees to Engage in Fixed Two-Way Transmissions  
(MM Docket No. 97-217, File No. RM-9060)**

Dear Ms. Salas:

Enclosed on behalf of the Instructional Telecommunications Foundation, Inc. ("ITF") please find an original and four copies of ITF's Reply Comments in the above-referenced proceeding. Also enclosed is a copy of the comments to be date-stamped and returned to the awaiting messenger.

Should you have any questions regarding this matter, please contact the undersigned counsel at the number above.

Sincerely,



Janell Fonsworth Coles  
Counsel for Instructional Telecommunications  
Foundation, Inc.

Enclosures

cc: John Schwartz  
James A. Kirkland, Esq.

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Before the  
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In the Matter of )  
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Amendment of Parts 1, 21, and 74 to Enable ) MM Docket No.  
Multipoint Distribution Service ) 97-217  
and Instructional Television Fixed )  
Service Licensees to Engage in Fixed ) File No. RM-9060  
Two-Way Transmissions )

To: The Commission

REPLY COMMENTS OF

INSTRUCTIONAL TELECOMMUNICATIONS FOUNDATION, INC.

I. Instructional Telecommunications Foundation, Inc. ("ITF") Endorses the Joint Statement of Position Reached by the National ITFS Association, Inc. ("NIA") and the Wireless Cable Association International, Inc. ("WCA"). However, We Disagree with Certain Interpretations Advanced by Petitioners.

After months of negotiations, NIA and WCA reached a Joint Statement of Position ("Joint Statement") on the day prior to the comment deadline in this proceeding. Like others, ITF finds this compromise to be imperfect.<sup>1</sup> It takes only a casual reading of ITF's comments in this docket to detect that certain particulars of the Joint Statement deviate from recommendations we have made.

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<sup>1</sup> See, in particular, the comments of WCA (Executive Summary, p. viii), which finds the compromise too regulatory. ITF's view is that the compromise would be improved if it were more protective.

These caveats aside, we think that the Joint Statement is in the best tradition of compromise. It protects the vital interests of ITFS service, as well as the vital interests of those who use ITFS spectrum for commercial purposes. From ITF's point of view, the cardinal accomplishment of the Joint Statement is that it insures that ITFS will remain a genuinely educational service, even as excess capacity is devoted to novel commercial uses. Acceptance of the Joint Statement moots certain extreme proposals before the Commission.<sup>2</sup>

No sooner was the compromise struck, however, than the Petitioners have sought to interpret it in the most commercial-friendly fashion. For instance, Petitioners oppose time of day restrictions on the 25% set-aside of educational capacity.<sup>3</sup> Under this interpretation, leases could provide for the full instructional requirement to be met between the hours of midnight and 6:00 am. Such a practice would be a gross disservice, inconsistent with the purpose of reserving educational capacity.

The definition of ITFS capacity in the Joint Statement derives from the National ITFS Association's Emerging Issues Paper, which is appended to the NIA's comments. This paper

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<sup>2</sup> See, for example, the comments of BellSouth Wireless Cable, Inc., and those of Wireless One of North Carolina, LLC. It appears to ITF that these submissions recommend little protection for the educational role of ITFS, if any.

<sup>3</sup> Comments of Petitioners, pp. 139, 150.

measures capacity in terms of spectrum, making clear that educational usage is to occur on a steady, 24 hour basis; it is not to be relegated to obscure times of day or otherwise marginalized.

Just as the Petitioners urged the Commission to implement the Joint Statement in a fashion they found favorable, ITF has its own suggestions.

First, while we grudgingly accept channel loading of all of a licensee's transmissions, we believe that ITFS licensees by regulation must have the right to transmit material on their own channels if it is not being properly handled by others. To do otherwise is to jeopardize the integrity of educational service and prevent licensees from insuring that they can meet the requirements of licensure.

Secondly, while we also accept the grandfathering of excess capacity leases entered into prior to January 8, 1998, such grandfathering must be limited in certain regards. We believe that the Commission must require compliance with its full standards upon the renewal of present agreements. In a similar vein, if the term of an existing agreement is extended, we believe that the current standards must take effect as of the present (rather than extended) expiration date of such agreement.

Finally, we see no need to extend the 10-year limit on ITFS

lease terms for conventional wireless cable operations, since those have existed for years under present Rules. Similarly, numerous one-way digital wireless cable systems have been developed with 10-year lease terms. Given these facts, we recommend that 15 year lease terms be permitted only for digital two-way systems.

II. Two-Way Operation of MMDS Stations Presents Novel Legal Problems Which the Commission's Rules Must Resolve.

As the Alliance of MMDS Licensees ("MMDS Alliance") points out,<sup>4</sup> Commission regulation has for decades rested on licensee control and accountability. The NPRM in this proceeding indicates that the Commission continues to rely on this approach.<sup>5</sup> Although moving into a two-way environment will require new approaches, it is essential that a workable enforcement system not be lost.

The Petitioners have submitted creative proposals, but they have not properly addressed this issue.

Among the features which are proposed are superchannels, response hubs, and response transmitters, all of which may use spectrum from multiple licensees---and the last of which will not be individually licensed. Some or all of these facilities are likely to be operated by non-licensee parties, such as wireless

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<sup>4</sup> See Comments of MMDS Alliance, p. 19-20.

<sup>5</sup> Two-Way NPRM, paragraph 87. "[w]e... require that the licensee maintain ultimate control over its licensed facilities."

cable operators, and, in the case of response transmitters, customers of wireless cable operators.

The same factors that blur accountability also increase the potential for interference and require mechanisms for swift regulatory response.<sup>6</sup> If not properly addressed, this situation is a prescription for bickering and fingerpointing among various parties when interference problems arise, creating serious enforcement problems for the Commission.

Currently, it is common for ITFS and MMDS facilities to be operated by wireless cable operators on a day-to-day basis under the overall control of licensees. Further, it is common for ITFS and MMDS stations to share certain equipment, such as combining networks, transmission line, and transmitting antennas. Because the Commission continues to hold individual licensees responsible, and because they retain supervisory control over their stations, such sharing has proven to be manageable in practice.

As described below, ITF believes that it is possible to extend existing Commission policies in a manner which will make it possible to accommodate the new uses proposed for ITFS and MMDS.

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<sup>6</sup> For instance, parties with such widely divergent views as the Petitioners and the Catholic Television Network ("CTN") agree that prompt efforts will be needed to avoid interference to ITFS receive sites. See comments of Petitioners at pp. 94-99 and comments of CTN at pp. 13-14.

First, to avoid unwieldy splintering of control, we agree with various parties that all facilities on a given channel must be licensed to a single entity.<sup>7</sup> We agree that this rubric should apply to both transmitting and receiving facilities.<sup>8</sup>

With respect to facilities which operate on multiple channels, such as superchannels or response transmitters, administration in certain cases will have to be shared between multiple licensees. We agree with the comments of Catholic Television Network ("CTN") that compliance standards for such facilities must be clarified;<sup>9</sup> it is essential that procedures be put in place which lead licensees to respond promptly to Commission enforcement, and to exercise their interference rights in a coordinated, efficient manner.

ITF recommends that in case of shared channel use, the affected licensees be required to enter into a joint operation agreement which would be filed with the Commission to insure compliance with FCC policy. Such agreements would have to name a single licensee to act for all those sharing the facility in question with respect to interference matters. If the Commission is forced to penalize licensees who have entered into such an

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<sup>7</sup> See, for instance, the comments of the MMDS Alliance, pp. 13-17; comments of Schwartz, Woods, and Miller ("SWM"), p. 9.

<sup>8</sup> It is necessary for a clear locus of control to exist for receive facilities so as to avoid having multiple parties attempting to secure interference protection, possibly in conflicting fashions.

<sup>9</sup> Comments of CTN, p. 21.

agreement, they would be considered jointly and severally liable for Rule infractions. In the event of multiple infractions on the part of licensees, the joint operation agreement must provide for the replacement of the entity which manages interference matters.

ITF would like to stress the importance of clear lines of accountability to the Commission in the case of interference from response transmitters, as those units will not be licensed individually. Under the proposed Rules it will be necessary to ration the deployment of response stations to insure that the aggregate interference burden remains below predicted maxima. ITF believes that response transmissions could well spin beyond the Commission's control in the event that licensed entities are not held responsible for upstream interference on their frequencies.

As with current practice, ITF does not object if licensees delegate day-to-day operation of their facilities to third parties, such as wireless cable operators or other contractors. However, ITF believes that such delegation is dangerous unless it is coupled with a clear system of licensee accountability.

Finally, as we will describe in greater detail later in these comments, ITF urges the Commission to maintain simple, quantifiable interference standards for ITFS and MMDS stations as a means of maintaining manageable enforcement. ITF opposes

"rule-of-thumb" standards such as that proposed in the Petitioners' comments for the processing of ITFS modifications;<sup>10</sup> in an environment when responsibility for compliance is in danger of becoming fragmented, it is essential that the underlying interference standards not become nebulous or needlessly complex.

### III. The Commission Needs to Adopt Manageable Application Processing Procedures for Two-Way ITFS and MMDS Facilities.

In supporting new application procedures for two-way ITFS and MMDS facilities, the Petitioners offer a chronicle of the present system's shortcomings from the viewpoint of their organizers---wireless cable operators.<sup>11</sup> ITF agrees that there are serious problems entailed in current application processing.<sup>12</sup> However, we believe that some of the Petitioners' proposals will create a new generation of problems---and that some of those problems may be more severe than those that exist under the present regime. In particular, we wish to comment on

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<sup>10</sup> See Petitioners' comments at p. 54. This proposal would allow the grant of ITFS modifications based upon predicted power flux density at the protected service area boundary, without regard to the resulting D/U ratios. The Petitioners do not appear to maintain that such a procedure---conceived as being effected through automatic grants---would avoid interference; rather they aver that interference would be "minimized."

<sup>11</sup> See comments of Petitioners at p. 17 (processing staff too small); p. 41 (greenmail); p. 48 (drawbacks of filing windows). Petitioners also go to the unusual length of reporting the highly depressed prices of publicly-held wireless cable companies (p. 7). While we do not mean to be cavalier about the financial difficulties of the industry, we feel that the Commission should not respond to the near-desperation of current wireless cable firms by adopting unwise policies.

<sup>12</sup> ITF comments, pp. 7-8.

aspects of automatic license grants and the impact of certain processing procedures on ITFS service.

A. Automatic License Grants. In comments, ITF endorsed automatic license grants subject to rather extensive limitations.<sup>13</sup> Obviously, automatic grants are controversial: the Commission declined to propose rules for them, and they are opposed by a considerable number of commenters.<sup>14</sup> We continue to believe that automatic grants, subject to both pre-grant and post-grant safeguards, will speed the development of two-way service without subjecting the public to uncontrolled interference. But we remain opposed to automatic grants of mutually exclusive proposals as urged by the Petitioners.<sup>15</sup> Such a drastic procedure appears certain to lead to interference, and could have the perverse effect of discouraging two-way applications.

B. ITFS Modifications. As mentioned previously, we also oppose the Petitioner's recent proposal for processing ITFS modifications according to the predicted power flux density at the PSA boundary rather than established D/U ratios.<sup>16</sup> This is another case in which the Petitioners' ideas go beyond what is

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<sup>13</sup> Id., pp. 4-9.

<sup>14</sup> See, for example, comments of CTN, p. 34; Comments of the University of Maryland System ("UMD"), p. 4; comments of the MMDS Alliance, pp. 24-25.

<sup>15</sup> Comments of Petitioners, pp. 35-36.

<sup>16</sup> Id., p. 54.

essential to expedite service and would confer undesirable Commission sanction for interference.

C. The Effects of Processing Procedures on ITFS Service.

The comments in this proceeding offered very different views of the capability of ITFS entities to assess filings and interference proposals. SWM indicated that two-way proposals will be more difficult for ITFS licensees to comprehend and that ITFS operators lack the resources to do technical studies.<sup>17</sup> Hispanic Information and Telecommunications Network ("HITN") observed that ITFS licensees lack the internal expertise, and, often, the funding for outside counsel to evaluate applications.<sup>18</sup> CTN too refers to ITFS eligibles' limited resources for interference studies.<sup>19</sup> In a different context---unrelated to interference---Mississippi Educational Network ("Mississippi EdNet") refers to reported coercive tactics toward ITFS licensees by wireless cable operators.<sup>20</sup>

On the other hand, the Petitioners portray ITFS licensees as substantial entities, sometimes with greater resources than

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<sup>17</sup> SWM comments, p. 8.

<sup>18</sup> HITN comments, p. 4.

<sup>19</sup> CTN comments, p. 31.

<sup>20</sup> December 4, 1997 memo of Mississippi EdNet, appended to comments of Corporation for Public Broadcasting, Association of America's Public Television Stations and Public Broadcasting System ("Public TV"), p. 3.

wireless cable operators.<sup>21</sup> A group of ITFS licensees represented by the law firm Dow, Lohnes, and Albertson ("ITFS Parties") stated that they "have not experienced abuse in the process of providing [interference] consents and have found themselves to be competent to make judgments about engineering proposals proffered by wireless cable operators."<sup>22</sup>

ITF found the comments of the MMDS Alliance instructive. These commercial entities observed that in a filing-window setting, the workload strains the combined capacity of private consulting engineers, and that only the largest entities would be able to manage the rush. The Alliance observes: "This may explain why the largest wireless cable operators are proponents of this filing scheme."<sup>23</sup>

At the same time that commercial interests have attempted to portray ITFS entities as not in need of protection from the Commission, they confirm that ITFS licensees frequently rely upon their lessees to perform interference analyses.<sup>24</sup>

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<sup>21</sup> Comments of Petitioners, pp. 9-10, 13. "[t]here is absolutely no factual basis in the record for suggesting that ITFS licensees are unable to look after their own best interests in granting [interference] consents or deciding whether to petition to deny." *Id.*, p. 31.

<sup>22</sup> Comments of ITFS Parties, pp. 9-10.

<sup>23</sup> Comments of the MMDS Alliance, p. 23.

<sup>24</sup> Comments of Petitioners, p. 28, (footnote 48); comments of Wireless One of North Carolina, p.7 ("Many ITFS licensees currently rely on the wireless cable operator to whom they are leasing excess capacity to provide monitoring and evaluation of applications that affect the ITFS licensee's station.

As ITF synthesizes these diverse comments, we derive the following. Interference studies already are a difficult matter for most licensees (and, of course, will become more difficult of two-way rules are adopted). Some, like the ITFS Parties, are knowledgeable and well represented---but they are in the minority. Even the Petitioners concede that ITFS licensees commonly fall back upon their lessees for interference counsel.

ITF maintains that such reliance is a serious mistake because the interference interests of licensees and lessees can be very different. In the current environment, we observe that problems most commonly emerge when a wireless operator is developing a group of contiguous "cluster markets." Sometimes more than one commercial entity is vying to control a region, with each backing its own roster of ITFS applicants. Under these circumstances, wireless operators are often willing to tolerate a considerable amount of interference between markets, especially if such interference is necessary to allow its ITFS "partners" to prevail over competing applicants.

As we move forward into the era of two-way digital operation, interference studies will grow far more complex, and the motives for operators to gull ITFS licensees will expand. This is the reason why ITF has so persistently urged the Commission to require that ITFS applicants retain independent legal and engineering counsel. (It may also be why commercial

entities like those which control the Petitioners have opposed the idea so strenuously.)

At this juncture, ITF would like to address the charge by the Petitioners that our allegations of abuse with respect to interference consents are unsubstantiated.<sup>25</sup> ITF has not sought to document specific instances of abuse because we still have long-term contractual agreements with most of the abusers, and, in many respects, remain allied with them. It was our initial preference not to make specific revelations embarrassing to certain of our lessees in the public forum of a rulemaking proceeding. That calculus could change, however.

While the Petitioners as a group may or may not be aware of the full scope of what ITF can reveal, certain of their key organizers are those of whom we complain. We are thus distressed that a group formed and led by the wireless cable industry would attempt to rebut our position as unsubstantiated.

We intend to contact the Petitioners following the reply comment deadline to request a stipulation of facts with regard to contractual breaches and interference consent practices of certain wireless cable operators. If we are unable to reach such a mutually acceptable stipulation, we will inform the affected lessees of our intent to "go public" concerning certain incidents. Thereafter, we would feel free to document our

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<sup>25</sup> Comments of Petitioners, p. 31.

contentions in detail by supplement to these Reply Comments.

The capabilities of ITFS applicants and licensees bear directly upon the issue of the various filing windows advocated by the Petitioners. We agree with the MMDS Alliance that the system the Petitioners recommend will favor only those commercial interests with the largest resources and engineering expertise.

We are able to conceive of no system that will not begin with a "land rush" of applications at the outset, and thus have not opposed Petitioners' proposal for an initial one-week window. However, we do believe that our comments set forth a more manageable system for handling subsequent filings.<sup>26</sup>

We agree with both the Petitioners and CTN that infrequent windows lead to binges of filings, many of which are defective.<sup>27</sup> We endorse CTN's proposal that one week of every month be open as an ITFS application period. However, we continue to believe that one-day filing windows would work to the disadvantage of ITFS applicants, especially those which are not acting at the behest of excess capacity lessees.

IV. Computer Software and Engineering Tools Will Become Even More Central in a Two-Way Environment and Will Need to Be Universally Available.

At this time, ITF takes no position with respect to the colloquy between EDX Engineering and the Petitioners on

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<sup>26</sup> See comments of ITF, pp. 4-9.

<sup>27</sup> Comments of Petitioners, p. 48; comments of CTN, p. 32.

optimizing interference prediction software. However, we do agree with those commenters who have observed that in the two-way environment engineering tools will become ever more central.<sup>28</sup> Data bases of authorizations and applications will become much more detailed, and will need to be maintained in a meticulous fashion. Similarly, interference prediction programs will become far more complex (although we acknowledge the present debate over just how complex).

To date, essential software tools and data bases have been widely available to engineers practicing in the field. ITF hopes and expects that this traditional openness will continue. We are concerned, however, that should industry practices become more restrictive it would cripple the ability of those outside a small circle to prepare and evaluate applications.

The Commission can assume an important role by making public the databases and engineering software which it uses to evaluate ITFS and MMDS applications. To the degree that the FCC relies on third-party software, its license agreements may forbid sharing of the tools. In that event, we would urge the Commission to be responsive to complaints about the availability of software to ITFS applicants and others.

ITF will petition the FCC to postpone filing windows if the

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<sup>28</sup> Comments of UMD, p. 3; UMD Engineering Statement, p. 3; Comments of EDX Engineering, p. 3; Joint Comments of Dallas Community College District, et al, ("Dallas") pp. 9-10.

ITFS community cannot gain reasonable access to the essential engineering tools.

V. The Commission Should Adopt a Unified Set of Involuntary Modification and "Retuning" Procedures.

As we believe ITF's comments made clear, we have not recommended the abolition of Section 74.986 of the Commission's Rules.<sup>29</sup> Rather, we have sought to prevent the abuse of involuntary modifications and to inaugurate such applications in the MMDS service.

In addition to involuntary modifications, the Petitioners recommend a separate system for "retuning" ITFS channels---e.g., forcing incumbent ITFS entities to accept different frequencies as a means of clearing the way for two-way operation.<sup>30</sup> ITF opposes the Petitioners' proposals for "retuning." First, the system Petitioners propose lacks the checks and balances inherent in current involuntary modification proceedings, such as the right of the affected licensee to oppose the application. Second, it appears to ITF that it is counterproductive for there to be two separate involuntary modification mechanisms---one for "retuning" and the other for all other technical changes. We believe that the involuntary modification system which we have

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<sup>29</sup> See comments of the Petitioners, pp. 114-115. Petitioners mistakenly inferred that ITF advocated the abolition of involuntary ITFS modifications.

<sup>30</sup> Id., pp. 107-114.

recommended is well suited to handling all such applications.<sup>31</sup>

VI. ITF Opposes the "Brute Force Interference" Proposals of CTN.

ITF agrees with CTN that all ITFS receive sites must be protected from interference. However, having weighed the various filings, we concur with the ITFS Parties and other ITFS commenters that the cure recommended by CTN is likely to be worse than the disease.<sup>32</sup>

First of all, it appears from all accounts that where brute force overload occurs it does so on a highly localized basis.<sup>33</sup> This interference is curable by simply turning off the offending response transmitter. In addition, Petitioners have set forth a credible list of other measures which can be employed short of ceasing operation.<sup>34</sup>

We believe that the Commission needs to weigh the real, but comparatively rare, threat of brute force interference against the massive educational benefits of allowing two-way operation on ITFS frequencies---a radical, but beneficial, transformation. ITF feels that the proper balance is to permit the upstream use of any ITFS channel and to preserve ITFS spectrum rather than

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<sup>31</sup> See comments of ITF, pp. 17-22.

<sup>32</sup> See comments of the ITFS Parties, pp. 6-7; comments of SWM, p. 7, comments of Dallas Community College District, et al, pp. 7-8.

<sup>33</sup> See CTN engineering exhibit, figure 1; Petitioners' comments, pp. 83, 85, 89.

<sup>34</sup> See comments of Petitioners, pp. 94-99.

surrender it for use as guard bands.

We do, however, support the proposal of Dallas Community College District for an "absolute safety net" to protect ITFS receive sites,<sup>35</sup> and, in our comments, urged that the Commission safeguard the ability of educational-only ITFS systems to add sites by giving them full PSAs.<sup>36</sup> We feel that such measures will protect conventional ITFS operations without blocking vital new developments.

VII. ITFS Licensees Are Unlikely to Permit Two-Way Operation of Their Systems Unless Renewal Expectancy Is Assured.

We agree with a broad spectrum of commenters that renewal expectancy is an important issue in the proceeding. Under the contemplated Rules, ITFS licensees may load all of their instructional programming onto channels licensed and operated by others; merge all or part of their operations into superchannels which are licensed in part to others; and devote a significant part of their educational capacity to novel digital uses.

While ITF supports these innovations, we believe the Commission must acknowledge that they entail a profound change in the very fabric of ITFS service. We agree with the ITFS Parties

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<sup>35</sup> Comments of Dallas Community College District, *et al*, pp. 4-6.

<sup>36</sup> Petitioners claim that protection for ITFS receive sites is easily managed because their locations are known through registration with the Commission (p. 92). We disagree on this point; as the ITFS Parties state (p. 8), in practice receive site registration often lags far behind the installation of equipment and initiation of service.

that the renewal issues must be addressed,<sup>37</sup> and, indeed, doubt that many ITFS licensees will permit the contemplated changes unless it is clear that their authorizations will not be jeopardized.

VIII. The Unique Circumstances of Two-Way ITFS Systems Require an Extension of Present Policies Which Protect ITFS Operations Upon the Expiration or Termination of Lease Relationships.

The Petitioners urge that post-lease arrangements for two-way ITFS systems be handled solely by individual agreement between licensees and lessees.<sup>38</sup> ITF could not disagree more.

As cited by the San Francisco-San Jose Educator/Operator Consortium ("Bay Consortium"),<sup>39</sup> existing Commission precedent requires equipment purchase options for ITFS operators in the event of default by their lessees. Because this policy exists, and because some lease agreements provide additional protections, the Bay Consortium goes on to suggest that no further oversight is needed by the Commission.

ITF finds this logic faulty. Even in the comparatively settled one-way environment, the Commission has acted to insure the continuation of ITFS service in the event that a lessee fails to perform to such a degree that service is threatened. As many ITFS commenters observe, the need for safeguards increases in a

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<sup>37</sup> See the comments of the ITFS Parties, p. 10.

<sup>38</sup> Comments of Petitioners, pp. 152-153.

<sup>39</sup> Comments of the Bay Consortium, pp. 16-17.

two-way environment which makes licensees depend more than ever on the facilities of third parties.<sup>40</sup> Consequently, the doctrine of Turner Independent School District needs to be extended as part of this rulemaking. ITF outlined the methods we recommend in our comments.<sup>41</sup>

MMDS licensees also recognize the need for a means of handling post-lease arrangements.<sup>42</sup> The MMDS Alliance recommends that the Commission require appropriate conditions to be included as part of a comprehensive agreement between a region's spectrum lessors and their lessee known as a Master Plan. (This appears to us to be a very different position from that of the Petitioners, since under the MMDS Alliance's proposal all two-way systems would have to provide for post-leasing arrangements, whereas under the Alliance's, such arrangements could be omitted). ITF endorses the concept of a Master Plan. Given the intertwined nature of ITFS and MMDS spectrum, we have difficulty imagining the successful implementation of a two-way system without the tacit or formal support of participating entities.

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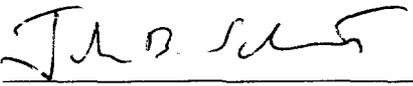
<sup>40</sup> See, for instance, the memo of Mississippi EdNet, p. 4; SWM, p. 8; CTN, p. 25.

<sup>41</sup> Pp. 25-30.

<sup>42</sup> See the comments of the MMDS Alliance, pp. 9-10.

Respectfully submitted,

INSTRUCTIONAL TELECOMMUNICATIONS  
FOUNDATION, INC.

By:   
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Dated: February 7, 1998