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March 30, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *WRITTEN EX PARTE PRESENTATION - WT Docket No. 03-66*

Dear Ms. Dortch:

During a recent meeting with Edward "Smitty" Smith, Legal Advisor to Chairman Tom Wheeler, representatives of the Wireless Communications Association International ("WCA") urged the Commission to issue a notice of proposed rulemaking along the lines of the June 20, 2013 joint compromise for the licensing of currently unlicensed EBS spectrum submitted by WCA, the National EBS Association, the Catholic Television Network, and other Educational Broadband Service ("EBS") licensees. Among other things, it was noted at that meeting that by failing to provide a mechanism for the licensing of EBS spectrum that has been unavailable for more than two decades, the Commission is hampering efforts by wireless broadband service providers to expand service to areas that remain underserved. To further that point, WCA has commissioned the attached map, which illustrates the extent of the problem.

The areas marked in red are those areas that are currently outside any EBS geographical service area[1] and where the highest available broadband speeds are less than 10 Mbps upstream and 1 Mbps downstream ("10/1 Mbps").[2] The areas marked in orange are those areas where

[1] For ease of reference, the map only examines areas where there is no EBS license for any of the twenty EBS channels. Although there are areas where some, but not all, of the EBS spectrum is licensed, the materials submitted with the June 20, 2013 compromise illustrate that under the proposed licensing mechanism, in most cases all five EBS channel groups will be available for licensing in a given county (the proposed new geographic area for licensing). Maps done on a channel by channel basis would not differ in any material way from the composite map that is provided.

[2] The Commission has established 10/1 Mbps as the minimum speed that must be offered by those fixed service providers receiving Connect America Fund support. *See* Connect America Fund, *Report and Order*, 29 FCC Rcd 15644, 15649-56 (2014). In doing so, it found that 99 percent of Americans living in urban areas have access to fixed broadband with speeds of 10 Mbps upstream and 768 kbps downstream and that 31 percent of the population residing in rural areas lacked access to services with such speeds. *Id.* at 15649.

there are no EBS licensees and where speeds equal or exceed 10/1 Mbps, but fall short of 25 Mbps upstream and 3 Mbps downstream ("25/3 Mbps").[3] Thus, the combined red and orange areas are where there is no licensed EBS and where only broadband service below 25/3 Mbps is available. The few areas marked in beige are those areas where there are no EBS licensees, but where broadband service of 25/3 Mbps or greater is available. The areas marked in green are those areas where there is at least one EBS channel licensed.

Today, over 18.2 million people reside and over 780,000 businesses operate in areas of the country where not one of the twenty EBS channels is available. The result, not surprisingly, is that many have limited access to the higher speed broadband services that are widely available in more urban portions of the country. The compromise approach to EBS licensing presents a comprehensive approach to getting this spectrum licensed in a way that is fair to incumbent licensees and newcomers alike. Three years after that compromise was filed, no one has presented the Commission with a viable alternative. WCA reiterates that it is time to call the question by releasing a notice of proposed rulemaking and affording the public an opportunity to provide its input.

Pursuant to Sections 1.1206(b)(2) and 1.49(f) of the Commission's Rules, this letter is being filed electronically with the Commission via the Electronic Comment Filing System. Should you have any questions regarding this presentation, please contact the undersigned.

Respectfully submitted,

Paul J. Sinderbrand
Mary N. O'Connor

Counsel to the Wireless Communications Association International

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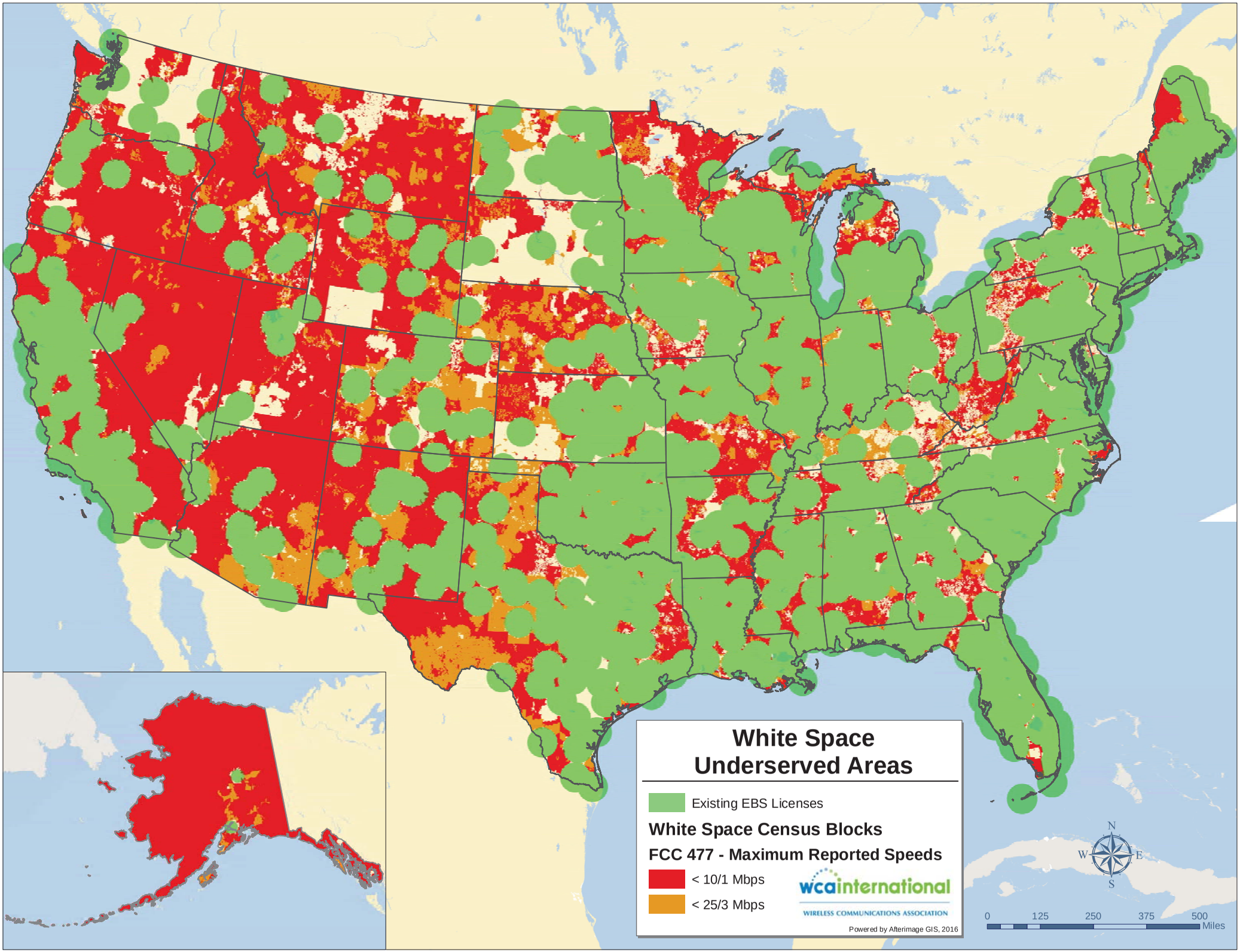
For purposes of this analysis, WCA's mapping consultant utilized the FCC Form 477 data submitted in 2014 by broadband service providers, as made available by the Commission.

[3] In its *2015 Broadband Progress Report and Notice of Inquiry on Immediate Action to Accelerate Deployment*, the Commission adopted 25/3 as its benchmark for what constitutes "advanced telecommunications capability" for consumers. *See* Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, *2015 Broadband Progress Report and Notice of Inquiry on Immediate Action to Accelerate Deployment*, 30 FCC Rcd 1375, 1403-08 (2015).

Attachment

cc: Edward "Smitty" Smith


White Space
Underserved Areas
Existing EBS Licenses
White Space Census Blocks
FCC 477 - Maximum Reported Speeds
< 10/1 Mbps
< 25/3 Mbps
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