

06-258



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February 9, 2001

FEB 13 11:02

OFFICE OF COMMISSIONER
HAROLD FURCHTGOTT-ROTH

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Commissioner Furchgott-Roth
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

MAR - 9 2001

EX PARTE OR LATE FILED

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Commissioner Furchgott-Roth:

I write to you concerning the future of the ITFS spectrum, with specific regards to the Commission's Notice of Proposed Rulemaking on 3G that was released January 5, 2001. ITFS is both a critical part of our educational infrastructure and an essential bridge over the Digital Divide. ITFS cannot and should not be relegated to second-class status in favor of 3G wireless.

As distance learning becomes more robust and interactive, ITFS offers educational institutions throughout the country an affordable high-speed on-ramp to the broadband Internet. This goal was recently cited by the bipartisan Web-Based Education Commission as the top educational technology priority for policymakers.

Our institution continues to broaden its distance learning options, recently having increased the number of courses offered via the Web. We would not like to see any ruling change or threaten that capability.

If the Commission reallocates all or part of the ITFS spectrum for 3G mobile device services, the capacity, usefulness, and value of ITFS would be significantly diminished. Even if only part of the spectrum is taken away, many educational institutions would lose their ITFS service altogether, while others would face new equipment costs, service disruption and cutbacks, lower quality of service and signal interference.

If the ITFS spectrum is compromised in any way, our educational infrastructure will be threatened and the Digital Divide widened. We hope that you will maintain the integrity of the ITFS spectrum and keep this tremendous resource alive and strong.

Yours truly,

Dr. Izora P. Harrison, Director
Services to Special Student Populations

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HAROLD FURCHTGOTT-ROTH

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UNIVERSITY OF MARYLAND AT COLLEGE PARK

GLENN L. MARTIN INSTITUTE OF TECHNOLOGY • A. JAMES CLARK SCHOOL OF ENGINEERING

INSTRUCTIONAL TELEVISION SYSTEM

OFFICE OF THE DIRECTOR

The Honorable Harold W. Furchtgott-Roth
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

EX PARTE OR LATE FILED

RECEIVED

February 2, 2001

MAR - 9 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Commissioner Furchtgott-Roth:

This is written to express the deep concern of the University of Maryland relative to the FCC recently issued Notice of Proposed Rule Making RM-9920 9911 (NPRM). This notice seeks comments on the proposed reallocation of certain frequency bands for the introduction of advanced 3rd Generation (3G) wireless services. One of the frequency bands being considered in the NPRM is the ITFS band (2500-2690 MHZ). Since 1963 this frequency band has been allocated for educational use by the FCC, and it is being used by schools and colleges nationwide to broadcast educational material.

For 21 years the University of Maryland, Instructional Television System (ITV) has been broadcasting courses over the ITFS frequencies in engineering, computer science and management to student employees in companies and government organizations all over the state of Maryland, particularly in the Baltimore and Washington metropolitan areas. In addition many of these courses are broadcast over the National Technological University network by satellite to students all over the United States. Each year more than 1,000 students receive University of Maryland credit for these ITV courses and more than 2,000 students take non-credit courses. Given that there is no suitable replacement spectrum for ITFS, if it is decided that the ITFS frequencies should be allocated for 3G wireless use, it is quite probable that the University of Maryland ITV system will be forced to cease operations and end our service to the ITV students.

Reallocating the ITFS frequencies would also do away with the benefits accruing from the recent FCC ruling permitting the use of ITFS frequencies for high-speed two-way internet access. To provide this access WorldCom Wireless Solution, Inc. (WorldCom) has leased from the University excess channel capacity on the University's ITFS channels. WorldCom will use this excess capacity for a high-speed two-way internet access system which would serve citizens in the Baltimore and Washington

Ⓞ

metropolitan areas. In exchange for the use of the excess channel capacity WorldCom will digitize the University's ITV system so that the University will have double the capacity that it presently has, and will provide the University of Maryland with royalties. Doubling the capacity and having the royalties will greatly enhance the capability of the University of Maryland to offer courses. Neither the enhancement of the University of Maryland ITV system, nor the benefits of the high-speed two-way internet access system would occur if the ITFS frequencies were reallocated.

Continuation of our educational transmissions is an important educational issue for the University of Maryland. It is also important for the University, in partnership with WorldCom, to provide broadband wireless internet access, to finally bring service to areas that do not have available cable modem or DSL lines, and to bring competition to those areas that have cable or DSL Internet access.

For the above reasons the University of Maryland strongly urges the FCC not to reallocate the ITFS frequencies for 3G wireless use.

I thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Arnold Seigel". The signature is written in a cursive style with a prominent initial 'A'.

Dr. Arnold Seigel
Director



Interim CAO

KISHWAUKEE COLLEGE

21193 Malta Road • Malta, Illinois 60150-9699
Telephone (815) 825-2086, ext. 270, Fax (815) 825-9020
E-mail -annbus@kougars.kish.cc.il.us

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OFFICE OF COMMUNICATIONS
HAROLD FURCHTGOTT

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February 13, 2001

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MAR - 9 2001

Commissioner Furchgott-Roth
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

RE: FCC ET Docket 00-258

Dear Commissioner Furchgott-Roth:

I write to you concerning the future of the ITFS spectrum, with specific regard to the Commission's Notice of Proposed Rulemaking on 3G released January 5, 2001. ITFS is both a critical part of our educational infrastructure and an essential bridge over the Digital Divide. ITFS is absolutely vital to making high speed wireless broadband a reality not only for our students, but also for our entire community. ITFS cannot and should not be relegated to second-class status in favor of 3G wireless.

As you are aware, recent rule changes have opened the ITFS spectrum to the possibility of wireless two-way video and broadband data services, including high speed Internet access. The educational power of ITFS has expanded to provide advanced learning services, interactive video, and wireless broadband Internet, and ITFS licensees are scrambling to deploy two-way digital services.

As distance learning becomes more robust and interactive, ITFS offers educational institutions throughout the country an affordable high-speed on-ramp to the broadband Internet, a goal that was recently cited as the top educational technology priority for policymakers by the bipartisan Web-Based Education Commission. Equally important, fixed wireless broadband promises to bring a competitor to DSL and cable modem technologies to our community, making broadband access not only more widely available but also more affordable.

As Chief Academic Officer of Kishwaukee College the courses we offer to both our students and the community at large would be greatly affected should this go forward. It is of paramount importance that the ITFS continue to use the designated 2.5 GHZ portion of the spectrum exclusively for academic purposes.

Reducing, relocating or diminishing the spectrum's use would dramatically affect the institutional effectiveness of distance learning. Our students would not be able to learn as effectively or choose among as wide a variety of classes. The ITFS spectrum is vital to our educational mission and cannot be disrupted.

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In addition to the broad range of community programming currently carried on ITFS spectrum, the recent two-way order has filled a void where legislation and regulation have failed. Working in conjunction with commercial partners, ITFS licensees are helping to bring broadband to underserved populations in rural, urban and otherwise isolated communities nationwide. ITFS licensees are therefore serving the educational community while helping the nation and the Commission to bridge the Digital Divide.

If the Commission reallocates all or part of the ITFS spectrum for 3G mobile device services, the capacity, usefulness, and value of ITFS would be significantly diminished. Even if only part of the spectrum is taken away, many educational institutions would lose their ITFS service altogether, while others would face new equipment costs, service disruption and cutbacks, lower quality of service and signal interference. Most importantly, in either scenario, the ITFS community would almost certainly be incapable of supporting advanced wireless services and promoting the development of broadband services to the educational community and to underserved communities nationwide.

If the ITFS spectrum is compromised in any way, our educational infrastructure will be threatened and the Digital Divide widened. Kishwaukee College hopes that you will maintain the integrity of the ITFS spectrum and keep this tremendous resource alive and strong.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Busse". The signature is fluid and cursive, with a large initial "A" and "B".

Ann Busse

Interim Chief Academic Officer

00-258



Oregon University System

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MAR - 5 A 10: 20

Office of the Chancellor
P.O. Box 3175
Eugene, OR 97403-0175
PHONE (541) 346-5720
FAX (541) 346-5764

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MAR - 9 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 16, 2001

The Honorable Harold W. Furchtgott-Roth
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

EX PARTE OR LATE FILED

Re: FCC 00-455, ET Docket No. 00-258, RM-9920 and 9911

Dear Commissioner Furchtgott-Roth:

I write to you on behalf of the Oregon University System to express our concern about a recent Federal Communications Commission (FCC) Proposed Rule Making that will have an immediate and disastrous impact on our ability to meet a growing demand among Oregon students for accessible, flexible educational opportunities. The FCC has issued a Notice of Proposed Rule Making (ET Docket No. 00-258, RM-9920 and 9911) seeking comment on a plan to relinquish Instructional Television Fixed Service (ITFS) channels to cellular phone companies for third generation (3G) mobile telephone services, stripping Oregon University System and thousands of other schools across the nation of a powerful and irreplaceable medium. ITFS is an important part of Oregon University System's goal to share educational resources among schools and to provide distance learning opportunities and workforce training directly to students at home, at work, and at neighborhood learning centers. Moreover, ITFS is absolutely critical if wireless broadband is to become a reality not only for our students but also for our entire community.

School districts, colleges, universities, and other educational organizations across the country hold thousands of ITFS licenses, many of which were issued decades ago. Recent FCC rule changes have expanded the educational power of ITFS from one-way video to interactive video, wireless broadband Internet access and advanced learning services to students and adult learners in classrooms, homes and workplaces. ITFS now offers educational institutions throughout the country an affordable high-speed on-ramp to the Internet, a mission that was recently cited as the first priority for policymakers by the bipartisan Congressional Web-Based Education Commission. In addition, fixed wireless broadband promises to bring a competitor to DSL and cable modem technologies to our community, making broadband access not only more widely available but also more affordable.

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The Oregon University System is at the forefront of advancing the new learning services made possible by recent FCC rule changes and we have invested a great deal of time and resources to develop the ITFS spectrum for educational outreach in Oregon. We are an active member of the Oregon Wireless Instructional Network (Oregon WIN), a consortium of nine universities and community colleges that operates a multi-channel ITFS network in Oregon's Willamette Valley capable of serving over 65% of Oregon's population. The consortium operates under an Intergovernmental Agreement, is governed by a seven-member board, and works closely with educational ITFS licensees in Bend and Medford, Oregon (see attached list of Oregon ITFS licensees).

Oregon WIN was formed in 1993 for the purpose of jointly developing the ITFS spectrum in Oregon as a much needed "last mile" network solution. The consortium recently completed a \$1.8 million network after spending years filing for ITFS licenses, building the consortium, issuing a national RFP for a commercial partner to develop the spectrum and designing an interconnected, shared network. Oregon WIN operates three ITFS transmission sites in Eugene, Salem and Portland. The sites are linked with multiple, two-way microwave paths, allowing educational providers to serve all three ITFS networks from a single location. Inexpensive ITFS receive antennas are easily installed directly to schools, government offices, businesses and homes. The flexible system allows the delivery of a diverse range of programs including live interactive courses, telecourses, information boards, and cultural events. Oregon WIN members, participating members, and associated institutions offer over 2500 distance learning courses in 65 degree programs <<http://oregonone.org>> to over 29,000 students per year. The Oregon WIN ITFS network is of growing importance in meeting Oregon's distance education needs. With the imminent rollout of two-way broadband data services over the ITFS spectrum, Oregon WIN will provide the full range of video, data and Internet services critical to quality distance education programs and services provided by Oregon's universities and community colleges.

In addition to meeting important, "last mile" networking needs, ITFS is attractive because system development occurs by partnering with the private sector. Through an excess capacity lease agreement with Sprint Corporation, Oregon WIN members are able to focus their resources on educational programming and services and not on telecommunication infrastructure development and operations. FCC rulings over the past ten years have greatly improved the ability of educators and commercial operators to form successful partnerships in the development of the ITFS spectrum. Working in conjunction with wireless communications companies, ITFS is helping to bring broadband to underserved populations in rural, urban and otherwise isolated communities nationwide. ITFS licensees are therefore serving the educational community as they help the nation bridge the Digital Divide.

If the FCC reallocates any part of the ITFS spectrum for 3G mobile device services, the Oregon WIN partnership and network will collapse. Oregon WIN members would either lose their ITFS service altogether or face new equipment costs, service disruption and signal interference. In addition, Oregon WIN would lose our partnership with the private sector and face the prohibitive costs of re-building and operating the network. The spectrum would no longer be available for advanced wireless broadband services to the educational community and to underserved communities nationwide.

The Honorable Harold W. Furchtgott-Roth

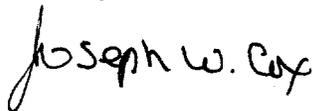
Page 3

February 16, 2001

As a result of the critical need in Oregon for "last mile" broadband services and our extensive planning and financial investment in developing the ITFS spectrum for educational outreach, the Oregon University System strongly opposes any reallocation of the ITFS spectrum to 3G mobile device services. Reallocation under FCC Notice of Proposed Rule Making (ET Docket No. 00-258, RM-9920 and 9911) is counter to recent FCC rulings which allow educators to fully and effectively develop the spectrum for educational use. It is also counter to many local, state and national reports calling for increased access to broadband services to provide educational opportunities to students anywhere, at anytime. If the ITFS spectrum is compromised, these public benefits will be lost. We in the Oregon University System hope that you will support us in maintaining the integrity of our spectrum and in keeping this tremendous educational resource alive and well.

Thank you for your support.

Sincerely,

A handwritten signature in black ink that reads "Joseph W. Cox". The signature is written in a cursive style with a large initial 'J'.

Joseph W. Cox
Chancellor

hhs
Enclosure

Oregon ITFS Licensees

Institution and Contact

Call Signs

Chemeketa Community College

Donna Carver
Distance Learning Programs
P.O. Box 14007
4000 Lancaster Drive, NE
Salem, OR 97309
Phone: (503) 399-5191
Fax: (503) 399-5214
Email: donnac@chemeketa.edu

Salem – A Group – WHR - 771

Lane Community College

Cynde Leathers, Coordinator
Distance Learning Programs
4000 East 30th Avenue
Eugene, OR 97405
Phone: (541) 726-2260
Fax: (541) 744-3974
Email: leathersc@lanecc.edu

Eugene – D Group – WNC 487

Linn-Benton Community College

Paul Snyder, Department Chair
Distance Learning & Media Services
6500 SW Pacific Blvd.
Albany, OR 97321
Phone: (541) 917-4640
Fax: (541) 917-4659
Email: snyderp@gw.lbcc.cc.or.us

Eugene – G Group – WNC 540

Linn/Benton/Lincoln ESD

Paul Yeiter
Instructional Technology and Arts Specialist
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Fax: (541) 926-6047
Email: paul_yeiter@lblesd.k12.or.us

Participating Institution

Oregon Public Broadcasting

Mike Tondreau
Vice President of Engineering
7140 SW Macadam Avenue
Portland, OR 97219
Phone: (503) 293-1927
Fax: (503) 293-4877
Email: mike_tondreau@opb.org

Portland – A Group – WHR 543

Institution and Contact**Call Signs**

Oregon State University
Larry Pribyl, Co-Director
Communication Media Center
The Valley Library
Corvallis, OR 97331-4504
Phone: (541) 737-3817
Fax: (541) 737-8244
Email: larry.pribyl@orst.edu

Salem – C Group – WNC 718
Eugene – A Group – WNC 527

Oregon University System
John Greydanus, Director
OUS Distance Learning Programs
P.O. Box 3175
Susan Campbell Hall, U of O Campus
Eugene, OR 97403-0175
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Fax: (541) 346-5764
Email: john_greydanus@ous.edu

Salem – B Group – WNC -471
Eugene – C Group – WNC 574
Medford – D Group – WNC 771

Portland Community College
John Sneed, Director
Distance Learning Programs
P.O. Box 19000
12000 SW 49th Street
Portland, OR 97219
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Fax: (503) 977-4260
Email: jsneed@pcc.edu

Portland – B 1-2 – WHR 746
Portland – B3 – WLX 237

Portland State University
Mark Kramer, Director
Instructional and Research Services
P.O. Box 751
Portland, OR 97207
Phone: (503) 725-9103
Fax: (503) 725-3476
Email: kramerm@pdx.edu

Salem – D Group – WNC 470

Southern Oregon University
Kevin Talbert, Chief Information Officer
Information Technology Services
1250 Siskiyou Blvd.
Ashland, OR 97520
Phone: (541) 552-6903
Fax: (541) 552-6210
Email: talbert@sou.edu

Medford – G Group – WNC 759

Institution and Contact**Call Signs**

University of Oregon
Tom Matney, Director
Media Services, Knight Library
Eugene, OR 97403
Phone: (541) 346-1947
Fax: (541) 346-1872
Email: tmatney@darkwing.uoregon.edu

Eugene – B Group – WNC 526

Western Oregon University
Alan Heywood, Director
Educational Media
Monmouth, OR 97361-1394
Phone: (503) 838-8958
Fax: (503) 838-8474
Email: heywooa@wou.edu

Salem – G Group – WNC 717

Central Oregon Community College
Lee Rayburn
Chief Information Officer
2600 NW College Way
Bend, OR 97701
Phone: (541) 383-7247
Fax: (541) 317-3071
Email: lrayburn@cocc.edu

Bend – D Group – WNC 815

Crook/Deschutes Education Service District
Lee Chapman, Superintendent
145 SE Salmon Avenue, Suite A
Redmond, OR 97756-6422
Phone: (541) 923-8900
Fax: (541) 923-8920

Bend – B Group – WNC 814

Bend/LaPine School District
Don Fischer
Technology Support Center
520 NW Wall Street
Bend, OR 97701-2699
Phone: (541) 383-6031
Fax: (541) 383-6003

Bend – Group A – WNC 816



National Technological University
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 Fort Collins, CO 80526-1842 USA
 970-495-6400
 970-484-0668 (fax)

www.ntu.edu
 info@ntuc.com

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MAR - 5 P 2: 44

March 1, 2001

The Honorable Harold W. Furchtgott-Roth
 Mass Media Bureau
 Federal Communications Commission
 Room 2-C334
 445 12th St., SW
 Washington, DC 20554

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MAR - 9 2001

EX PARTE OR LATE FILED
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

ORIGINAL

Dear Mr. Furchtgott-Roth:

This is written to express the deep concern of the National Technological University (NTU) relative to the FCC recently issued Notice of Proposed Rule Making RM-9920 9911 (NPRM). This notice seeks comments on the proposed reallocation of certain frequency bands for the introduction of advanced 3rd Generation (3G) wireless services. One of the frequency bands being considered in the NPRM is the ITFS band (2500-2690 MHZ). Since 1963 this frequency band has been allocated for educational use by the FCC, and it is being used by schools and colleges nationwide to broadcast educational material.

While NTU does not itself operate an ITFS instructional system, nonetheless, the continued availability of the ITFS frequencies for university instruction in engineering, computer science and management is critical to NTU's operation. Let me briefly explain how many ITFS systems operated by universities contribute to NTU's unique program.

The National Technological University was created in 1984 as a cooperative effort by many major engineering and management colleges in the United States for the graduate and continuing education needs of busy engineers, technical professionals and managers. Today, 52 university campuses are linked by 16 channels of new MPEG2/ DVB compressed digital video technology via satellite to workplaces in North America. NTU's vision is to enable working professionals and managers to share premier educational resources via telecommunications. NTU is a private, non-profit, accredited university with more than 1,600 alumni.

NTU instructors are all teaching their courses, not only via NTU satellite, but also delivering these courses through local delivery systems operating systems from their home university. Of the 52 universities in the NTU alliance, over a dozen of the major contributors rely on ITFS systems.

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Arizona State University
 Auburn University
 Boston University
 Clemson University
 Colorado State University
 Columbia University
 Florida Gulf Coast University
 The George Washington University
 Georgia Institute of Technology
 Illinois Institute of Technology
 Iowa State University
 Kansas State University
 Kettering University

Lehigh University
 Massachusetts Institute of Technology
 Michigan State University
 Michigan Technological University
 New Jersey Institute of Technology
 New Mexico State University
 North Carolina State University
 Northeastern University
 Oklahoma State University
 Old Dominion University
 Purdue University
 Rensselaer Polytechnic Institute
 Southern Methodist University

The University of Alabama in Huntsville
 The University of Alabama at Tuscaloosa
 University of Alaska Fairbanks
 The University of Arizona
 University of Arkansas
 University of California, Berkeley
 University of California, Davis
 University of Colorado at Boulder
 University of Delaware
 University of Florida
 University of Idaho
 University of Illinois at Urbana-Champaign
 University of Kentucky

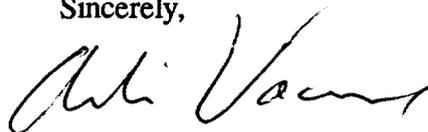
University of Maryland, College Park
 University of Massachusetts Amherst
 The University of Michigan
 University of Minnesota
 University of Missouri-Rolla
 University of Nebraska-Lincoln
 The University of New Mexico
 University of Notre Dame
 University of South Carolina
 University of Southern California
 The University of Tennessee, Knoxville
 University of Washington
 University of Wisconsin-Madison
 Vanderbilt University

These include the University of Maryland at College Park, the University of Minnesota and the University of Southern California, among others. If the ITFS frequencies are not preserved for educational use, NTU would lose some of its expert teachers and courses from these outstanding schools.

In this brief letter, it is difficult to outline the scope and breadth of NTU's service to the working technical workforce and the heavy dependence NTU has on the continuation of regular ITFS systems operated by its universities in its alliance. NTU offers M.S. degrees and an MBA. It broadcasts nearly 500 academic courses each year, as well as more than 450 non-credit continuing education courses to a customer list of more than 250 business and government organizations. You or your staff can learn more by visiting www.ntu.edu.

The National Technological University strongly urges the FCC not to reallocate the ITFS frequencies for 3G wireless use.

Sincerely,



André G. Vacroux
President
vacroux@ntu.edu

lg

 **Lane**
Community College

00-258

February 28, 2001

Commissioner Furchgott-Roth
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

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MAR - 9 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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MAR - 5 A 10: 19

OFFICE OF COMMISSIONER
HAROLD FURCHGOTT-ROTH

ORIGINAL

Dear Commissioner Furchgott-Roth:

EX PARTE OR LATE FILED

Re: FCC 00-455, ET Docket No. 00-258, RM-9920 and 9911

I am writing to you on behalf of Lane Community College to express our concern about a recent Federal Communications Commission (FCC) Proposed Rule Making that will have an immediate and fateful impact on our ability to meet a growing demand among Oregon students for accessible and flexible educational opportunities.

The FCC has issued a Notice of Proposed Rule Making (ET Docket No. 00-258, RM-9920 and 9911) seeking comment on a plan to relinquish Instructional Television Fixed Service (ITFS) channels to cellular phone companies for third generation (3G) mobile telephone services. This would cripple Lanes' ability to serve students of educational programming and nullify our long-term investment in the ITFS broadcasting medium. ITFS is an important part of Lane's goal to share educational resources among schools and to provide distance learning opportunities and workforce training directly to students at home, at work, and at neighborhood learning centers. Moreover, ITFS is absolutely critical if wireless broadband is to become a reality not only for our students but also for our entire community.

Thousands of school districts, colleges, universities, and other educational organizations across the country hold ITFS licenses, many of which were issued decades ago. Recent FCC rule changes have expanded the educational power of ITFS from one-way video to interactive video, wireless broadband Internet access and advanced learning services to students and adult learners in classrooms, homes and workplaces. ITFS now offers educational institutions throughout the country an affordable high-speed on-ramp to the Internet--a mission that was recently cited as the first priority for policymakers by the bipartisan Congressional Web-Based Education Commission. In addition, fixed wireless broadband promises to bring a competitor to DSL and cable modem technologies to our community, making broadband access not only more widely available but also more affordable.

Lane Community College has for the past 22 years been at the forefront of advancing new learning services made possible by recent FCC rule changes. We have invested a great deal of time and resources to develop the ITFS spectrum for educational outreach in Oregon. Lane is an active member of the Oregon Wireless Instructional Network (Oregon WIN), a consortium of nine universities and community colleges that operates a multi-channel ITFS network in Oregon's Willamette Valley capable of serving over 65% of Oregon's population. The consortium (see attached list of participates) operates under an Intergovernmental Agreement, is governed by a seven-member board and works closely with other educational ITFS licensees throughout Oregon.

Oregon WIN was formed in 1993 for the purpose of jointly developing the ITFS spectrum in Oregon as a much needed "last mile" network solution. The consortium recently completed a \$1.8 million network after spending years filing for ITFS licenses, building the consortium, issuing a national RFP for a commercial

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partner to develop the spectrum and to design an interconnected, shared network. Oregon WIN operates three ITFS transmission sites in Eugene, Salem and Portland, with multiple, two-way microwave paths. This flexible system allows the delivery of a diverse range of programs including live interactive courses, telecourses, information boards, and cultural events. Oregon WIN members, participating members, and associated institutions offer over 2500 distance learning courses in 65 degree programs (<http://oregonone.org>) to over 29,000 students per year. The Oregon WIN ITFS network is of growing importance in meeting Oregon's distance education needs. With the imminent rollout of two-way broadband data services over the ITFS spectrum, Oregon WIN will provide the full range of video, data and Internet services critical to quality distance education programs and services provided by Oregon's universities and community colleges.

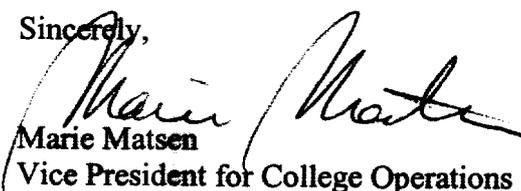
In addition to meeting important, "last mile" networking needs, ITFS is attractive because system development occurs by partnering with the private sector. Through an excess capacity lease agreement with Sprint Corporation, Oregon WIN members are able to focus their resources on educational programming and services and not on telecommunication infrastructure development and operations. FCC rulings over the past ten years have greatly improved the ability for educators and commercial operators to form successful partnerships in the development of the ITFS spectrum. Working in conjunction with wireless communications companies, ITFS is helping to bring broadband to under-served populations in rural, urban and otherwise isolated communities nationwide.

If the FCC reallocates any part of the ITFS spectrum for 3G mobile device services, the Oregon WIN partnership and network will collapse. Oregon WIN members would either lose their ITFS service altogether or face new equipment costs, service disruption and signal interference. In addition, Oregon WIN would lose our partnership with the private sector and face the prohibitive costs of re-building and operating the network. The spectrum would no longer be available for advanced wireless broadband services to the educational community and to under served communities nationwide.

As a result of the critical need in Oregon for "last mile," broadband services and our extensive planning and financial investment in developing the ITFS spectrum for educational outreach, Lane Community College strongly oppose any reallocation of the ITFS spectrum to 3G mobile device services. Reallocation under FCC Notice of Proposed Rule Making (ET Docket No. 00-258, RM-9920 and 9911) is counter to recent FCC rulings that allow educators to fully and effectively develop the spectrum for educational use. It is counter to many local, state and national reports calling for increased access to broadband services to provide educational opportunities to students anywhere, at anytime. If the ITFS spectrum is compromised, these public benefits will be lost. We at Lane Community College request your support of our efforts in maintaining the integrity of our spectrum and in keeping this tremendous educational resource alive and well.

Thank you for your support.

Sincerely,



Marie Matsen

Vice President for College Operations

00-258

Carl Nicholson, Jr., *President*
Hattiesburg

MISSISSIPPI

William S. Crawford, *Vice President*
Meridian

MEMBERS
Thomas W. Colbert, *Jackson*
L. Stacy Davidson, Jr., *Cleveland*
Ricki R. Garrett, *Clinton*
Bryce Griffis, *Starkville*
Roy Klumb, *Gulfport*



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Board of Trustees of State INSTITUTIONS OF HIGHER LEARNING

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
MAR 9 2001

February 15, 2001

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Harold K. Furchgott-Roth, Commissioner
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

Re: FCC 00-455, ET Docket No. 00-258, RM-9920 and 9911

Dear Commissioner Furchgott-Roth,

I am writing on behalf of the Mississippi Board of Trustees of the Institutions of Higher Learning about a matter currently under consideration at the Federal Communications Commission (FCC) that **threatens our ability to use technology to deliver education in Mississippi.**

The Board of Trustees holds nine licenses from the FCC, each for four channels of Instructional Television Fixed Service (ITFS) spectrum. In collaboration with the other ITFS licensees from Mississippi (the Department of Education, the State Board for Community and Junior Colleges and the Authority for Educational Television), plus the Governor's Office and the Attorney General's Office, we formed an organization called EDNET to build and operate a twenty channel statewide network. EDNET is about to complete the construction of the most comprehensive state level ITFS network in the country. EDNET has partnered with WorldCom, creating a self-funded operation requiring no tax dollars. It will have the ability to deliver instructional video programming to schools, government offices, businesses and homes across the entire state. In the future we hope to have the ability to deliver high speed Internet connections to rural as well as urban Mississippi. It is truly a remarkable technology resource in which Mississippi leads the nation.

The Federal Communications Commission Notice of Proposed Rule Making (ET Docket No. 00-258, RM-9920 and 9911) could revoke our ITFS licenses and repurpose the spectrum for use by the cellular telephone industry, thereby stripping Mississippi's educational community of a powerful and irreplaceable medium. Mississippi's educational and economic development goals would be severely damaged if this happens. Our ability as a State to provide adequate technology resources to students will be crippled if the FCC is allowed to take away Mississippi's ITFS spectrum.

Mississippi's ITFS licenses have more complete coverage than any state in the country, while Mississippi has the lowest percentage of households with Internet access. As stated by

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Mississippi Governor Ronnie Musgrove in his recent report "Creating Economic Prosperity for a New Century," our state intends to fully utilize these ITFS licenses to provide available, affordable internet access in rural areas to both small businesses and to homes. ITFS licensees are therefore serving the educational community as they help the nation and the Commission to provide affordable high-speed access to the Internet.

If the Commission reallocates any part of the ITFS spectrum for 3G mobile device services, the capacity, usefulness, and value of ITFS would be significantly diminished. Even if only part of the spectrum is taken away, many educational institutions would lose their ITFS service altogether, while others would face new equipment costs, service disruption and cutbacks, lower quality of service and signal interference. In either scenario, the ITFS community would be incapable of supporting advanced wireless services and promoting the development of broadband services to the educational community and to underserved communities nationwide.

Mississippi now has the right technology, the right applications and the right business model. If the ITFS spectrum is compromised in any way, these public benefits will be lost. We hope that you will support us by maintaining the integrity of the spectrum and in keeping this tremendous educational resource alive and strong.

Sincerely,



Carl Nicholson Jr., President

Who can benefit from EDNET?

All Mississippi citizens particularly students, parents and teachers.

Is your school connected?

Currently many Mississippi K-12 schools have EDNET/Wireless One cable installed. The school equipment, installation, and ongoing monthly cable service is free. To verify whether EDNET has been installed and is available at your institution, go to www.msednet.com/installs.htm and locate your school on the school sites list.

Feedback

To help us better serve you and meet your needs, please visit our web site and complete our cybersurvey.

EDNET e-mailing list

Periodically EDNET will e-mail program information and updates to teachers and administrators. If you would like to be added to our e-mailing list send an e-mail message to ednet@etv.state.ms.us and include in the subject line "add to e-mailing list".

Contact Us . . .

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Mississippi EDNET Institute
3825 Ridgewood Road, Box 24
Jackson, MS 39211.

Our internet web site address is
<http://www.msednet.com>.

EDNET

Mississippi EDNET Institute

*Enhancing
Education with
Technology*

www.msednet.com

What is EDNET?

EDNET is a group of distance learning channels delivered by Wireless One cable service. In 1990 ETV and other ITFS licensees were authorized by the state legislature to construct a statewide ITFS educational television system. This led to the current agreement between EDNET and Wireless One, a subsidiary of Worldcom. Together EDNET and Wireless One utilize the ITFS spectrum to reach Mississippians in disadvantaged rural areas as well as prosperous urban centers.

EDNET is a non-profit 501(c)(3) corporation funded entirely by lease fees paid by Wireless One. The EDNET Board of Directors is comprised of representatives from each licensee, the Office of the Governor, and the Office of the Attorney General.

What is ITFS?

The Instructional Television Fixed Service (ITFS) is a band of twenty (20) television channels licensed by the FCC to educational institutions.

Who are the ITFS licensees?

Mississippi Authority for Educational Television
Mississippi Department of Education
State Board for Community Colleges
Institutions of Higher Learning
Mississippi EDNET Institute

Mission

EDNET's mission is to promote, encourage and assist all levels of education, research, and economic development throughout Mississippi.

Distance Learning

Everyday EDNET broadcasts a wide variety of educational programs designed for use at home or in the classroom free of charge. . . .

Adult Education

College Credit Telecourses

Continuing Education

K-12 Instructional Programs

Public Information

Staff Development

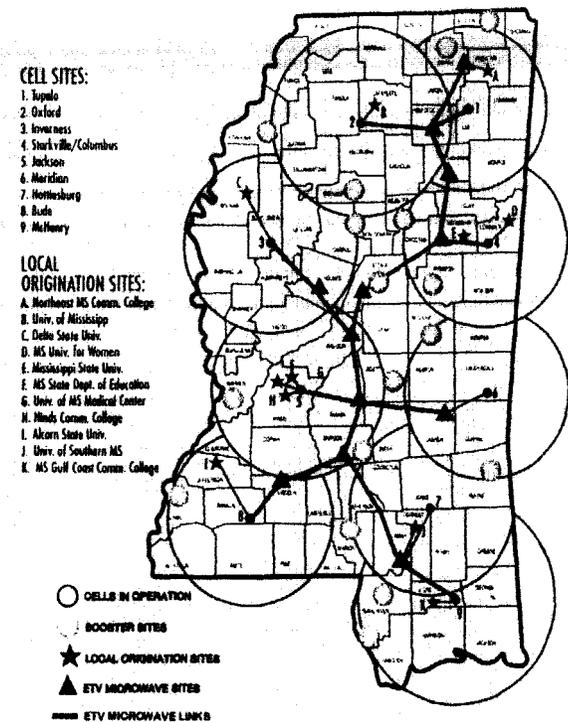
Workforce Training

EDNET will soon expand operations by providing programming statewide.

Local Programs

EDNET is actively working to incorporate distance learning courses and programs from all Mississippi public colleges and universities. In addition eleven local origination sites are under construction around Mississippi. These sites will provide a wealth of academic and local information programs to viewers.

EDNET ITFS NETWORK



Local Origination Sites

Alcorn University
Delta State University
Hinds Community College
Mississippi Department of Education
Mississippi Gulf Coast Community College
Mississippi State University
Mississippi University for Women
Northeast Mississippi Community College
University of Mississippi
University of Southern Mississippi

MISSISSIPPI EDUCATION IS UNDER FIRE

A Valuable Mississippi Education Resource in Serious Jeopardy

The purpose of this paper is to explain a current threat to the school children in the state of Mississippi. The Federal Communications Commission (FCC) has initiated a process at the request of the President that could seize the Instructional Television Fixed Service (ITFS) spectrum away from its current educational users and sell it to commercial telecommunications companies for more cellular telephone service. The now former FCC Chairman William E. Kennard said recently “We must ensure that the tools of the Information Age reach all Americans from the business districts to the barrios; from those with every advantage to those with disabilities; from the young to the old; and from suburban homes to our rural heartland. Only then can we make sure that every American has the opportunity to realize the full potential and prosperity of the New Economy and enjoy the full promise of American life.”¹ Yet if the FCC takes spectrum away from EDNET and its private sector partner WorldCom, it will virtually eliminate rural Mississippians access to high-speed broadband Internet services for the foreseeable future. The FCC will in effect be pulling the plug on Mississippi EDNET, WorldCom, and many millions of dollars they both have invested. It will reduce educational opportunities in rural Mississippi and put a lid on Mississippi’s attempts to rise above its fiftieth place in the digital divide.

What is EDNET

EDNET is the only ITFS network in the United States that covers an entire state and utilizes all the available educational spectrum. The creation of EDNET was authorized in 1990 by the State Legislature of Mississippi for the purpose of promoting, encouraging, and assisting all levels of education, research, and economic development within the Mississippi. Subsequently the Mississippi Department of Education, the State Board for Community Colleges, the Institutions of Higher Learning, Mississippi Educational Television, the Office of the Governor and the Office of the Attorney General combined their individual ITFS licenses to create EDNET. EDNET exists to support the instructional programs of its member agencies and assist state agencies with their missions whenever possible. In partnership with Wireless One, a division of WorldCom, EDNET has been putting the finishing touches on construction of a statewide broadcasting system using the ITFS spectrum.

EDNET provides educational television programming for Mississippi’s pre K-12 and adult education community, twenty-four hours each day. EDNET can provide up to five channels to schools, colleges, extension centers, head start centers, workplaces and other places of learning. EDNET programming also includes public affairs, professional and worker training (such as teachers, fire fighters and public safety officers); and transmission of teleconferences for educational, training and administrative purposes.²

¹ Federal Communications Commission web site – “Chairman Kennard’s Greeting” – <http://www.fcc.gov>

² Additional information concerning EDNET is available at <http://www.msednet.com>

Currently ITFS channels can only be licensed to educational entities. The agency partners have an agreement to pool their collective 20 ITFS channels for management by EDNET. The 20 channels are currently leased to Wireless One, a division of WorldCom. This lease has already produced over \$1,000,000 in revenue. Wireless One then combines EDNET's twenty channels with its own eleven channels to deliver wireless cable service similar to traditional cable television to customers across Mississippi.

What is EDNET's Potential

In September 1998 the FCC ruled that wireless channels, like those currently used by EDNET and WorldCom for television, can now be used to deliver high-speed broadband Internet services. This has significantly increased the market value of EDNET's spectrum licenses and provides an additional way to deliver educational content. WorldCom has announced its intention to convert its MMDS spectrum from television to high speed Internet service. EDNET would like to continue to partner with a company like WorldCom to provide valuable education services. This new service has the potential to help bridge the digital divide by bringing high-speed broadband Internet service to many rural and impoverished areas of Mississippi.

This unique public/private partnership between EDNET and WorldCom allows the state education agencies to better meet their educational missions. It provides resources to help find new, exciting ways to address issues of isolated and underserved students just as WorldCom seeks to meet the needs of isolated and underserved markets for high speed Internet access.

The Threat

On October 13, 2000, the President executed a memorandum that articulated the need to select radio frequency spectrum to satisfy the United States' future needs for 3G mobile voice, high-speed data, and Internet-accessible wireless capability.

The FCC and the NTIA issued a Notice of Proposed Rulemaking (NPR) on January 23, 2001 on spectrum allocation for third generation wireless. Final reports will be issued by the two agencies in March 2001. Identification of spectrum by the FCC in coordination with NTIA will be made by July 2001.

Reallocation of EDNET's spectrum by the FCC would have the following serious negative effects:

- Loss of **broadband Internet service** needed to help bridge the digital divide in rural and impoverished areas of Mississippi.
- Loss of over 5 channels of 24 x 7 **educational programming** delivered directly to schools, colleges, extensions centers and head-start centers around Mississippi.

- Loss of **remedial education programs** for adult education including the GED on TV series which assists students who have dropped out of school and want to obtain their GED
- The loss of EDNET's **distance learning** capability will place Mississippi students at a learning disadvantage compared with other states.
- The loss of the EDNET's ITFS spectrum will completely eliminate a source of badly needed **private sector funding** for education in the State of Mississippi.
- Because Mississippi has the most aggressive implementation of an ITFS network, it will be disproportionately penalized if the spectrum is seized by the FCC.

Alternate option

There are alternate areas of the spectrum that can be used for more cellular telephone service other than ITFS. For example, on November 15, 2000 the Commerce Department released a preliminary study on the availability of spectrum in the 1755-1850 Mhz Band currently controlled by the military. According to Gregory L. Rohde, assistant secretary of commerce for communications and information and NTIA administrator, "This interim report indicates that segmentation and sharing possibilities in the 1755-1850 MHz band. The industry and the federal agencies need to begin exploring these possibilities as well as possible re-allocation options." The report went on to state that sharing of allocated spectrum to accommodate third generation wireless systems with existing federal government users might be feasible, under certain conditions. Assessing the potential of re-allocation within the 1755-1850 MHz band for cellular services was not a subject of the interim report and will be determined in the final report due in March 2001.³

Call for Action

We believe that adequate spectrum for more cellular phones can be identified and allocated, but that we must not handicap ITFS licensees, the educational community, or our fixed wireless operator partners in the 2.5 GHz band. After years of hard work by EDNET, WorldCom and the FCC, we finally have the right rules, the right spectrum and the right partners to enable us to serve students where and when they are ready to learn, to deliver critical broadband service to consumers in underserved rural places and to provide competitive options to consumers elsewhere. These services are critical to education and to our economic future in Mississippi.

Please let the FCC know the devastating impact on Mississippi's education and economic development infrastructure any decision to take away our ITFS spectrum will have. We strongly recommend that the FCC leave the ITFS spectrum intact and instead use 1755-1850 MHz spectrum for new 3G cellular services. You can contact FCC Chairman William Powell several ways: via phone (202) 418-1000, fax (202) 418-2801, his mailing

³ United States Department of Commerce web site - press release "Commerce Dept. Releases Interim Report on Third Generation Wireless Deployment" – November 15, 2000 – <http://www.ntia.doc.gov/>

address is FCC 445 12th St. Southwest, Washington, D.C. 20554, or through the FCC website at <http://www.fcc.gov/>.

For More Information

Please review the “WEB Now” campaign information on National ITFS Association web site at <http://www.itfs.org/>. You may also visit the EDNET web site at <http://www.msednet.com>. Contact EDNET Public Relations Director Bill Marshall via phone (601) 432-6958, e-mail bmarshall@etv.state.ms.us or mailing address Mississippi EDNET Institute 3825 Ridgewood Road, Box 24 Jackson, MS 39211.



James 00-258

UNIVERSITY OF OREGON

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HAROLD FURCHTGOFFER

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The Honorable Harold W. Furchtgott-Roth, Commissioner
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: FCC 00-455, ET Docket No. 00-258, RM-9920 and 9911

February 16, 2001

EX PARTE OR LATE FILED

Dear Commissioner:

I write to you on behalf of the University of Oregon to express our concern about a recent Federal Communications Commission (FCC) Proposed Rule Making that will have an immediate and disastrous impact on our ability to meet a growing demand among Oregon students for accessible, flexible educational opportunities. The FCC has issued a Notice of Proposed Rule Making (ET Docket No. 00-258, RM-9920 and 9911) seeking comment on a plan to relinquish Instructional Television Fixed Service (ITFS) channels to cellular phone companies for third generation (3G) mobile telephone services, stripping the University of Oregon and thousands of other schools across the nation of a powerful and irreplaceable medium. ITFS is an important part of the University of Oregon's goal to share educational resources among schools, and to provide distance learning opportunities and workforce training directly to students at home, at work, and at neighborhood learning centers. Moreover, ITFS is absolutely critical if wireless broadband is to become a reality not only for our students, but also for our entire community.

School districts, colleges, universities, and other educational organizations across the country hold thousands of ITFS licenses, many of which were issued decades ago. Recent FCC rule changes have expanded the educational power of ITFS from one-way video to interactive video, wireless broadband Internet access, and advanced learning services to students and adult learners in classrooms, homes, and workplaces. ITFS now offers educational institutions throughout the country an affordable high-speed on-ramp to the Internet, a mission that was recently cited as the first priority for policymakers by the bipartisan Congressional Web-Based Education Commission. In addition, fixed wireless broadband promises to bring a competitor to DSL and cable modem technologies to our community, making broadband access not only more widely available but also more affordable.

The University of Oregon is at the forefront of advancing the new learning services made possible by recent FCC rule changes and we have invested a great deal of time and resources to develop the ITFS spectrum for educational outreach in Oregon. The University of Oregon is an active member of the Oregon Wireless Instructional Network (Oregon WIN),

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a consortium of nine universities and community colleges that operate a multi-channel ITFS network in Oregon's Willamette Valley capable of serving over 65% of Oregon's population. The consortium operates under an Intergovernmental Agreement, is governed by a seven-member board, and works closely with educational ITFS licensees in Bend and Medford, Oregon (see attached list of Oregon ITFS licensees).

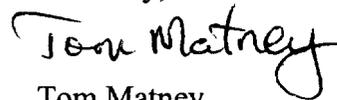
Oregon WIN was formed in 1993 for the purpose of jointly developing the ITFS spectrum in Oregon as a much needed "last mile" network solution. The consortium recently completed a \$1.8 million network after spending years filing for ITFS licenses, building the consortium, issuing a national RFP for a commercial partner to develop the spectrum, and designing an interconnected, shared network. Oregon WIN operates three ITFS transmission sites in Eugene, Salem, and Portland. The sites are linked with multiple, two-way microwave paths, allowing educational providers to serve all three ITFS networks from a single location. Inexpensive ITFS receive antennas are easily installed directly to schools, government offices, businesses, and homes. The flexible system allows the delivery of a diverse range of programs including live interactive courses, telecourses, information boards, and cultural events. Oregon WIN members, participating members, and associated institutions offer over 2500 distance learning courses in 65 degree programs (<http://oregonone.org>) to over 29,000 students per year. The Oregon WIN ITFS network is of growing importance in meeting Oregon's distance education needs. With the imminent rollout of two-way broadband data services over the ITFS spectrum, Oregon WIN will provide the full range of video, data, and Internet services critical to quality distance education programs and services provided by Oregon's universities and community colleges.

In addition to meeting important, "last mile" networking needs, ITFS is attractive because system development occurs by partnering with the private sector. Through an excess capacity lease agreement with Sprint Corporation, Oregon WIN members are able to focus their resources on educational programming and services and not on telecommunication infrastructure development and operations. FCC rulings over the past ten years have greatly improved the ability for educators and commercial operators to form successful partnerships in the development of the ITFS spectrum. Working in conjunction with wireless communication companies, ITFS is helping to bring broadband to underserved populations in rural, urban, and otherwise isolated communities nationwide. ITFS licensees are therefore serving the educational community as they help the nation bridge the Digital Divide.

If the FCC reallocates any part of the ITFS spectrum for 3G mobile device services, the Oregon WIN partnership and network will collapse. Oregon WIN members would either lose their ITFS service altogether or face new equipment costs, service disruption, and signal interference. In addition, Oregon WIN would lose our partnership with the private sector and face the prohibitive costs of re-building and operating the network. The spectrum would no longer be available for advanced wireless broadband services to the educational community and to underserved communities nationwide.

As a result of the critical need in Oregon for “last mile” broadband services, and our extensive planning and financial investment in developing the ITFS spectrum for educational outreach, the University of Oregon strongly opposes any reallocation of the ITFS spectrum to 3G mobile device services. Reallocation under FCC Notice of Proposed Rule Making (ET Docket No. 00-258, RM-9920 and 9911) is counter to recent FCC rulings which allow educators to fully and effectively develop the spectrum for educational use, and is counter to many local, state, and national reports calling for increased access to broadband services to provide educational opportunities to students anywhere, at anytime. If the ITFS spectrum is compromised, these public benefits will be lost. We at the University of Oregon hope that you will support us in maintaining the integrity of our spectrum and in keeping this tremendous educational resource alive and well. Thank you for your support.

Sincerely,

A handwritten signature in black ink that reads "Tom Matney". The signature is written in a cursive style with a large, stylized "T" and "M".

Tom Matney
Media Services Director
University of Oregon