

Gray, Todd

From: Gray, Todd
Sent: Monday, September 26, 2005 10:09 AM
To: Fred.Campbell@fcc.gov
Cc: lavergne@fr.com
Subject: CTN and NIA Position on EBS Lease Term Limits
Attachments: CTN-NIA Reply.doc

Fred:

On behalf of the National ITFS Association and the Catholic Television Network, this email follows up on the voicemail I just left you regarding WT Docket No. 03-66 and the issue of limits on EBS lease terms. We see from ex parte notices that the issue has been raised by commercial operators, who would prefer that there be no limits on lease terms.

NIA and CTN last addressed the issue in our Consolidated Reply on reconsideration of the Report and Order in this docket. We're attaching a copy of that document, and refer you to pages 6, 7 and 8. Our view is that the FCC clearly carried forward the substantive requirements for EBS leases over into the Secondary Markets leasing regime, including the 15 year limit on lease terms.

We believe that the 15 year limit serves a valuable educational function (permitting EBS channel capacity to "bounce back" to EBS licensees periodically, so that they can reconsider uses in light of then-current educational needs). We also urge that, if the FCC wants to consider changes to any of the EBS lease substantive requirements, it should commence a review of all requirements, because these issues were not raised or effectively debated in the current proceeding.

Ed Lavergne, Counsel for CTN, and I would be pleased to talk further with you about this matter, if you believe it might be helpful.

Regards,

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