

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

In the Matter of)	
)	
Improving Public Safety Communications in the 800 MHz Band)	WT Docket 02-55
)	
Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels)	
)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems)	ET Docket No. 00-258
)	
Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service)	RM-9498
)	
Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Communications Service)	RM-10024
)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service)	ET Docket No. 95-18
)	

To: The Commission

**COMMENTS OF DUTCHESS COMMUNITY COLLEGE IN
SUPPORT OF PETITIONS FOR CLARIFICATION OR
RECONSIDERATION**

Dutchess Community College (DCC), the licensee of Low Power
Television Station W42AE, Poughkeepsie, New York, submits these comments

in support of the "Petition for Clarification or Reconsideration" filed January 27, 2006 by Mohave County Board of Supervisors ("Mohave") with regard to the treatment by Sprint-Nextel of so-called "secondary" Broadcast Auxiliary Service (BAS) microwave links in the 1.9 GHz band which are a part of television translator systems. DCC also supports the "Petition for Clarification of The Association for Maximum Service Telecasters, Inc. ("MSTV")" on the same subject.¹ DCC requires reimbursement of costs to reband its TV Studio-Translator Link which feeds Station W42AE, and the failure of the FCC to order Sprint-Nextel to reimburse such costs as part of the 1.9 GHz rebanding effort will result in a loss of service to Poughkeepsie in a manner which disserves the public interest. In the alternative, should the Commission proceed by waiver, as suggested by Mohave, DCC requests a similar waiver to allow reimbursement for its 2 GHz facility. In support of this statement, the following is offered:

DCC is a part of the State University of New York system. DCC has long used video, including closed circuit, cable television and broadcast television in furtherance of its mission "to provide open access to affordable, quality post-secondary education to citizens of Dutchess County and others".

DCC is the licensee of Low Power Television Station W42AE, Poughkeepsie, New York, and has operated the station since the inception of the Low Power Television service. The station is currently under the control of DCC's Instructional Media Department. It serves approximately 165,000 households in the Dutchess County area. The station's signal is also carried on

¹ DCC takes no position on the "Petition for Reconsideration of Sprint Nextel Corporation" also filed January 27, 2006 on issues unrelated to operations in the BAS band.

three local cable systems. During much of the time, Station W42AE retransmits the broadcast signal of Station WMHT(TV), Schenectady-Albany, New York, extending the reach of this PBS member station to Poughkeepsie, which itself lacks an independent public television station. Until recently, the station was also programmed by the Instructional Media Department weeknights and Saturdays with telecourses during the fall and spring semesters. The telecourses that were offered vary each semester. There are continuing special programs occasionally programmed of general audience interest, such as last Fall's seven-week "Learning in Progress" series and 10 weeks in the current Spring semester. These programs were created by students from DCC's Communications and Media Arts program enrolled in an advanced video production practicum and delved into complex contemporary social issues. DCC also uses the station for the broadcast of promotional announcements for college events and classes.

The background of the BAS reimbursement issue regarding facilities used in connection with Television Translator and LPTV stations has been thoroughly recounted by Mohave and MSTV. DCC has had the same experience of first having been led to believe its relocation costs for TV Translator Relay Station WHG373 (operating on 1990-2110 MHz) would be covered by Sprint-Nextel as part of its relocation plan for the New York city market. DCC also received a letter dated December 1, 2005 from Sprint declaring the facility "not eligible" for reimbursement of relocation costs.

DCC has received an estimate for the costs of the replacement equipment required to reband TV Translator Relay Station WHG373 of approximately \$50,000, prior to the costs of engineering and legal assistance required to implement the change. This is \$50,000+ that a state College simply does not have. Existing and planned origination projects would have to be terminated, which would disserve the public interest. Accordingly, DCC joins Mohave and MSTV in requesting that the FCC clarify its October 2005 "Memorandum Opinion and Order" released on October 5, 2005 (FCC 05-1784), or in the alternative, waive the rules or policies barring reimbursement of Dutchess, so that Sprint-Nextel would be given an appropriate credit for the costs of rebanding STL Station WHG373.

Respectfully submitted,

DUTCHESS COMMUNITY COLLEGE

By: 
Steven C. Schaffer

SCHWARTZ, WOODS & MILLER
Suite 610, The Lion Building
1233 20th Street, NW
Washington, DC 20036
202-833-1700
202-833-2351/FAX

Its Attorneys

CERTIFICATE OF SERVICE

I, Mary Kay McMahon, a secretary with the law firm of Schwartz, Woods & Miller, hereby certify that copies of the foregoing **COMMENTS OF DUTCHESS COMMUNITY COLLEGE IN SUPPORT OF PETITIONS FOR CLARIFICATION OR RECONSIDERATION** were served via U.S. mail on this 23rd day of March 2006 to the following:

William K. Keane, Esq.
Duane Morris LLP
1667 K Street, N.W. Suite 700
Washington, DC 20006

Lawrence R. Krevor
Vice President - Spectrum
Sprint Nextel Corporation
2001 Edmund Halley Drive
Reston, VA 20191

Robert S. Foosaner
Senior Vice President and
Chief Regulatory Officer
Sprint Nextel Corporation
2001 Edmund Halley Drive
Reston, VA 20191

David L. Donovan, President
Association for Maximum
Service Television, Inc.
P.O. Box 9897
4100 Wisconsin Avenue, NW
Washington, DC 20016


Mary Kay McMahon