

North Carolina Association of Community College Presidents

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

October 16, 2008

Re: Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands (WT Docket No. 03-66);
Second Further Notice of Proposed Rulemaking
Reply Comment from the North Carolina Association of Community College Presidents

Dear Ms. Dortch:

The North Carolina Association of Community College Presidents ("NCACCP"), file these Reply Comments in response to the Second Further Notice of Proposed Rulemaking in this proceeding, in which the FCC seeks comment on various alternatives for licensing unassigned EBS spectrum.

The NCACCP includes the presidents of the 58 community colleges in North Carolina. Collectively, these community colleges hold EBS licenses in all channel groups and in all Geographic Service Areas (GSA's) in North Carolina.

Specifically, the NCACCP provides the Reply Comments below on the Comments filed on behalf of the National Educational Broadband Services Association ("NEBSA") by Dow, Lohnes, PLLC dated September 22, 2008, on the issues identified in Second Further Notice of Proposed Rulemaking:

- Whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity;
 - Whether EBS eligible entities could participate fully in a spectrum auction;
1. Licensing unassigned EBS spectrum: The NCACCP strongly supports the six goals described in the NEBSA Comment, and particularly goal six: "Recognize the legitimate interest of existing EBS licensees to expand their coverage areas to better encompass their natural areas of interest." An example of such a legitimate interest is the fact that a number of the North Carolina community colleges that have been granted EBS licenses have determined that the existing 35-mile GSA for their EBS License does not include a significant part of the county or counties that are served by

the community college, thereby limiting the Licensees ability to utilize the EBS to provide educational services to the county or counties that they serve.

The NCACCP agrees with the NEBSA analysis of five options for white space licensing, and strongly supports the conclusion and recommendation that Option 5A, to “maximize GSAs to absorb all white space on any given channel in each BTA where there is currently at least one license providing coverage on that channel in the BTA” will most effectively and efficiently meets the goals described in the NEBSA Comment. Further, the NCACCP strongly supports option 5A as providing the most effective method of licensing white space as quickly as possible to enable Licensees to move forward with implementing educational broadband services in the EBS spectrum. In particular, Option 5A provides North Carolina’s community colleges with the opportunity to expand their existing GSA’s to maximize the coverage of the county or counties served by the community college.

2. Participation in Auctions: The NCACCP also agrees with and supports the NEBSA Comments with respect to participation in auctions. In particular, the North Carolina community colleges would be unable to participate in auctions (due to financial and legal limitations), which would significantly impair their efforts to provide coverage for the county or counties that they serve in the event that auctions are required to license white space in the BTA’s in which the college’s currently hold EBS licenses.

The North Carolina Association of Community College Presidents believes that the resolution of these issues by the Federal Communications Commission should be based on the needs of the educational institutions to which the EBS spectrum is assigned to further the educational mission of those institutions. The specific issue of licensing of unassigned EBS spectrum can be most efficiently and effectively resolved by the NEBSA recommendation and should be adopted by the Commission.

Stephen Scott, President
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