

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

In the Matter of)	
)	
Applications 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 RM-10586
)	
Part 1 of the Commission's Rules – Further Competitive Bidding Procedures)	WT Docket No. 03-67
)	
Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico)	WT Docket No. 02-68 RM-97186

To: The Commission

**REPLY COMMENTS
OF THE
COMMUNITY TELECOMMUNICATIONS NETWORK, INC.**

The Community Telecommunications Network, Inc. ("Detroit EBS"), a consortium of EBS/ITFS licensees serving the Detroit metropolitan area, hereby submits reply comments in the above-referenced proceedings, specifically with respect to the issue of licensing white space areas. In brief, Detroit EBS vigorously supports the white space licensing plan set out in the comments of the National EBS Association ("NEBSA"), which demonstrate the critical need for expeditious licensing and the dangers inherent in any auction-based process.

I. BACKGROUND

Established in 1987, Detroit EBS is a Michigan non-profit corporation consisting of six of the seven EBS licensees operating in the Detroit metropolitan area. These institutions include four K-12 school boards, the local public television station, and a large urban public university chartered by the Michigan state constitution. The members of Detroit EBS include: the Detroit Educational Television Foundation (“DETF”), the School District of the City of Detroit (“City of Detroit”), Macomb County Intermediate School District (“Macomb”), Oakland County Intermediate School District (“Oakland”), Wayne County Regional Educational Service Agency (“Wayne”) and Wayne State University (“WSU”) (collectively, the “Member Institutions”). Together, they serve over 800,000 students.

WSU and City of Detroit have been serving their students and the wider community via their respective then-ITFS systems since the 1970s. DETF, Macomb, Oakland and Wayne received their respective ITFS licenses in 1988. Facilitating the grants of those 1988 licenses was an agreement among the Member Institutions to, inter alia, co-locate their facilities and coordinate the operation of their channels. Detroit EBS, which is governed by a six-member board representing each of the Member Institutions, was charged with, inter alia, overseeing the coordinated development and operation of these facilities and, if deemed appropriate by the Member Institutions, leasing excess channel capacity to a commercial operator.

As noted above, the Member Institutions serve over 800,000 in-school students, ranging from kindergarten through graduate school. Student enrollment in the K-12 Member Institutions totals some 780,000, while WSU’s student body totals approximately 33,000. Added to this are the literally thousands of children and adults who have had access

to educational programming and continuing education and job training courses historically distributed via DETF's ITFS channels to libraries, community centers and the like. In all, the Member Institutions' combined GSAs cover over 4 million people living in urban, suburban and rural areas of southeastern Michigan. The Member Institutions now stand poised to transition their use of their channels from the provision of traditional ITFS programming to state-of-the-art, broadband-based educational services for their students, faculty and the larger community.

II. EXPEDITED LICENSING OF EBS WHITE SPACE IS CRITICAL TO ACHIEVING THE COMMISSION'S GOALS FOR THE 2.5 GHZ BAND.

The Commission's efforts over the past four decades -- and particularly the past two -- to develop the 2.5 GHz band need not be revisited here. It has been a long journey, in which the Commission now finds itself in the final stages. It should suffice to note that the goals sought to be achieved by the Commission include the provision of new and expanded educational services, the introduction of competition (earlier in the multichannel video market and today in the delivery of mobile broadband services) by commercial operators, and the delivery of all of these service to rural areas.

As noted above, Detroit EBS' Member Institutions historically have been among the most extensive users of the ITFS band and have championed the Commission's efforts to move these systems into the digital age. Working with its commercial lessee, the Member Institutions already have begun to experiment with the use of broadband-based educational services, both in and out of the classroom. The Member Institutions are poised to roll out these services on a wide-spread basis as soon as practicable.

However, one obstacle that they face is the existence of white space adjacent to their GSAs, which, as discussed below, may inhibit their ability to serve all of their existing service areas -- particularly rural areas -- for the foreseeable future. To overcome this problem, those white spaces must be licensed as expeditiously as practicable. The only mechanism presently before the Commission that has any reasonable likelihood of accomplishing this goal in a rapid fashion is the one put forth by NEBSA (and others), which will result in the immediate expansion of existing GSAs to the subject white space.

In the Detroit BTA, a stretch of white space is situated generally to the north and west of the BTA's population center, and includes the northern portions of both Macomb and Oakland counties. Beginning at the western shore of Lake St. Clair, the white space runs west toward Flint and then south toward Ann Arbor. Some 230,000 people live in this area. The practical effect of the portion of this white space between the Lake St. Clair and Flint is to preclude service not only to both students and the general public located in the white space, but to those living in adjacent portions of the Oakland and Macomb GSAs as well. This problem cannot reasonably be resolved until that white space area is licensed.

The problem within an existing GSA results from the height benchmarking rules. As Detroit EBS understands it, commercial operators constructing the new broadband systems are reluctant to build-out in areas adjacent to the white spaces. Industry practice appears to be that towers will be built sufficiently far from the GSA boundary as to result in a potential loss of hundreds of square miles of service area within the GSA. In the absence of the relief proposed by NEBSA, this will remain the case for the foreseeable future.

Thus, it is critical that the Commission move forward to adopt the NEBSA proposal for licensing white space areas. This is the only solution advanced by any party that will

facilitate the rapid development of educational and commercial broadband services, not only in those white spaces, but also within the areas of existing GSAs that border those white spaces.

Respectfully submitted,

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