

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of)	WT Docket No. 03-66
the Commission's Rules to Facilitate the)	RM-10586
Provision of Fixed and Mobile Broadband)	
Access, Educational and Other Advanced)	
Services in the 2150-2162 and 2500-2690)	
MHz Bands)	
)	
Part 1 of the Commission's Rules - Further)	WT Docket No. 03-67
Competitive Bidding Procedures)	
)	
Amendment of Parts 21 and 74)	WT Docket No. 02-68
of the Commission's Rules With Regard to)	RM-9718
Licensing in the Multipoint)	
Distribution Service and in the)	
Instructional Television Fixed Service for the)	
Gulf of Mexico)	

To: The Commission

**REPLY COMMENTS OF
BELLVILLE INDEPENDENT SCHOOL DISTRICT, ANDERSON-SHIRO
CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, MADISONVILLE
CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND MUMFORD
INDEPENDENT SCHOOL DISTRICT**

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Summary of Reply Comments

In their Reply Comments, Bellville Independent School District (“Bellville ISD”), Anderson-Shiro Consolidated Independent School District (“Anderson CISD”), Madisonville Consolidated Independent School District (“Madisonville CISD”) and Mumford Independent School District (“Mumford ISD”) (collectively, the “Texas Schools”) support proposals to “maximize” the Geographic Service Areas (“GSAs”) of Educational Broadband Service (“EBS”) licenses to enable expeditious expansion of educational wireless services to adjacent, rural and underserved communities. As a first step in the assignment of EBS white space spectrum, the expansion of GSAs is endorsed by a wide range of educational institutions, including the National EBS Association (“NEBSA”), national licensees, commercial broadband operators in rural areas and a small school district that serves rural communities. The detailed maximization plan proposed by the Texas Schools and others is preferred over alternatives that would rely solely on auctions because it does not proliferate the number of “seams” along GSA boundaries created by the antenna height-benchmarking rules or require service to small, irregularly shaped areas that would be difficult, if not impossible, to serve.

Alternative licensing schemes, such as a negotiation process, reliance on subjective comparative criteria or a two-step auctioning process, fail to promote the compelling public interest benefits of automatic and instantaneous GSA expansion. Rather, these proposals add time and cost to the application process, and may lead to litigation over the Commission’s selection of the “best” licensee. By NEBSA’s count, there would be more than 200 EBS channels in 74 Basic Trading Areas (“BTAs”) available for settlement and auction – the second step in the licensing process – even after

maximization (assuming auctions are conducted by channel group and BTA).

Accordingly, relying solely on auctions to assign all EBS white spaces is illusory and does not promote the benefits to new entrants that its proponents claim. The Commission should exercise its authority and, consistent with past practice, automatically expand EBS GSAs as proposed in the Texas Schools' Comments.

The Commission should limit applicants for remaining white space to one channel group per BTA to prevent spectrum hoarding and promote new entry. The Commission also should afford applicants an opportunity to achieve full-market settlements that would obviate the need for auctions because, as educators have pointed out, financial and legal restrictions may prevent or restrict their participation in auctions. For those BTAs where no settlement is reached, the Commission should use the single-round, sealed-bid auction design it has successfully used in other cases involving a limited number of applicants.

The comments of the Texas Schools and others proposed a comprehensive two-stage licensing plan that would promote Commission policies and substantially minimize the problems and defects attendant to auctions. The Commission should maximize existing EBS GSAs, conduct auctions for the remaining white spaces and adopt the other rule changes urged by the Texas Schools to speed deployment of educational wireless services.

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Bellville Independent School District ("Bellville ISD"), Anderson-Shiro Consolidated Independent School District ("Anderson CISD"), Madisonville Consolidated Independent School District ("Madisonville CISD") and Mumford Independent School District ("Mumford ISD") (collectively, the "Texas Schools"), by counsel, submits these Reply Comments in the above-captioned proceeding.¹ As

¹ *In the Matter of 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, Third Order on Reconsideration and Sixth Memorandum Opinion and Order and Fourth Memorandum Opinion and Order and Second Further Notice of Proposed Rulemaking*

discussed below, the comments demonstrate a broad base of support for automatic “maximization” of existing Geographic Service Areas (“GSAs”) and streamlined procedures for auctioning remaining Educational Broadband Service (“EBS”) white spaces.

Introduction

The Texas Schools are all independent school districts located in South Texas that hold EBS licenses. Bellville ISD, Madisonville CISD and Mumford ISD are three of the founding members of the new Texas Educational Broadband Network (“TEBN”), a consortium of school districts dedicated to promoting educational opportunities in rural communities. As discussed in the Bellville ISD Comments, Bellville ISD’s EBS station is the test site for a wireless broadband network that is expected to be the initial platform by which TEBN will make educational resources available to K-12 students and residences in South Texas. Anderson CISD, Madisonville CISD and Mumford ISD are pleased to support Bellville ISD’s efforts in advocating rules for assigning EBS white space spectrum.

Discussion

- I. THE COMMISSION SHOULD ADOPT BELLVILLE ISD’S PROPOSAL TO “MAXIMIZE” GSAs OF EXISTING EBS LICENSEES BEFORE ACCEPTING APPLICATIONS FOR REMAINING WHITE SPACES.**
 - A. There is no Support for Auctioning all EBS Spectrum that is Currently Unassigned.**

and Declaratory Ruling, 23 FCC Rcd 5992 (“*FNPRM*”). Bellville ISD filed Comments on September 22, 2008. See Comments of IHETS, WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“Bellville ISD Comments”).

Commenters unanimously agreed with Bellville ISD’s view that auctioning all currently unassigned EBS spectrum would be contrary to the public interest,² and that competitive bidding should be used only where other license assignment methods have failed to entirely eliminate white space. The National EBS Association, a trade group that has long represented EBS licensees, perhaps stated it best:

Auctions, however implemented, are not an appropriate spectrum allocation tool for an educational service and are not likely to result in spectrum coming into the hands of those that can best use it. Among other considerations, sound public policy should not require educators to expend their limited resources to pay for this spectrum. NEBSA is informed that many educators – particularly local, accredited schools that used to be favored in the EBS licensing process – will not be able to participate in auctions because of either legal restrictions or the lack of financial resources that can be paid to the government for spectrum.³

A consortium of educational organizations strongly stated that “the very notion that the Commission would require schools to compete against each other for licenses and would give the U.S. Treasury funds that are earmarked for education is so appalling that little needs to be said against it.”⁴ Similarly, Myers Lazrus, following a detailed discussion of the problems associated with auctioning spectrum set aside for educators, concluded that “it appears contrary to the public interest to pit non-profit educational entities against

² See Bellville ISD Comments at 17-18 (discussing the “negative consequences of auctions”). See also Comments of The Source of Learning, Inc., WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“SFL Comments”) at 17 (same); Comments of the Indiana Higher Education Telecommunication System, WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“IHETS Comments”) at 17-18 (same). Three commenters – Broadpoint, Inc., the American Petroleum Institute and the Wireless Communications Association International, Inc. – did not address the means by which the Commission should assign licenses for EBS white space.

³ Comments of The National EBS Association, WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“NEBSA Comments”) at 7. The North Carolina Association of Community College Presidents (“NCACCP”), presidents of community colleges holding EBS licenses that blanket North Carolina, confirmed that “the North Carolina community colleges would be unable to participate in auctions (due to financial and legal limitations), which would impair their efforts to provide coverage for the county or counties that they serve in the event auctions are required.” NCACCP Comments, WT Docket Nos. 03-66, *et al.*, filed Oct. 16, 2008 at 2.

⁴ Comments of American Association of School Administrators, *et al.*, WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“Association Comments”) at 10.

each other in a competition decided by money.”⁵ The Catholic Television Network (“CTN”) agreed that “[a]ssigning EBS spectrum based on a single criterion – the highest bidder – would have questionable public interest benefits.”⁶ Other commenters cited the Commission’s desire to consider alternative license assignment mechanisms, devising plans that “would, in large part, eliminate the need for auctions in many areas.”⁷

It is rare that every commenter in a rule making proceeding favors the same position. But this is one of those cases. National trade groups, educational consortia, multi-station licensees, rural operators and holders of single EBS licenses – all agree that the Commission should, where possible, eliminate the need for auctions in favor of some alternative. The Commission thus should reject auctions where it can, in favor of an alternative means for assigning EBS white space.

B. The Commission Should Adopt Bellville ISD’s Proposal to “Maximize” EBS GSAs Instead of Proposals that Would Increase Costs, Delay Service and Lead to Litigation.

Although every commenter strongly favored limiting or avoiding the use of auctions, they differed on how the Commission should define and assign white space spectrum. Bellville ISD, IHETS and SFL each proposed a detailed plan by which the Commission would automatically expand the GSAs of existing licensees by simultaneously extending the GSA boundaries to the BTA border or the boundaries of

⁵ Comments of Myers Lazrus, WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“Myers Lazrus Comments”) at 10.

⁶ Comments of the Catholic Television Network, WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“CTN Comments”) at 3.

⁷ Joint Comments of Bridge the Divide Foundation, Inc., *et al.*, WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“Bridge Comments”) at 4. *See also* Joint Comments of Adams Telcom, Inc., *et al.*, WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“Adams Comments”) at 4 (proposing to reduce opportunities for mutual exclusivity and fraudulent activity in auctions); Comments of Hispanic Information and Telecommunications Network, Inc., WT Docket Nos. 03-66, *et al.*, filed Sept. 22, 2008 (“HITN Comments”) at 2 (proposing alternative that would minimize need for auctions).

co-channel EBS stations.⁸ In each BTA covered by a portion of any GSA, all unassigned EBS spectrum would be immediately licensed to existing co-channel licensees so that they can expeditiously deploy educational and wireless broadband services in adjacent areas.⁹ In cases where the automatic expansion of GSAs would bisect a major market or result in some other anomaly, the maximization plans proposed by Bellville ISD, IHETS, SFL and NEBSA would afford licensees an opportunity to mutually agree to changes in GSA borders to create more viable markets.¹⁰ In addition to land swaps that modify Commission-drawn GSA boundaries, settlements also could include channel swaps that would permit a licensee in one area to acquire additional spectrum in exchange for spectrum that another licensee desires. Agreements of this kind would be consistent with Bridge's plan to allow incumbent licensees to apply for additional spectrum.¹¹

1. **“Maximizing” GSAs as a First Step in the White Space Licensing Process will Expedite Service to Rural and Unserved Areas.**

A majority of commenters addressing the issue of how to assign white space spectrum agreed that the Commission should maximize existing GSAs before undertaking other license assignment procedures. Significantly, in addition to Bellville ISD, these commenters included the trade association representing EBS licensees,¹² long-

⁸ See Bellville ISD Comments at 6-8; IHETS Comments at 6-8; SFL Comments at 6-8.

⁹ As the Association correctly points out, the Balanced Budget Act of 1997 requires competitive bidding where mutually exclusive applications are filed. See Association Comments at 10, citing 47 U.S.C. §309(j). Notably, the Bellville ISD plan would maximize GSAs *before* accepting any applications and, thus, before mutual exclusivity can be determined. Moreover, as discussed in the Bellville ISD Comments, the Commission has exercised its authority in the past to permit mutually exclusive applicants to entertain settlement discussions as a means to avoid auctions. See Bellville ISD Comments at 11.

¹⁰ See also Adams Comments at 5.

¹¹ See Bridge Comments at 5 (“[s]ome licensees may wish to expand geographic territory while others may wish to increase their spectrum holdings in a smaller area”). Bellville ISD further notes that the size, shape and location of existing licenses in the Denver BTA may create a unique situation, but Bellville ISD believes that there should be no restrictions on how full-market settlements can be fashioned.

¹² See NEBSA Comments at 22-23. The maximization process described by NEBSA would yield the same BTAs and channels where white space would remain at the conclusion of that process. The proposals

time “national” EBS licensees,¹³ a statewide organization of colleges and universities¹⁴ and commercial service providers operating in rural markets.¹⁵ This broad base of support demonstrates that incumbent licensees are well equipped to respond to market demand for EBS spectrum in rural and other areas where no licenses have been assigned or where incumbent licensees have had no opportunity to expand their facilities for 13 years to meet new demands and incorporate technological developments.

As discussed by these commenters, the benefits of maximizing GSAs are legion. First, automatically expanding GSAs would “immediately licens[e] white space and mak[e] it deployable throughout many BTAs, without having to undertake any new application and mutually exclusive selection process.”¹⁶ Adams stated that minimizing white space “would decrease opportunities for mutually exclusive applications.”¹⁷ Bellville ISD, IHETS and SFL similarly observed that the maximization process would open up white spaces for deployment “instantaneously.”¹⁸ Because any remaining white space would encompass an entire BTA, applications could be filed immediately, thereby speeding licensing and deployment without the time, delay and costly engineering expense borne by educators to determine actual white space within BTAs not subject to a maximization process.

Other proposals could take years to implement and would be difficult to administer. Although HITN agrees with IHETS, SFL and Bellville that existing licensees

differ, however, in how existing licensees would divide the existing white space (exclusive of BTAs where no GSAs are present on a given channel). Bellville ISD would not object to adoption of either approach, though it believes that Bellville ISD’s proposal would be easier to implement and NEBSA’s may lead to service areas that more closely relate to existing markets.

¹³ See SFL Comments at 6-9; HITN Comments at 8-9.

¹⁴ See IHETS Comments at 6-9.

¹⁵ See Adams Comments at 2, 4-5.

¹⁶ NEBSA Comments at 18.

¹⁷ Adams Comments at 4.

¹⁸ Bellville ISD Comments at 15; IHETS Comments at 15; SFL Comments at 14.

should be permitted to “extend their licenses to the borders of any BTAs overlapping their current GSA,”¹⁹ it proposes a process by which existing licensees would have the right to file applications for white space adjacent to their GSAs, and the applicants would have an opportunity to negotiate a division of the white space or some other resolution. The Texas Schools believe that, while this maximization process has merit because only interested incumbents would file for contiguous white space, it creates additional administrative requirements on licensees to file applications and the Commission to process them. By contrast, Bellville ISD’s proposal would automatically divide white space equitably among existing licensees, and afford them the opportunity to reject the expanded area.

CTN, the Association and Myers Lazrus do not propose any form of GSA expansion, but instead promote the use of comparative criteria to select from among mutually exclusive applicants for unassigned EBS spectrum. Their comments offer nothing to incumbent EBS licensees, who have had no opportunity to expand their facilities for 13 years to meet new demands and incorporate technological developments.

To assign existing white spaces, CTN, the Association and Myers Lazrus each propose to favor local educational institutions. CTN would dramatically limit eligibility for white spaces to only local, accredited institutions that are providing educational services in the white area, and then award licenses to the five qualifying institutions that have the most students.²⁰ The Association would allow only educational facilities with classrooms in the designated white area to be eligible for licensing.²¹ Myers Lazrus would resurrect the comparative point system last used in the EBS service during the

¹⁹ HITN Comments at 8.

²⁰ See CTN Comments at 6-7.

²¹ See Association Comments at 12-13.

1995 filing window, a system that would accord preferences to local educators.²² These proposals would obviously and unwisely preclude proven educational organizations such as the Texas Schools from instantaneously extending their existing services to neighboring underserved areas where they may have no facility merely because a newcomer, with no track record, happens to have a school building located in the white space.

CTN also presumes that the number of students bears some relationship to the public interest benefits that a licensee could provide. It ignores the fact that by ranking the selectees, it creates an environment for litigation from applicants that contest the Commission's determination of the number of students a particular licensee claims due to, for example, services provided over the Internet to teachers. It also ignores the ability of applicants to dynamically add and subtract students, including those from multiple unaffiliated educational institutions, as demand dictates.

The Association's proposal is also needlessly complicated and unworkable. Eligible parties would be subject to a vague "negotiation procedure" that would allocate the spectrum licenses.²³ Although it is woefully short on details, the flaws in this plan are apparent. There are no parameters on how the negotiation process would work, how long it would take, or what would happen in the likely scenario where the negotiations fail to yield a single licensee.

As it recognizes, and in contrast to the maximization plans offered by Bellville ISD, IHETS, SFL and NEBSA, Congressional action would be required before the Myers

²² See Myers Lazrus Comments at 11.

²³ Association Comments at 13.

Lazrus plan could ever be implemented, even assuming it would make sense to do so.²⁴

It is highly unlikely that Congress would dedicate itself to now allow the Commission to re-institute its point system – a system that required detailed applications, led to litigation over how points were calculated and generally slowed the assignment of EBS licenses for years, when Congress is faced with so many other priorities. Myers Lazrus’ alternative plan to employ frequency coordinators²⁵ similarly suffers from a burdensome and time-consuming process that would delay service.

2. **One-Step Licensing Schemes Create Service Problems and Drive up Deployment Costs, and thus do not Promote Efficient or Effective Service.**

Automatically expanding existing GSAs before proceeding with additional licensing of white space would rationalize EBS service areas in several different respects and facilitate efficient service and effective operations. As discussed by NEBSA, “all white space remaining after the maximization process would be for specifically identifiable channels that are available BTA-wide.”²⁶ The boundaries for EBS GSAs would be “better harmonize[d]” with the boundaries of BRS licenses,” creating more uniformity in the size and shape of service areas.²⁷ Moreover, as several commenters discussed, the remaining white spaces do not lend themselves to effective licensing by auction to third parties, but would be more capably served by incumbent licensees. This is because the white spaces are aptly described as “diminutive and irregular,”²⁸

²⁴ See Myers Lazrus Comments at 10-11.

²⁵ See *id.* at 13.

²⁶ NEBSA Comments at 19. As noted by NEBSA, Bellville ISD, IHETS, SFL and Adams, prior to maximizing GSAs, the Commission should first resolve pending proceedings involving late-filed renewal applications and requests for extension of time to complete construction of facilities.

²⁷ Bellville ISD Comments at 16; IHETS Comments at 16; SFL Comments at 15.

²⁸ HITN Comments at 8.

“irregularly shaped [and] small in size and difficult to serve,”²⁹ and “haphazard bits and pieces of non-contiguous geographic areas.”³⁰

In addition, maximizing GSAs would reduce the service-limiting effects of antenna height-benchmarking along the boundaries. As a practical matter, as more licenses are added, the number of border areas where height-benchmarking restrictions must be considered increases. This creates “seams” along GSA borders where licensees may not be able to install base stations at sufficient height to serve the public. By contrast, expanding GSAs will greatly limit the number of “seams,” allowing for service to be extended to areas that could not previously receive service.³¹

CTN, the Association and other proponents of a single-phase white space licensing scheme do not consider these significant practical service issues. They fail to address situations where the white space might be too small or too oddly shaped to be served such that no educator would apply for the area, leaving vast areas bereft of service. The likelihood that educators would not apply for these areas, or serve them, is exacerbated by the impact of the antenna height-benchmarking rules, which limits the height of base station antennas along GSA borders. In order to cover small areas, and in the absence of any agreement with neighboring licensees and commercial operators, licensees would be forced to either incur substantial additional costs and delays to purchase and deploy a larger number of base stations or not providing service altogether. Simply stated, the assignment of spectrum for small, irregularly shaped areas would likely be of no value to a new entrant, but could be immediately served by incumbent licensees as an extension of their existing GSAs.

²⁹ Bellville ISD Comments at 16; IHETS Comments at 16; SFL Comments at 15.

³⁰ NEBSA Comments at 19.

³¹ *See id.* *See also* Bellville ISD Comments at 17; IHETS Comments at 16; SFL Comments at 16.

As NEBSA points out, auctions also could bring the return of application mills and speculators that do not have the best interests of educators at heart.³² Under the plausible scenario it describes, unscrupulous promoters could make unrealistic promises to extract a fee from unsuspecting educators in exchange for an agreement to broker or lease the spectrum.³³ Where possible, the number of auctions should be minimized to limit the potential for bad influences.

The benefits of the maximization plans are ignored in favor of the illusory benefits that new entrants might theoretically bring. According to NEBSA, following GSA maximization, there would be more than 200 white space licenses in 74 separate BTAs that would remain available for licensing across an entire BTA.³⁴ By contrast, auctioning all five channel groups in each of 493 BTAs would require at least 2,465 separate auctions, a number that would increase if the Commission held separate auctions for each non-contiguous white space in a BTA or if channels in a group were separated.³⁵ An auction or negotiation process cannot be managed effectively under these circumstances.

The Texas Schools appreciate that all of the commenters in this proceeding are committed to reducing and avoiding the need for auctions, whether it be through automatic maximization of GSAs or other methods. But only maximization enables fast

³² See NEBSA Comments at 12.

³³ *Id.*

³⁴ See *id.* at 19 and Exhibit 1. This assumes that licenses would be assigned by channel groups. More licenses would be available if the Commission adopted a different approach, such as Bridge's proposal to assign the Middle Band Segment channel separate from the Lower Band Segment or Upper Band Segment channels in the channel group. See, e.g., Bridge Comments at 7.

³⁵ CTN's proposal also assumes that each channel group has only one white space area. In fact, many BTAs contain multiple non-contiguous white space areas, many of which may cover only a few square miles. It is unclear how CTN's proposal addresses these BTAs. The Association's proposal suffers from a woeful shortage of specificity on whether white areas would be defined by BTA or some other geographic area. It may be that an EBS channel on the East Coast could stretch across the country. Or, if the areas are smaller, then the Association's proposal suffers from the same defect that plagues CTN's.

deployment to rural and underserved areas, with a minimum of administrative oversight, no service and antenna siting problems arising from squeezing new stations in between incumbent facilities, and limiting the potential for litigation that only serves to delay service to the public. The Commission should therefore promulgate rules incorporating Bellville ISD's maximization plan as a first step to licensing EBS white space.

II. THE COMMISSION SHOULD ADOPT BELLVILLE ISD'S PROPOSAL TO ALLOW APPLICANTS AN OPPORTUNITY TO SETTLE APPLICATION CONFLICTS BEFORE CONDUCTING SINGLE-ROUND, SEALED BID AUCTIONS.

Under Bellville ISD's proposal, once the maximization process is completed, the Commission would accept applications for available spectrum on a BTA basis according to channel groups. Any party eligible under Commission rules would have the right to file for white space, although an applicant could file only one application for a given BTA.³⁶ Applicants would have a certain period of time to reach full-market settlements in cases where more than one application was filed for a particular channel group in the BTA. In the absence of a full-market settlement for the BTA, the Commission would conduct a single-round, sealed-bid auction to select the licensee.³⁷

Other commenters also embraced the use of post-application settlements to resolve application conflicts.³⁸ By restricting each applicant to a single channel group in a given BTA, the number of applications would be limited and full-market settlements would be more readily achievable. This structure is much less complicated than the open

³⁶ See Bellville ISD Comments at 10; NEBSA Comments at 23. NEBSA submitted information showing that there would be 74 BTAs where at least one EBS channel would be available. *Id.*

³⁷ See Bellville ISD Comments at 11-12; IHETS Comments at 11-12; SFL Comments at 10-11. See also Bridge Comments at 8.

³⁸ See, e.g., Bridge Comments at 6-7; NEBSA Comments at 23-24; HITN Comments at 10.

negotiation favored by the Association and other proposals that do not contemplate settlements as a means to avoid auctions.

Only Myers Lazrus suggested that the Commission should utilize geographic units other than BTAs for the auction of white space.³⁹ However, the use of 734 Cellular Market Areas ignores the fact that BRS markets were auctioned according to BTAs and the transition process is proceeding on a BTA-by-BTA basis. The Commission should reject this proposal because it will unnecessarily and irrationally create a lack of harmony among service areas in the 2.5 GHz band and increase the potential for interference between, for instance, BRS Channel H3 and EBS Channel G1, both of which are in the Upper Band Segment. Any reduction in auction payments resulting from smaller market areas is substantially outweighed by the benefits of auctioning white space spectrum according to BTAs.

Conclusion

The record demonstrates widespread support for automatically maximizing GSAs to rapidly expand the availability of EBS spectrum and educational and wireless broadband services to rural and underserved areas. The Texas Schools believe their maximization plan identifies open white space quickly and easily; provides easily identified boundaries for open white space and eliminates costly and time-consuming engineering studies otherwise needed by educators to determine white space; allows any eligible entity that meets Commission requirements to hold an EBS license to apply; permits applicants to negotiate settlements with other applicants to avoid auctions; offers a way (as a last resort) for educational entities to participate in an auction; reduces the

³⁹ See Myers Lazrus Comments at 17.

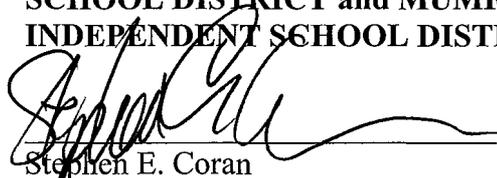
time and efforts of Commission staff to administer the application and licensing process; and furnishes a streamlined process to license all EBS white space within months to expedite needed wireless broadband deployment for education. The Texas Schools urge the Commission to adopt their proposal and the other rule changes discussed above and in the Bellville ISD Comments.

Respectfully submitted,

BELLVILLE INDEPENDENT SCHOOL DISTRICT, ANDERSON-SHIRO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, MADISONVILLE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT and MUMFORD INDEPENDENT SCHOOL DISTRICT

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