

Catholic Television Network
EBS White Space – WT Docket No. 03-66

1. Initial Filing Window. The FCC would issue a Public Notice announcing that any Eligible Entity may apply for EBS white space during a 30-day filing window. An Eligible Entity is an entity that (a) has a physical presence within the BTA,¹ (b) is eligible for an EBS license under existing FCC rules, and (c) will use the channels to further the educational mission of one or more accredited public or private schools, colleges, or universities within the white space of the geographic area for which it applies. An Eligible Entity could file just one application for one channel group in one BTA.² An Eligible Entity could request a license covering all of the white space in the BTA or a specific contiguous geographic area (as specified by the applicant) within the white space in the BTA. Substantial service requirements would apply to each new white space license issued.

2. Processing Initial Round of Applications. The FCC would issue a second Public Notice which identifies for each BTA the names of each applicant in the BTA along with the specific channels applied for and the geographic area applied for by each applicant.

- All applications that do not conflict with other applications in the BTA would be accepted for filing by the FCC and, after review, granted. For example, if only one application is filed for the B-group in a BTA, or if only two applications are filed for non-overlapping areas of the B-group in a BTA, those applications could be accepted for filing and granted.
- For all applications that are not accepted, the applicants would be given 90 days to reach a voluntary settlement dividing the channels and/or service areas among themselves. The FCC would dismiss the applications of any parties that fail to reach a settlement within 90 days. However, if a settlement is reached, new applications would be filed implementing the settlement, which would be accepted by the FCC, and after review, granted.

3. Second Round (if necessary). After processing the initial round of applications, the FCC would issue a Public Notice identifying any channels remaining in any BTA (*e.g.*, unapplied-for channels that may be available or channels available because applications were dismissed for failure to reach a settlement in the BTA). The licensing process described in steps 1 and 2 above would be repeated except that the localism requirement would be eliminated from the definition of an Eligible Entity. Any Eligible Entity (local or national) could apply for available channels as long as it has not already been issued a white space license.

4. Final Round (if necessary). After the second round of licensing, any channels remaining in a BTA would be licensed though GSA expansions upon application of incumbent licensees, which would include newly-licensed entities that obtain white space licenses.

¹ For colleges, universities, private schools, and nonprofit educational organizations this would mean that they have a campus, school or headquarters located within the BTA. Governmental organizations would be considered physically present if the organization's jurisdiction extends into the BTA.

² An attribution rule similar to 47 C.F.R. § 1.2110 would be used to enforce this limitation.