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September 16, 2009

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Notice – Amendments 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, WT Docket No. 03-67, MM Docket No. 97-217, WT Docket No. 62-68. RM-9718

Dear Ms. Dortch:

In accordance with Section 1.1206(b)(1) of the Commission’s rules, this is to note that on September 15, 2009, the undersigned James H. Johnston and Matthew C. Ames, Miller and Van Eaton, counsel for the American Association of School Administrators (AASA), the Association of Educational Service Agencies (AESAs), the Association of School Business Officials (ASBO), the Consortium for School Networking (CoSN), the International Society for Technology in Education (ISTE), the National Association of Independent Schools (NAIS), the National Association of State Boards of Education (NASBE), the National Education Association (NEA) National Rural Education Association (NREA), the National School Boards Association (NSBA), the Organizations Concerned about Rural Education (OCRE), and the Rural School and Community Trust (collectively referred to as “The Schools”) together with Noelle Ellerson for AASA, AESA, NREA, and the National Rural Coalition (NREAC), Amy Sechler for NAIS, Erin Duncan for NEA, and Lucy Gettman for NSBA met with Blaise Scinto, Chief, Broadband Division, John Schauble, Deputy Chief, Broadband Division, Barrett Brick, Nancy Zaczek, and Lynn Ratnavale, Attorney-Advisors, Broadband Division, Steve Midgley, Director of Education, Omnibus Broadband Initiative, Claude Aiken, Omnibus Broadband Initiative, and Erik Salovaara, Auctions & Spectrum Access Division, Wireless Telecommunications Bureau to discuss The Schools and their interests in the above-referenced proceeding.

Representatives of The Schools discussed their position in the referenced proceeding as more fully reflected in the appended summary that was distributed at the meeting. The associations said that in view of the fact that no new EBS licenses have been issued since 1995, schools were interested in applying for licenses in the white spaces. They also indicated they would keep their members apprised of the opportunities in EBS.

Respectfully submitted,
/s/ James H. Johnston

THE COMMISSION SHOULD GRANT EBS LICENSES TO CONSORTIA OF ELIGIBLE ENTITIES

- The 12 education organizations listed below (collectively referred to as “The Schools”) urge the Commission to ensure that any changes to the Educational Broadband Service (EBS) conform to the intent of Congress by delivering the greatest benefit possible to educational institutions. This summarizes their position in the white spaces proceeding.

American Association of School Administrators (AASA)	Association of Educational Service Agencies (AESA)
Association of School Business Officials (ASBO)	Consortium for School Networking (CoSN)
International Society for Technology in Education (ISTE)	National Association of Independent Schools (NAIS)
National Association of State Boards of Education (NASBE)	National Education Association (NEA)
National Rural Education Association (NREA)	National School Boards Association (NSBA)
Organizations Concerned about Rural Education (OCRE)	Rural School and Community Trust

- **The Schools propose that changes to the EBS be structured around five underlying goals:**
 - The changes should benefit the maximum number of students.
 - The licensing process needs to reflect the reality that in most instances spectrum will be leased to commercial providers and that the principal benefit of EBS to schools is the opportunity to obtain revenues from such leases. At the same time, the process should be flexible enough to allow educational entities to operate facilities, if they so choose.
 - The EBS licensing process should utilize a building-block approach in which a BTA and channel group are the smallest unit that can be licensed and should allow applicants to build larger units.
 - The benefits of EBS should be divided among all students on an equitable basis.
 - The Commission’s rules should promote the use of EBS spectrum for the rapid development of an integrated, national wireless broadband network.
- **How would the EBS operate under The Schools’ proposal?**
 - Eligible entities submit initial applications defining the proposed service area and channel groups. Applicants must have enrolled students in each BTA for which a license is sought. It is contemplated that the form of application will be simple, requiring only full identification of the applying entities, the location of facilities, and number of students at each. Applications will not require engineering exhibits.
 - FCC issues public notices of initial applications.
 - Interested and eligible entities within the service area must file competing applications or “statements of participation” within a fixed time (e.g. 90 days).
 - All applicants/interested participants covering the same channels and service areas will have 180 days to resolve differences, form consortia, and present the FCC with a single applicant for the specified spectrum and service area. To facilitate this, representatives of educational institutions will develop a “model consortium agreement” before the new rules take effect. All eligible entities in an area would have the right to join the consortium serving that area.
 - If necessary, the FCC may take steps to promote settlements, such as suggesting changed service areas or channel groups. To prevent entities from trying to hold out and using this as leverage in settlement negotiations, the FCC will entertain petitions to deny applications that do not substantially conform to the model. If there are still competing applications that fit the model at the end of the 180-day period, then they all will be denied. In practice, The Schools anticipate that larger entities will typically take the lead in organizing consortia and smaller organizations will readily join as long as there is no cost to them. For the vast majority of eligible entities, the benefits of joining a consortium and sharing in lease revenues would outweigh the costs and burdens of trying to reserve all the benefits of a license to themselves. Therefore, we anticipate that the need for Commission intervention would be rare.