

November 18, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ***Ex Parte Presentation***
WT Docket No. 03-66

Dear Ms. Dortch:

Yavapai Community College is the licensee of Educational Broadband Service ("EBS") Station WND276 at Prescott, Arizona. We are submitting this letter to ask the FCC to allow existing licensees the opportunity to "maximize" their Geographic Service Areas ("GSAs") under the proposal submitted by the National EBS Association ("NEBSA") in its September 22, 2008 Comments filed. If adopted, this would allow the College's GSA to expand into rural and remote "white spaces" that would be difficult for other licensees, and other technologies, to serve.

By way of background, the College is a community college with a main campus in Prescott and six other campus facilities in Yavapai County, Arizona. The mission of College is to provide affordable, quality learning opportunities to all people living within Yavapai County's 8,000 square mile service area. Founded in 1966, the college currently enrolls over 10,000 students in credit and non-credit classes at numerous sites throughout Yavapai County. Although transfer and career training programs remain the college's emphasis, many other services, from the Leadership Center to Small Business assistance, are offered. Officials at the Small Business Development Center serve an average of 450 businesses annually. Yavapai College Libraries provide service to 1,326 people daily, and 58,000 attend events at the Performance Hall each year.

Recently, the College issued a Request for Proposals for the lease of its spectrum. Responses are expected on November 24, 2009, and the College looks forward to entering into a long-term spectrum lease that will serve the needs of the students and the communities.

The College agrees with NEBSA's GSA "maximization" plan for several reasons. First, existing licensees like the College are in the best position to use the "white space" spectrum. Our existing operations can be "edged out" to new areas to the west of our existing GSA without having to account for third party GSAs (and the attendant restrictions on height benchmarking and power limitations). These areas are remote, desert areas with difficult terrain and a small and sparse population that would be difficult to serve by a third party entering the market at some later point in time.

Second, the NEBSA proposal is easy and quick to implement. Without resorting to an application process that could have several rounds, settlement windows and auctions, the FCC can simply expand the GSAs of incumbents and authorize service in new areas right away.

Third, licensees have had no opportunity since 1995 to modify their service areas. In the interest of fairness, they should be given a first opportunity to expand into neighboring areas.

Fourth, adoption of the NEBSA "maximization" plan will better promote goals that are consistent with the broadband stimulus provisions of the American Recovery and Reinvestment Act. It would rapidly enable broadband service to be available in rural, remote, unserved and underserved areas of Arizona, areas where there is a great need for broadband as a driver of education and economic opportunity.

The College asks that the FCC act quickly to adopt NEBSA's proposal for the above-stated reasons.

Respectfully submitted,



Patrick Burns
CIO – Yavapai College