

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Request for Waiver of Section)	WT Docket No. 11-22
27.14(o) to Permit Six Months)	
Additional Time to Demonstrate)	
Substantial Service on EBS)	
Spectrum)	

To: The Commission

**SUPPORTING COMMENTS OF
UNIVERSITY OF MARYLAND EASTERN SHORE
AND SALISBURY UNIVERSITY**

University of Maryland Eastern Shore and Salisbury University (Commenters), through their attorneys and in response to the Public Notice released February 11, 2011¹ hereby files these comments in support of the “Request for Waiver of Section 27.14(o) to Permit Six Months Additional Time to Demonstrate Substantial Service on EBS Spectrum” (“Request”) filed on February 9, 2011 by the National EBS Association (“NEBSA”) and the Catholic Television Network (“CTN”).

1. Commenters in conjunction with Wor Wic Community College (Wor Wic) together constitute a consortium of Maryland state agency Educational Broadband Service (EBS) licensees called the Lower Eastern Shore Shared Educational Network (LESSEN). LESSEN was formed in 1993 with the intent of utilizing granted FCC Instructional Television Fixed Service (ITFS) channels for

¹ “Wireless Telecommunications Bureau Seeks Comment on Request to Extend the Substantial Service Deadline for Educational Broadband Service Licensees to November 1, 2011, DA 11-281, released February 11, 2011 (“Public Notice”).

the broadcast of education television programming to area public schools and businesses. With the conversion in 2003 of the ITFS service to EBS, LESSEN accordingly changed its plan to utilize the spectrum for advanced wireless services and to lease such spectrum as is permitted under the FCC's EBS and secondary market rules. Commenters have worked diligently to establish an appropriate leasing agreement with a Maryland company, Bloosurf, LLC. (Bloosurf). With the support of Commenter UMES, Bloosurf has secured \$3.2 million in funding from the U.S. Department of Agriculture Rural Utility Service's Broadband Infrastructure Program (BIP). Bloosurf will build a hybrid licensed/unlicensed wireless broadband network on the Lower Eastern Shore of Maryland. The licensed component will use the EBS frequencies held by Commenters and Wor Wic. Spectrum lease applications are currently in process to permit Bloosurf's use of Commenters' spectrum.

2. Determining appropriate procedures under state law and entering the spectrum lease with Bloosurf were time-consuming activities, although the goal has always been compliance by May 1, 2011. As observed by NEBSA/CTN, the proximity of the current substantial service date to the end of normal educational calendar for Commenters will make it difficult for full compliance with the EBS educational use rules, possibly requiring the filing of an extension by the Commenters and by many other EBS licensees. While great progress has been made, the additional time proposed by NEBSA/CTN will benefit Commenters, other EBS licensees and the Commission.

3. Commenters accordingly fully support the NEBSA/CTN Request. The operational factors preventing full implementation of wireless systems cited by

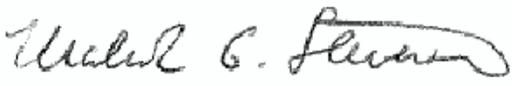
NEBSA and CTN (Request, p. 4) apply to Commenters. Moreover, as NEBSA and CTN observe (Request, pp. 4-5), practical administrative considerations support a brief extension.² Finally, while a brief extension will well serve the public interest in the development of innovative wireless service making efficient use of EBS spectrum, no party will be prejudiced by grant of the Request.³

WHEREFORE, for the foregoing reasons, University of Maryland Eastern Shore and Salisbury University respectfully urge the Commission to grant the Request.

Respectfully submitted,

UNIVERSITY OF MARYLAND EASTERN SHORE
AND SALISBURY UNIVERSITY

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² In this regard, many EBS licensees, including EDNET, await release of a public notice by the Wireless Telecommunications Bureau that will provide key guidance regarding the specific procedures to be followed to demonstrate compliance with the Commission's substantial service requirements.

³ See in this regard, Request, fn. 14.