

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
)
A Waiver of Section 27.14(o) of the Commission's Rules) WT Docket No. 11-22
Extend the Substantial Service Deadline for)
Educational Broadband Service Licensees)
Until November 1, 2011)

To: Chief, Broadband Division, Wireless Telecommunications Bureau

Comments of North American Catholic Educational Programming Foundation, Inc.

North American Catholic Educational Programming Foundation, Inc. ("NACEPF") submits these Comments in response to the Commission's February 11, 2011 Public Notice in the above-captioned proceeding. NACEPF supports the above-captioned waiver request submitted by the National EBS Association ("NEBSA") and the Catholic Television Network ("CTN").

I. Background Information on NACEPF

Established in 1989, NACEPF has 52 EBS markets across the United States,¹ many of which are in rural or non-urban areas. NACEPF's original analog programming provided tuition-free, full semester academic programming, focusing on courses which schools likely did not have teachers for, including foreign languages such as Japanese, Russian, German, Latin, French, and Spanish, as well as other key courses such as calculus or phonics to correctional facilities.

¹ WNC275, Albuquerque; WLX992, Albuquerque; WLX344, Anchorage; WLX491, Atlantic City; WLX263, Austin; WLX813, Boise; WLX503, Bullhead City; WLX458 Chico; WLX314, Colorado Springs; WLX539, Columbus; WLX526, Denver; WNC203, Des Moines; WLX461, Emporia; WND535 Enid; WLX351, Fresno; WLX354, Fort Myers, WLX510, Fort Pierce; WLX306, Fort Wayne; WLX525, Great Bend; WLX504, Hays; WNC218, Hilo; WQAR738, Hot Springs; WNC602, Kennewick; WLX988, Kona; WNC837, La Junta; WLX450, Lake Havasu; WNC645 Lancaster; WLX481, Lansing; WLX350, Lawton; WNC466, Little Rock; WNC267, Melbourne; WNC358, Memphis; WLX648, Mobile; WLX593, Ocala; WND622, Palm Springs; WHR919, Phoenix; WNC521, Providence; WLX562, Salina; WLX487, Salt Lake City; WLX642, Santa Rosa; WLX724, Sarasota; WLX726, Seattle; WLX364, Sherman; WLX457, South Bend; WLX276, Spokane; WLX307, Temple-Killeen; WQGI323, Toledo; WLX365, Waco; WLX807, Yakima; WLX647, York; WLX851, Youngstown; WNC614, Yuba City.

NACEPF currently provides schools with high-speed 4G data services as well as educational video programming available online.

II. De Facto Transfer leases with Clearwire Corporation.

In 2006, NACEPF entered into long-term *de facto* transfer leases for its 52 EBS systems with a subsidiary of Clearwire Corporation (“Clearwire”). Pursuant to those agreements, Clearwire took accountability for the construction, operation, and maintenance of these 52 EBS systems. To date, Clearwire has launched commercial-level wireless broadband service in 16 of NACEPF’s 52 EBS systems. In 28 of the remaining 36 EBS service areas, Clearwire has recently launched 1-3 WiMAX stations providing 4G mobile broadband for service to schools within a limited coverage area. The remaining eight NACEPF EBS systems are scheduled to launch in the next 30 days.

III. Further Efforts to Implement Educational 4G Mobile Broadband.

To assist with making this broadband service available to educational entities, NACEPF created a new organization, Mobile Beacon, solely dedicated to providing wireless broadband service on an egalitarian basis to public, private and parochial schools. Typically, schools receive at least one complimentary modem through our grant. And in many cases, particularly in rural and non-urban markets, both the 4G Internet service and modems are provided to schools at no cost.

We also offer a grant that donates up to 25 laptops to schools targeted for disadvantaged and/or at-risk students, making it possible to extend learning opportunities through remote mobile access to the 4G network. The grant includes a donation of up to 25 laptops and modems, as well as unlimited use of our 4G wireless Internet service at no charge throughout the current and next academic school years. Thereafter, a school or district may apply for ongoing broadband service at a fraction of the cost of commercial rates.

These grants are currently being used or processed for a variety of schools in ways that demonstrate the tremendous potential that broadband service presents to the educational community. For example, a high school in Kansas is now using the grant to assist in its live video conferencing initiative aimed at connecting students, parents, and the local community. Other examples include school districts in Phoenix, Anchorage, and Michigan who are planning to use the grant to provide laptops and Internet service to provide additional learning opportunities to disadvantaged and/or at-risk students, including online tutoring programs, distance learning courses, and career development skills. Additionally, a local Rhode Island university is planning to use Mobile Beacon's donation of laptops and 4G mobile service to provide Internet access in campus security vehicles.

IV. NACEPF Supports the NEBSA/CTN Waiver Request

NACEPF agrees with the merit of the assertions NEBSA and CTN cited when urging the Commission to grant an extension because "in some areas – particularly non-urban areas of the country – EBS facilities are not yet fully constructed and operational, or these facilities are so recently coming on line that educational use is still in the process of being established.... It necessarily takes time following the activation of new cell sites for broadband capabilities to be integrated into a licensee's educational endeavors."² NACEPF supports this petition for the following reasons:

First, central to expanding the potential of this service is the time frame necessary to establish awareness as well as expand coverage for educational 4G WiMAX utility.

Secondly, in NACEPF's 20 years of experience providing educational services to schools, the technology and its corresponding available services has often changed, but the lengthy lead times for schools to implement new technological services has held constant. Thus our experience reflects the validity of NEBSA and CTN's observation that it takes time for

² NEBSA/CTN waiver request, p. 4.

educational uses of new technology to be adopted by schools as we have seen this pattern both in urban and rural areas.

Thirdly, even schools that recognize the benefits of wireless broadband service and want to start using the service now are still faced with several practical barriers to being able to implement such service quickly. These include incremental budgeting related to the costs of training of key personnel, the development of curriculums, and the program support for a successful integration strategy. Moreover, schools and districts are facing such issues during unprecedented adverse economic times.

Fourthly, while NACEPF also agrees with NEBSA and CTN's statement that "By May 1, 2011, in a large number of markets across the country, EBS licensees will be making robust use of their spectrum and will satisfy the educational use safe harbor specified in Section 27.14(o)(2) of the Commission's Rules",³ secondary markets and rural areas will likely not share in such robust benefits. As the Commission has recognized that rural, underserved, and non-urban areas present unique challenges, it is not surprising that EBS licensees in such markets have limited options and resources in the face of a rapidly approaching deadline. Consequently, this may diminish the incentive and ability for licensees to go beyond meeting the letter of a safe harbor criteria to providing meaningful broadband service. This is of particular significance as once a safe harbor is reached the impetus and cost to expand services and utility, particularly to rural areas, may diminish in a cost/benefit imperative economy.

Lastly, the Commission requested comments on whether the six month extension requested by NEBSA and CTN is the appropriate length of time. For all the reasons stated above, we support the six month extension; however, the Commission should also weigh heavily the length of time that is appropriate for the special circumstances surrounding rural markets. In many such rural areas, the school year is specifically cut short in the spring to accommodate the

³ NEBSA/CTN waiver request, p. 3.

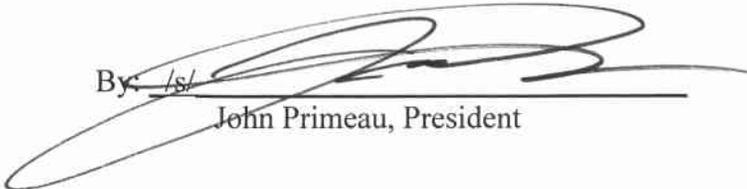
agricultural needs of the area. Consequently, schools in such areas will be at a disadvantage since the proposed six month extension occurs primarily during this prime agricultural season. Rural areas also have other significant encumbering circumstances as they lag behind in economic recovery far longer in comparative terms to urban areas. This places further strain on school budgets and the resources needed to put in place key support personnel to facilitate the integration of such wireless broadband services. Therefore, the Commission should weigh heavily if the public interest is served if an extension is granted to rural areas through May 1, 2012 in order to provide licensees and schools with the full benefit of meeting substantial service requirements while their school year is in process.

CONCLUSION

For all of these reasons, NACEPF supports and endorses the NEBSA/CTN waiver request and urge the Commission to grant it.

Respectfully submitted,

NORTH AMERICAN CATHOLIC EDUCATIONAL
PROGRAMMING FOUNDATION, INC.

By:  /s/

John Primeau, President

North American Catholic Educational Programming Foundation, Inc.
2419 Hartford Avenue
Johnston, RI 02919
(401) 934-1100

Dated: February 22, 2011