DOCKET FILE COPY ORIGINAL

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:	)	
	)	
Satellite Industry Association Request	)	
For Amendment of the U.S. Table of	)	
Frequency Allocations to Designate	)	RM-9911
2500-2520/2670-2690 MHz Frequency	)	
Bands for the Mobile-Satellite Service	)	

RECEIVED
AUG 28 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

STATEMENT IN SUPPORT
OF THE NATIONAL ITFS ASSOCIATION COMMENTS OPPOSING THE SATELLITE INDUSTRY ASSOCIATION PETITION FOR RULEMAKING

Alliance for Higher Education, Anaheim City School District, Arizona Board of Regents for Benefit of the University of Arizona, Austin Community College, Belmont University, Board of Regents of the University of Nebraska, Board of Regents of the University of Wisconsin System, California Polytechnic University, Pomona, California State University (CALNET), California State University, Bakersfield, California State University, Fresno, California State University, Fullerton, California State University, Los Angeles, California State University, Stanislaus, Coastal Educational Broadcasters, Inc., Creighton University, Dallas County Community College District, Educational Broadcasting Corporation, Escondido Union School District, Focus on Education, George Mason University Foundation, Greater Dayton Public Television, Greenville Technical College, Hawkeye Community College, Humanities Instructional Television Educational Center, Inc., INTELECOM Intelligent Telecommunications, Johnson & Wales University, KCTS Television, Inc., Kentucky Authority for Educational Television, Kern Community College District, Kern County Superintendent of

No. of Copies rec'd 0+4
List A B C D E

Schools, Kern High School District, Kirkwood Community College, Long Beach Unified School District, Milwaukee Area Technical College, Oceanside Unified School District, The Ohio State University, Oregon Public Broadcasting, Palomar College, Panama-Buena Vista Union School District, Pasadena Unified School District, Pueblo School District No. 60, Regents of the University of California System, Regents of the University of Minnesota, Rock Valley College, San Diego Community College District, San Diego County Superintendent of Schools, San Diego State University, Santa Ana Unified School District, Sistema Universitario Ana G. Mendez, South Carolina Educational Television Commission, St. Louis Regional Educational and Public Television Commission, St. Petersburg Junior College, State of Wisconsin – Educational Communications Board, Tarrant County College, Trident Technical College, University of Maine System, University System of Maryland, University of Southern California, Ventura County Superintendent of Schools, Vista Unified School District, and WITF, Inc. (collectively, the "ITFS Parties"), by their counsel and in accordance with Section 1.405(b) of the Commission's Rules, hereby support the comments of the National ITFS Association ("NIA") opposing the Petition for Rulemaking filed by the Satellite Industry Association ("SIA") that proposes to amend the U.S. Table of Frequency Allocations to allocate the 2500-2520 MHz and 2670-2690 MHz bands for the Mobile Satellite Service ("MSS"). These frequencies have been previously allocated and are in use by hundreds of incumbent ITFS and MMDS service providers. Amazingly, the SIA does not even acknowledge the existence of ITFS and MMDS operations in the band. Accordingly, the ITFS Parties join NIA in insisting that the SIA Petition be dismissed or denied. There is no adequate basis for the institution of a Notice of Proposed Rulemaking in this proceeding.

The ITFS Parties are public and private colleges, universities and university systems, school districts, community colleges, consortia of educators engaged in distance learning, public broadcasters and governmental or non-profit educational telecommunications entities. The ITFS Parties are experienced licensees of ITFS stations providing critical educational services to students and other learners in schools, workplaces and homes; indeed, among the ITFS Parties are operators of some of the oldest, largest and most innovative ITFS systems in the country.

SIA proposes to reallocate the 2500-2520 MHz and 2670-2690 MHz bands to the MSS. These frequencies, however, are used by ITFS licensees on the A, B, and G Channel Groups, and using the I band of response channels. NIA opposes this reallocation on the following grounds. First, the incumbent ITFS and MMDS licensees have been using these bands for many years to provide one-way educational video services and will soon be using them as the core "upstream" channels in the imminent rollout of two-way broadband data services. Thus, existing ITFS licensees provide (and will continue to provide) invaluable and pervasive fixed services in these bands. Second, SIA's Petition fails to address whether it is possible to share the frequencies so that incumbent ITFS licensees and MSS could both co-exist in the bands. Accordingly, the ITFS Parties fully support the comments of NIA.

For these reasons, the ITFS Parties support the comments of NIA and urge the Commission not to institute a Notice of Proposed Rulemaking in this proceeding. Alternatively, if the Commission does institute a rulemaking proceeding, the ITFS Parties urge the Commission to consider the issues raised in NIA's comments, and supported herein, and retain or adopt rules consistent with these comments.

Respectfully submitted,

ALLIANCE FOR HIGHER EDUCATION

ANAHEIM CITY SCHOOL DISTRICT

ARIZONA BOARD OF REGENTS FOR BENEFIT OF THE UNIVERSITY OF ARIZONA

AUSTIN COMMUNITY COLLEGE

BELMONT UNIVERSITY

BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

CALIFORNIA POLYTECHNIC UNIVERSITY, POMONA

CALIFORNIA STATE UNIVERSITY (CALNET)

CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

CALIFORNIA STATE UNIVERSITY, FULLERTON

CALIFORNIA STATE UNIVERSITY, LOS ANGELES

CALIFORNIA STATE UNIVERSITY, STANISLAUS

COASTAL EDUCATIONAL BROADCASTERS, INC.

CREIGHTON UNIVERSITY

DALLAS COUNTY COMMUNITY COLLEGE DISTRICT

ESCONDIDO UNION SCHOOL DISTRICT

FOCUS ON EDUCATION

GEORGE MASON UNIVERSITY
INSTRUCTIONAL FOUNDATION, INC.

GREATER DAYTON PUBLIC TELEVISION

GREENVILLE TECHNICAL COLLEGE

INTELECOM INTELLIGENT
TELECOMMUNICATIONS

HAWKEYE COMMUNITY COLLEGE

HUMANITIES INSTRUCTIONAL TELEVISION
EDUCATIONAL CENTER, INC.

JOHNSON & WALES UNIVERSITY

KCTS TELEVISION, INC.

KENTUCKY AUTHORITY FOR
EDUCATIONAL TELEVISION

KERN COMMUNITY COLLEGE DISTRICT

KERN COUNTY SUPERINTENDENT OF
SCHOOLS

KERN HIGH SCHOOL DISTRICT

KIRKWOOD COMMUNITY COLLEGE

LONG BEACH UNIFIED SCHOOL DISTRICT

MILWAUKEE AREA TECHNICAL COLLEGE

OCEANSIDE UNIFIED SCHOOL DISTRICT

THE OHIO STATE UNIVERSITY

OREGON PUBLIC BROADCASTING

PALOMAR COLLEGE

PANAMA-BUENA VISTA UNION SCHOOL DISTRICT

PASADENA UNIFIED SCHOOL DISTRICT

PUEBLO SCHOOL DISTRICT NO. 60

REGENTS OF THE UNIVERSITY OF CALIFORNIA SYSTEM

REGENTS OF THE UNIVERSITY OF MINNESOTA

ROCK VALLEY COLLEGE

SAN DIEGO COMMUNITY COLLEGE DISTRICT

SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS

SAN DIEGO STATE UNIVERSITY

SANTA ANA UNIFIED SCHOOL DISTRICT

SISTEMA UNIVERSITARIO ANA G. MENDEZ

SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION

ST. LOUIS REGIONAL EDUCATIONAL AND PUBLIC TELEVISION COMMISSION

ST. PETERSBURG JUNIOR COLLEGE

STATE OF WISCONSIN – EDUCATIONAL COMMUNICATIONS BOARD

TARRANT COUNTY COLLEGE

TRIDENT TECHNICAL COLLEGE

UNIVERSITY OF MAINE SYSTEM

UNIVERSITY SYSTEM OF MARYLAND

UNIVERSITY OF SOUTHERN CALIFORNIA

VENTURA COUNTY SUPERINTENDENT OF SCHOOLS

VISTA UNIFIED SCHOOL DISTRICT

WITF, INC.

By: Christine J. Newcomb

Todd D. Gray
Margaret L. Miller
Christine J. Newcomb
Their Attorneys

DOW, LOHNES & ALBERTSON, pllc
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036-6802

(202) 776-2571

August 28, 2000

CERTIFICATE OF SERVICE

I, Avena Tavlarides, hereby certify that a true copy of the foregoing Comments on the Satellite Industry Association's Petition for Rulemaking was mailed first-class, postage prepaid, this 28th day of August, 2000 to the following:

Clayton Mowry
Executive Director
The Satellite Industry Association
225 Reinekers Lane, Suite 600
Alexandria, VA 22314

Charles Dziedzic
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W.
The Portals
Washington, D.C. 20554

Rodney Small
Office of Engineering and Technology
Federal Communications Commission
445 12th Street. S.W.
The Portals
Washington, D.C. 20554

Avena Tavlarides