Divisions:
TeachersFirst
VideoFirst
ITFS Services

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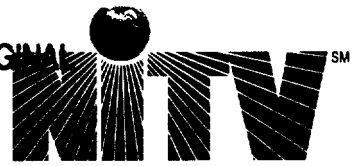

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August 28, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalia Roman Salas, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: **Comments On:**
RM 9911 Satellite Industry Association Petition, and
RM 9920 Cellular Telecommunications Industry Association Petition

Dear Ms. Salas:

The Network for Instructional TV, Inc. ("NITV") submits these comments in response to RM 9911 submitted by the Satellite Industry Association (SIA) and RM 9920 submitted by the Cellular Telecommunications Industry Association (CTIA).

Introduction

NITV holds Instructional Television Fixed Service (ITFS) licenses alone, or in conjunction with other educational institutions, for 88 ITFS channels in twenty-two markets, in thirteen states and the District of Columbia. The markets and channel groups licensed are:

Philadelphia, PA - A Group
Milwaukee, WI - A Group
Pittsburgh, PA – B Group
Waco, TX – B Group
Nolanville, TX – B Group
Tampa, FL – C Group
Fort Worth, TX – C Group
San Antonio, TX – C Group
Champaign, IL – C Group
Saginaw, MI – C and D Groups
Anderson, IN – D Group
New York, NY – D Group
Atlanta, GA – D Group
Bloomington, IN – D Group
Indianapolis, IN – D Group
Kansas City, MO – D Group
Miami, FL – D Group
New Orleans, LA – D Group
St. Louis, MO – D Group
Baltimore, MD – G Group
Portland, OR – G Group
Washington, DC – G Group

In these cities, NITV is affiliated with local K-12 school districts or colleges/universities which serve over 1 Million teachers and students daily. Each local educational affiliate determines the programming which is transmitted over the NITV channels and used in the classroom. To assist

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with this effort, NITV also makes a certain amount of video programming available, at no cost to NITV's local educational affiliate, should the affiliate wish incorporate those offerings into their schedule.

Many of NITV local educational affiliates, as well as other school districts in the United States, are also using Internet resources as part of the daily curriculum. To better take advantage of the two way capability of ITFS recently authorized by the Federal Communications Commission (FCC), NITV has also created an Internet website, TeachersFirst, which provides K-12 teachers with a comprehensive library of resources which is easy to access and use. TeachersFirst is an integral part of NITV's expansion as NITV's channels move from a one way analog to a two way digital environment.

The SIA Petition

In its petition, SIA has asked the FCC to reallocate portions of the ITFS spectrum (2500-2520 space to earth and 2679-2690 earth to space) for mobile satellite service. The frequencies referenced in the SIA Petition affect channels in the ITFS allocation (the A, B, and G groups) which NITV utilizes in eight of its current markets. (Baltimore, Milwaukee, Nolanville, Philadelphia, Pittsburgh, Portland, Waco and Washington, DC serving over 350,000 teachers and students.)

NITV unequivocally opposes the SIA Petition and enthusiastically supports the National ITFS Association (NIA) in its opposition to that same Petition. NITV is shocked that SIA would put forth its request without even addressing the fact that the frequencies in question have been in use for years serving students and teachers across the United States. To propose usurping frequencies currently in use, without even suggesting a way to continue those incumbent services, demonstrates arrogance without responsibility.

Ruling in favor of the SIA Petition as proposed, would cause irreparable hardship for NITV and the local educational institutions affiliated with NITV. A perfect example would be the District of Columbia Public Schools, (DCPS) which is the local educational entity affiliated with NITV in Washington, DC. NITV has had an educational relationship with DCPS since 1983 and DCPS has come to rely on NITV's channels to deliver televised student instruction and teacher in-service to its schools. Because NITV has supplied DCPS with a free Studio-to-Transmitter Link, (STL) DCPS has been able to integrate live, videotape and satellite programming into the schedule. The utilization and size of the system has grown steadily. When budget constraints threatened the continuance of this service, DCPS utilized the NITV VideoFirst library of 390 curriculum based programs to serve its schools at no charge. Elimination of the ITFS services now would deprive over 74,000 students in 160 schools with access to these instructional materials, and in the future, data delivery.

NITV has not only been using its ITFS frequencies but is in the process of planning for the transformation of two way data use in conjunction with various commercial partners and in compliance with recent FCC rule changes. The delivery of Internet as well as other data services over ITFS channels provide a cost effective alternative to current delivery methods for "cash strapped" school districts across the country. Elimination of the ITFS frequencies would destroy these plans as well.

The CTIA Petition

NITV endorses the current US position regarding Third Generation Wireless Services (3G) articulated at the recent World Radio Conference in Istanbul. While NITV recognizes the value of 3G, it also recognizes that there is a need for accurate information upon which to make a sound decision on frequency allocation for 3G. Any study should consider spectrum already assigned for 3G and the need for additional frequencies. NITV supports the recommendations of the NIA for a Notice of Inquiry in this regard and stands ready to participate in any "fact finding" process conducted by the FCC.

Summary

The Commission has recently adopted two way rules which will allow the ITFS frequencies to provide vital new services to education as well as the general public. Substantial time, effort and money have been invested in the ITFS spectrum to date by its licensees and commercial wireless operators. ITFS Licensees are now building new infrastructures and NITV respectfully requests the Commission to allow this progress to continue for the benefit of education and to help bridge the digital divide in rural and inner city areas.

Respectfully submitted,

Steven J. Gorski
Senior Vice President

cc: Roy Stewart
Barbara Kreisman
Clay Pendarvis
Chuck Dzeidzic
Lynn R. Charytan
Joseph M. Davis