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February 15, 2001

VIA HAND DELIVERY

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TWB-204
Washington, D.C. 20554

Re: **EX PARTE**
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems, ET Docket No. 00-258.

Dear Ms. Salas:

On Wednesday, February 14, 2001, David G. Moore, Director of Telecommunications Services at the Archdiocese of Los Angeles Education and Welfare Corporation, and I met with (1) Diane Cornell, Julius P. Knapp, Geraldine A. Matise, Rodney Small and Donald Campbell, and (2) Peter Tenhula. At those meetings, we discussed various issues of concern to the Catholic Television Network in the above-referenced proceeding as set forth more fully in the attachment to this letter.

In accordance with Section 1.1206 of the Commission's rules, an original and a copy of this letter, and the associated attachment, are being submitted.

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List A B C D E

Please contact the undersigned if there are any questions in connection with this matter.

Sincerely,

Henry M. Rivera
Counsel to the Catholic Television Network

Attachment

cc: Diane Cornell
Julius P. Knapp
Geraldine A. Matise
Rodney Small
Donald Campbell
Peter Tenhula
David G. Moore

CATHOLIC TELEVISION NETWORK

Presentation By
David G. Moore
Archdiocese of Los Angeles

WHAT IS CTN?

- An association of Catholic Archdioceses and Dioceses that operate some of the largest parochial school systems in the U.S.
- CTN's members use ITFS channels at 2.5 GHz to serve over 600,000 students and 4,000,000 households throughout America.
- Members have been involved with ITFS since inception of the service in the 1960's.

Why We Are Here

ET Docket No. 00-258

- The NPRM is of tremendous concern to CTN.
- Reallocation of the 2.5 GHz band to mobile services would threaten strategic commercial alliances and educational infrastructure that CTN has built around ITFS channels.
- Any sharing or reallocation of the 2.5 GHz band would delay or disrupt rollout of fixed broadband services.

How is CTN Using Spectrum?

- Distance Learning
- Community Outreach
- Religious Programming
- Catholic Charities
- Medical Training
- Teacher Training
- Administrative Services

New Uses of the 2.5 GHz Band

- Internet-Based Curriculum
- Instructional Video-On-Demand
- Document and data exchanges
- Wide area networking
- Videoconferencing
- Other

ITFS' Promise For Education

- "For education, broadband access means the elimination of time and distance from the learning equation. Broadband carries with it powerful multimedia learning opportunities, the full interactivity of instructional content, and the quality and speed of communications. Broadband access today is 50 to several hundred times more powerful than its precursors. Broadband access tomorrow holds even greater promise." [Dec. 2000 Report of the Web-Based Education Commission, p. 22]

Other Benefits

- Will bring broadband to un-served and under-served areas.
  - "[I]n rural or otherwise under-served markets in the country, MDS/ITFS may be the sole provider of broadband service."
- Will bring a competitive alternative to ILECs.
- Roll out is underway.

Other Spectrum Exists for 3G

- NPRM identifies 160MHz other than 2.5GHz for 3G

ITFS Cannot Be Relocated

- Commercial partners will not follow ITFS licensees to spectrum above 3GHz.
  - No equipment available
  - Necessary R&D will delay deployment indefinitely
- FCC has recognized that "there are no frequency allocations above 3 GHz that could readily support the requirements of MDS."
  - Therefore, payment by 3G operators to relocate ITFS licensees is not a solution.

Fiber is Not an Acceptable Alternative

- ITFS education plans built around wireless paradigm
  - ITFS needs to reach students and others at home and on the job.
  - Education should not be locked in to current receive sites and current technology applications.

Educators Have Relied on FCC Leasing Policies

- ITFS licensees have designed systems and made plans in reliance on FCC policies since early '80's.
- ITFS community should not be penalized for doing what FCC encouraged.
- "Reserved" channel capacity must not be confused with capacity that is "used" for the benefit of education.

Current Symbiotic Relationships Are in the Public Interest

- In the Two-Way Proceeding, FCC found current symbiotic relationship with commercial operators to be in public interest.
  - Nothing has changed to alter this finding.
  - FCC found it was in public interest to lease spectrum to commercial operators.
  - Private industry assistance is essential to implement broadband educational systems.

2.5GHz Band Should Not Be Reallocated for 3G

- ITFS licensees need all this spectrum and they need it in the 2.5 GHz Band.
- ITFS education initiatives are well underway -- 3G is speculative.
  - "3G is not good enough, and I believe it will not see the light of day." Nicholas Negroponte