

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

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| In the Matter of |) | |
| |) | |
| Amendment of Part 2 of the Commission's |) | ET Docket No. 00-258 |
| 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 |) | |
| |) | |
| Petition for Rulemaking of the Cellular |) | RM-9920 |
| Telecommunications Industry Association |) | |
| Concerning Implementation of WRC-2000; |) | |
| Review of Spectrum and Regulatory |) | |
| Requirements for IMT-2000 |) | |
| |) | |
| Amendment of the U.S. Table of Frequency |) | RM-9911 |
| Allocations to Designate the 2500-2520/ |) | |
| 2670-2690 MHz Frequency Bands for the |) | |
| Mobile-Satellite Service |) | |

To: The Commission

COMMENTS OF THE EDUCATION COMMUNITY OF THE UNITED STATES

American Association of Community Colleges, American Association of State Colleges and Universities, American Council on Education, Association of American Universities, Association for Telecommunications Professionals in Higher Education, Association of Community College Trustees, Association of Research Libraries, California Community Colleges, Civil Rights Forum on Communications Policy, EDUCAUSE, Instructional Telecommunications Council, National Association of College and University Business Officers, National Association of Independent Schools, National Association of State Boards of Education, National Association of State Universities and Land Grant Colleges, National Education Association, National PTA and University Continuing Education Association

(collectively, the “Education Community”) submit these comments in response to the *Notice of Proposed Rule Making and Order* in the captioned proceeding, FCC 00-455 (released January 5, 2001) (“NPRM”). The NPRM explores the possibility of introducing new advanced mobile and fixed services (including Third Generation mobile services, or “3G”) in various frequency bands, including the 2500-2690 MHz band currently allocated for and used by stations operating in the Instructional Television Fixed Service (“ITFS”) and the Multichannel Multipoint Distribution Service (“MMDS”).

The Education Community urges strongly that the FCC’s introduction of new cell phone services cannot and must not be accomplished at the expense of ITFS and MMDS allocations in the 2500-2690 MHz band. Preservation of these ITFS and MMDS allocations are necessary both for the continuation of pervasive and invaluable educational and shared commercial uses by incumbent stations in these services and the expanding rollout of advanced fixed wireless broadband services to schools, homes and businesses. The Education Community believes that the Commission has identified, and can make available, other spectrum to satisfy demand for 3G mobile, without any incursion into the 2500-2690 MHz band.

These comments are submitted on behalf of virtually the entirety of America’s education community.

The American Association of Community Colleges (“AACC”) is a national organization representing more than 1,100 accredited community, junior and technical colleges. The colleges make up the largest individual sector of higher education, serving 10 million students annually. AACC works with other higher education associations, the federal government, Congress, and other national associations that represent the public and private sectors to promote the goals of community colleges and higher education.

The American Association of State Colleges and Universities (“AASCU”) is comprised of more than 425 public colleges, universities and systems of public higher education located throughout the United States and its territories. These institutions enroll more than three million students, representing more than half of all students enrolled in public four-year institutions. In addition, AASCU members award 37 percent of the nation's bachelor's degrees, 28 percent of its master's degrees, and 8 percent of all doctorates. AASCU member institutions educate a majority of the nation's undergraduate students who are preparing for a career in teaching.

The American Council on Education (“ACE”), founded in 1918, is the nation’s coordinating higher education association. ACE is dedicated to the belief that equal educational opportunity and a strong higher education system are essential cornerstones of a democratic society. Its approximately 1800 members include accredited, degree-granting colleges and universities from all sectors of higher education and other education and education-related organizations. ACE is a forum for the discussion of major issues related to higher education and its potential to contribute to the quality of American life. ACE maintains both a domestic and an international agenda and seeks to advance the interests and goals of higher and adult education in a changing environment by providing leadership and advocacy on important issues, representing the views of the higher and adult education community to policy makers, and offering services to its members.

The Association of American Universities (“AAU”) consists of fifty-nine U.S. universities and two Canadian universities, divided about evenly between public and private institutions. Founded in 1900, the AAU is devoted to maintaining a strong system of academic research and education by providing a forum for the development and implementation of

institutional and national policies promoting strong programs in academic research and scholarship and undergraduate, graduate, and professional education.

The Association for Telecommunications Professionals in Higher Education (“ACUTA”) is a nonprofit association whose members include approximately 810 colleges and universities throughout the United States, Canada and other countries. ACUTA members include both large and small nonprofit institutions of higher education, ranging from colleges with several hundred students to major research and teaching institutions with 25,000 students or more. ACUTA member representatives are responsible for managing telecommunications and network (voice, video and data) services on college and university campuses.

The Association of Community College Trustees (“ACCT”) is a nonprofit educational organization of governing boards, representing more than 6,500 elected and appointed trustees who govern over 1,200 community, technical and junior colleges in the United States, Canada and England.

The Association of Research Libraries (“ARL”) is a not-for-profit membership organization comprising the leading research libraries in North America. Its mission is to shape and influence forces affecting the future of research libraries in the process of scholarly communication. ARL programs and services promote equitable access to and effective use of recorded knowledge in support of teaching, research, scholarship and community service.

The California Community Colleges system enrolls over 2.5 million students in 108 colleges statewide. It is the largest community college system in the United States. Students receive associate degrees and certificates in hundreds of occupational and career programs.

The Civil Rights Forum on Communications Policy (“Forum”) works to bring civil rights organizations and community groups into the current debate over the future of our media

environment. The Forum is a project of the Tides Center, a national nonprofit organization which is founded on principles of social justice, broadly shared economic opportunity and a robust democratic process. The twin goals of the Forum are to introduce civil rights principles and advocacy to the implementation of the 1996 Telecommunications Act, and to reframe the discussion over the role of media in our society around the needs of communities and the rights of citizens.

EDUCAUSE is an international, nonprofit association whose mission is to help shape and enable transformational change in higher education through the introduction, use and management of information resources and technologies in teaching, learning, scholarship, research and institutional management. EDUCAUSE programs include professional development activities, print and electronic publications, strategic/policy initiatives, research and development, and a wealth of online informational services.

The Instructional Telecommunications Council (“ITC”) provides leadership, information and resources to expand and enhance distance learning through the effective use of technology. An affiliated council of the American Association of Community Colleges established in 1977, ITC represents nearly 600 institutions in the United States and Canada, and is a leader in advancing distance education. ITC’s members include single institutions and multi-campus districts, regional and statewide systems of community, technical and two-year colleges, for-profit organizations, four-year institutions and nonprofit organizations that are interested or involved in instructional telecommunications.

The National Association of College and University Business Officers (“NACUBO”) is a nonprofit professional organization representing chief administrative and financial officers at more than 2100 college and universities across the country. Over two-thirds of all institutions of

higher learning in the United States are members of NACUBO. NACUBO's mission is to promote sound management and financial practices at colleges and universities. NACUBO's members are nonprofit and for-profit organizations located in the United States and abroad. All are committed to excellence in higher education finance and administration.

The National Association of Independent Schools ("NAIS") is a voluntary membership organization of over 1100 private, independent elementary and secondary schools and associations in the United States. NAIS represents approximately 473,000 students, 48,000 teachers and 10,000 administrators.

The National Association of State Boards of Education ("NASBE") represents state and territorial boards of education. NASBE's principal objectives include strengthening state leadership in educational policymaking, promoting excellence in the education of all students, advocating equality of access to educational opportunity, and assuring continued citizen support for public education.

The National Association of State Universities and Land Grant Colleges ("NASULGC"), founded in 1887, is the nation's oldest higher education association. A voluntary association of public universities, land-grant institutions and many of the nation's public university systems, NASULGC campuses are located in all 50 states, the U.S. territories and the District of Columbia. The association's membership includes 210 institutions, enrolling more than 3.1 million students. Building on its early heritage of agriculture, science and engineering, NASULGC's 21st Century mission is to support high-quality public higher education across all disciplines in service to the development of America's greatest resource – its people.

The National Education Association ("NEA") was founded in 1857 to "advance the interest of the profession of teaching and to promote the cause of education in the United States."

With 2.6 million members, NEA is the Nation's largest professional employee organization. It is a leader in public school reform, seeking a quality education for every child in safe schools with high academic standards, where they practice values such as responsibility and teamwork, and prepare for the jobs of the future.

National PTA, founded in 1897, is the largest volunteer advocacy organization in the United States with 6.5 million members. For more than 100 years, National PTA has promoted the education, health, and safety of children and families. A nonpartisan organization, National PTA's mission is to support and speak on behalf of children and youth in the schools, in the community, and before governmental bodies and other organizations that make decisions affecting children.

The University Continuing Education Association (“UCEA”) is a nonprofit association representing 420 institutions of higher education and 2200 professionals. Its institutional membership consists of public and private, two- and four-year institutions in all fifty states and the District of Columbia. UCEA is committed to expanding access to higher education for students who are not able to enroll in full-time, campus-based degree programs.

The Education Community opposes the reallocation of the 2500--2690 MHz bands for 3G services on a number of grounds. First, ITFS and MMDS licensees have been using the band for many years to provide valuable educational services to students and teachers. There are more than 1,200 licensees across the country holding about 2400 licenses, serving K-12 schools, universities, community colleges, and governmental agencies and institutions. These licensees reach hundreds of thousands or millions of students and adult/workforce learners, principally through video programming and other related services. These services cannot be sacrificed for more cell phones, even more sophisticated ones.

Recent developments in technology and Commission regulations have made it possible for ITFS and MMDS stations to provide high-speed, two-way fixed wireless data transmission services, including for broadband Internet access. These technological innovations are particularly timely given the explosion in online education which increasingly requires broadband access to interactive, rich-media instructional content by learners regardless of location or time, whether at home, at work, in an elementary or secondary school classroom, a library or a college dormitory. This is one of the important ways in which educational services at all levels are and will continue to be delivered for millions of American students in the 21st Century. The Commission's decisions must recognize this critical reality.

Wireless broadband in the 2500-2690 MHz band utilizing ITFS and MMDS channels is fast enough to support a broad range of such content, including two-way real-time video, streaming video, and other bandwidth intensive applications necessary for effective distance learning. In addition, wireless broadband provides the capability for educational institutions to build wide area networks at a reasonable cost. Educators are just beginning to realize the enormous potential of this technology. A significant number of stations are already being used for these purposes, hundreds of ITFS and MMDS licensees have applied for licenses to provide two-way service as of August, 2000, and many more are expected to apply when the opportunity arises again within the next several months.

In addition, ITFS educational licensees have become valuable "partners" of wireless communications companies through the practice of leasing capacity, or network sharing, which the FCC first allowed in 1983. The commercial counterpart of ITFS, MMDS, has provided a variety of transmission services to communities around the country. Because MMDS licensees only have a limited amount of bandwidth, many ITFS licensees have joined with them to create

shared networks – essentially allowing ITFS systems to be deployed and operated at the expense of the commercial partner while generating additional funds for schools to use in developing their distance learning programs. The FCC has strongly encouraged this practice. However, if the FCC now takes channels away from these providers to make room for 3G services, the advantages of this public/private, educational/commercial collaboration will be lost.

Finally, the new ITFS/MMDS broadband wireless services are critical to bridging the digital divide – the chasm between those in the United States that have access to broadband Internet offerings and those that do not. The benefits of high-speed Internet access do not reach most Americans. DSL and cable modem services are primarily serving new, affluent, suburban neighborhoods, leaving inner cities, rural areas, and various other insular communities behind. However, with the highly favorable signal transmission and reception range of stations operating in the 2500-2690 MHz band, ITFS/MMDS stations can reach rural areas, inner-city neighborhoods, Indian reservations, and other underserved communities that cable modems and DSL cannot or will not serve. Thus, only fixed wireless broadband – provided through ITFS and MMDS in the 2500-2690 MHz band – has the power to bridge the digital divide.

This is a matter of singular importance for the education of America's students in the new century. If the FCC reallocates all or part of the ITFS/MMDS spectrum for 3G services, the capacity, usefulness, and value of the ITFS spectrum would be significantly and unacceptably diminished if not destroyed. Because of how ITFS has been licensed by the Commission for 40 years, even if only part of the spectrum is taken, many educational institutions would lose their ITFS service altogether, while others would face new equipment costs, service disruption and cutbacks, lower quality service, signal interference and the very likely end of the vital education/commercial partnership. Moreover, the deployment of fixed wireless broadband

services through ITFS/MMDS shared networks would be stopped in its tracks, and for many communities, the promise of high-speed advanced services – either at all or in the near term and whether or not at any reasonable price -- would remain beyond reach. It is important to emphasize that, for a significant portion of America, particularly in rural and inner-city areas, high speed broadband access simply is not and will not be available at any cost from DSL or cable providers because of population density, geographical and/or economic reasons. Access for persons in those areas will only become a reality through the deployment of wireless fixed facilities by the ITFS/MMDS partnership.

For all these reasons, the Education Community of the United States opposes any reallocation of channels in the 2500-2690 MHz band from ITFS and MMDS, and urges the FCC to provide for 3G mobile services in other available spectrum.

Respectfully submitted,

AMERICAN ASSOCIATION OF COMMUNITY COLLEGES

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES

AMERICAN COUNCIL ON EDUCATION

ASSOCIATION OF AMERICAN UNIVERSITIES

ASSOCIATION FOR TELECOMMUNICATIONS PROFESSIONALS IN HIGHER EDUCATION

ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

ASSOCIATION OF RESEARCH LIBRARIES

CALIFORNIA COMMUNITY COLLEGES

CIVIL RIGHTS FORUM ON COMMUNICATIONS POLICY

EDUCAUSE

INSTRUCTIONAL TELECOMMUNICATIONS
COUNCIL

NATIONAL ASSOCIATION OF COLLEGE AND
UNIVERSITY BUSINESS OFFICERS

NATIONAL ASSOCIATION OF INDEPENDENT
SCHOOLS

NATIONAL ASSOCIATION OF STATE
BOARDS OF EDUCATION

NATIONAL ASSOCIATION OF STATE
UNIVERSITIES AND LAND GRANT
COLLEGES

NATIONAL EDUCATION ASSOCIATION

NATIONAL PTA

UNIVERSITY CONTINUING EDUCATION
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