PALOMAR COLLEGE
Founded 1946
Educational Excellence

Dr. George R. Boggs
Superintendent/President

Governing Board
Robert L. Dougherty, Jr., M.D.
Barbara L. Hughes
Ralph G. Jensen
Michele T. Nelson, Ph.D.
Rita A. White, Ed.D.
Student Trustee:
ASB President

February 13, 2001

EX PARTE OR LATE FILED

ORIGINAL

RECEIVED
APR - 9 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Michael Powell
Chairman
FCC
445 12th Street, SW
Washington, DC 20054

COMMENT from Palomar College to the FCC regarding NPRM, Docket ET# 00-258

We write to urge you to request that the FCC not relinquish or relocate Palomar College's wireless spectrum (ITFS – Instructional Television Fixed Service) to cellular phone companies. In the Notice of Proposed Rulemaking (NPRM) regarding **Docket ET #: 00-258**, the FCC has proposed relocating or relinquishing Palomar's ITFS bandwidth to cellular phone companies. This *point to point* wireless service has been an invaluable resource for students throughout North San Diego County who need access to educational programs and are unable to do so because they lack cable or satellite capacity.

Currently, Palomar College's ITFS operates 24/7 to provide a wide array of choices to more than 3,000 students County-wide, including many in rural communities. In addition to the service Palomar College provides to the community with ITFS; the FCC has granted Palomar the opportunity to generate revenue by leasing the underutilized portion of our licensed spectrum for a fee. This excess capacity lease clause has allowed Palomar to generate income to be used for underwriting production and to purchase equipment for Palomar's Distance Learning programs. In the past five years, this revenue has amounted to over $263,000.

The FCC, in anticipation of digital television transmission, allowed the use of this technology to broadcast digital signals by ITFS licensees and their commercial partners to offer digital programming to home and school television years before the FCC allowed TV stations to offer such technology.

In its latest effort to allow educators and their excess capacity lessees to again generate more utility, the FCC has allowed users to ***cellularize*** (digitize) the spectrum so it can be used not only for educational television usage, but also for high-speed wireless two-way access to the Internet. This new technology promises to be the "killer application" for the ITFS spectrum.

Relocation to another portion of the spectrum will seriously impact the costs to educators to offer educational programming. It will increase equipment and maintenance costs beyond the range of affordability to most educators. It will eliminate the viability of excess capacity leasing, thereby eliminating funding for most of the ITFS licensees' distance learning programs. With the rapid changes in technology, educators will simply be unable to afford to keep up their systems and in all likelihood, will become useless within a few years and will be turned off.

Just as the dream of a fully functional distance learning network and an exciting new way to deliver wireless Internet has developed, the FCC is poised to pull the rug out from under education and its commercial partners on the ITFS spectrum. The win-win relationship that the FCC encouraged to foster a better way for schools and business to work together is at risk. Without this funding, it would be impossible for Palomar College to continue its delivery of distance education at a high-quality broadcast level. And the improved technology and delivery of digital video and data would be unavailable to those in rural and inner-city areas. *Local educational program production and distribution to schools will all but disappear.*

1140 West Mission Road
San Marcos, CA 92069-1487
760/744-1150

http://www.palomar.edu/

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

The two-way cellular digital use of ITFS spectrum promises to enhance competition with traditional wire line Internet services such as DSL and Cable Modems and in the process, generate real revenue for educational institutions to fully fund their distance learning programs.

For example, in the San Diego County Region, Palomar College, San Diego County Office of Education, San Diego State University, San Diego Community College District and three other school districts have banded together to lease all of the ITFS capacity to WorldCom Wireless Solutions. In exchange for this, each entity is fairly compensated for the use of the spectrum. Additionally WorldCom, at its sole expense, is funding and installing a twenty-four channel digital television broadcast system to over 600 educational sites throughout the County. The synergistic relationship of the licensees and their commercial partners has truly made distance learning and educational program distribution a reality.

ITFS is on the brink of expanding its capabilities to provide broadband wireless Internet access and high-speed, digital data transmission at a much lower cost than the current technology. Due to the increased transmission capacity of the new digital techniques, ITFS spectrum became more valuable to the licensees and their excess capacity leaseholders. If the FCC relinquishes our current spectrum, or relocates Palomar to another segment of the spectrum, the value of ITFS would be severely diminished.

What we would request of the FCC commissioners and our elected officials is to:

1. Allow this new and exciting wireless Internet technology to emerge and prove itself in the marketplace on the existing ITFS Spectrum.
2. Not attempt to re-locate ITFS licensees to an undesirable portion of the spectrum that would make transmission facilities prohibitively expensive or problematic.
3. Re-locate ITFS users to spectrum that would significantly reduce or eliminate the excess capacity lease value.
4. Support the educational community and their commercial partners in the completion of the FCC approved Wireless Internet access endeavor.

We urge your support in lobbying the FCC and its commissioners, as well as our government representatives, to ensure that our community and the hundreds like it across the nation that are relying on ITFS for affordable and available broadband Internet access in their homes, are not put at risk.

The cellular phone industry is exercising its political power to get the FCC to make more spectrum available to mobile phone technology. We must not allow the FCC to improve cellular phone capacity at the expense of education and our community's access to wireless broadband services?