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May 23, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
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 Tuesday, May 22, 2001, The Most Reverend Pierre Dumaine, Bishop Emeritus of San Jose, California, Monsignor Michael J. Dempsey, President of the Catholic Television Network ("CTN"), and I met with Marsha McBride from Chairman Michael Powell's office. At that meeting, CTN responded to recent *ex parte* claims made by Verizon Wireless in the above-mentioned proceeding, emphasized the importance of retaining both the 2.1 and 2.5 GHz bands for advanced fixed wireless services, and urged the FCC to remove these bands from further consideration as a home for 3G.

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

Sincerely,

Henry M. Rivera
Counsel to the Catholic Television Network

cc: Marsha McBride
Reverend Pierre Dumaine
Monsignor Michael J. Dempsey

CATHOLIC TELEVISION NETWORK

Presentation By

The Most Reverend Pierre Dumaine

Bishop Emeritus of San Jose, California

and

Msgr. Michael Dempsey

Director of Pastoral Communications in Brooklyn, NY

May 2001

The Catholic Television Network

- CTN is an association of Archdioceses and Dioceses that operate many of the largest school systems in the U.S.
- CTN members use ITFS channels to serve over 600,000 students and 4,000,000 households.
- CTN members have been involved with ITFS since inception of the service over 35 years ago.

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Why We Are Here

- Respond to recent ex parte claims made by Verizon.
- Emphasize the importance of retaining both the 2.1 and 2.5 GHz bands for advanced fixed wireless services.
- Urge the FCC to adhere to the Final Report and remove the 2.1 and 2.5 GHz bands from further consideration as a home for 3G.
- Applaud the Final Report: The staff got it right.

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Verizon's Argument

- Verizon states that because significant spectrum capacity is being leased by educators, the spectrum should be taken away.
  - "What possible impact could there be on the provision of educational services … by a reallocation of spectrum that is no longer used for educational purposes?"
    - Supplemental Comments of Verizon, April 16, 2001, at 3.
  - "The only harm to ITFS incumbents would be the potential loss of revenue collected through spectrum leases."
    - *Id.*

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CTN's Response

- Verizon's focus on how much spectrum educators lease is completely misplaced.
  - The FCC has consistently *encouraged* educators to lease channel capacity.
  - Leasing creates more efficient shared networks that benefit schools and commercial operators alike.
    - The amount of spectrum leased does not necessarily equate to the amount of spectrum actually used by an educator.

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Existing Symbiotic Relationships Are Beneficial

- The FCC has found that the symbiotic relationship between educators and commercial operators is in the public interest.
  - Nothing has changed to alter this finding.
  - The FCC Final Report reinforces this finding.
  - Private industry revenue and technical assistance is essential to implement broadband educational systems.

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How is CTN Using Spectrum?

- Current Uses
  - Distance Learning
  - Community Outreach
  - Catholic Charities
  - Medical Training
  - Teacher Training
  - Administrative
  - Religious programs
- New Applications
  - Internet-Based Curriculum
  - Video-On-Demand
  - Document/data exchanges
  - Wide area networking
  - Videoconferencing

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Great Opportunities Lie Ahead

- "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."
  - Report of the Web-Based Education Commission, December 2000, at 22.

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Spectrum Reallocation Won't Work

- Verizon's claim that reallocation of up to 60 MHz of ITFS spectrum for 3G "would *not harm* incumbent licensees" is ludicrous.
  - This ignores the interdependent and interleaved nature of ITFS/MMDS.
  - Different operators use different band plans depending on market needs and channel availability. There is no uniformity.
  - The FCC has established a flexible operational and technical framework pursuant to which channels can be divided, swapped, or combined to increase spectral efficiency.

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Other Bands Are *Not* The Answer

- Verizon suggests that educators could be relocated to other bands (3.6 or 4.9 GHz)
- However, even if these bands were suitable substitutes (which they are not), Verizon completely ignores the devastating effects of relocation.
  - Stops deployment of fixed broadband services
  - Loss of critical partnerships
  - Unwarranted change in policy.

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The Benefits of Spectrum Leasing Extend Far Beyond Revenue Payments

- Benefits of leasing include:
  - Technical support
  - Staff training
  - Operational support
  - Facilities upgrades
  - Access to shared network facilities and services (Internet access, video streaming, voice, data, etc.)

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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.
  - Control over the pipeline empowers educators to meet changing needs.

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ITFS/MMDS Benefits

- The ITFS/MMDS bands are being used to advance three crucial national policy priorities:
  - 1. The effective use of technology to improve and expand educational opportunities.
  - 2. The deployment of broadband services to meet consumer demand, particularly in rural areas.
  - 3. The deployment of services that will provide a meaningful competitive alternative to incumbent LEC offerings.

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It Is Important To Preserve *Both* the 2.1 and 2.5 GHz Allocations

- MDS channels at 2.1 GHz are almost universally used as upstream paths.
- Because of the necessary separation between upstream and downstream paths, the 2.1 GHz band is paired with the 2.5 GHz band for efficient spectrum use.
- *See* Reply Comments of Sprint, Cisco, Worldcom and others.

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Rapid and Decisive Action Is Needed

- Continued delay and uncertainty threatens the deployment of fixed broadband service.
  - Capital markets have dried up.
- Continued delay and uncertainty jeopardizes important educational initiatives.

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Requested Action

- There is a clear preference for 1.7 GHz band.
- CTN urges the Commission to adhere to the Final Report and *remove the 2.1 and 2.5 GHz bands from further consideration as a home for 3G at the earliest possible time.*

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