

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

|  |   |            |
|--|---|------------|
| In the Matter of                       | ) |            |
|  | ) |            |
| Revision of the Band Plan and          | ) | RM-10586   |
| Service Rules for the                  | ) | DA 02-2732 |
| Multipoint Distribution Service and    | ) |            |
| Instructional Television Fixed Service | ) |            |

**COMMENTS OF ATLANTA EDUCATIONAL SERVICES, INC. AND THE ATLANTA  
BOARD OF EDUCATION**

Atlanta Educational Services, Inc. ("AES"), and the Atlanta Board of Education ("the Board") support the issuance of a Notice of Proposed Rulemaking as proposed by the Wireless Communications Association, the National ITFS Association and the Catholic Television Network (WCA/NIA/CTN) (FCC Public Notice DA02-2732, October 17, 2002).

1. The Board is the public body charged with education for elementary and secondary students for the city of Atlanta and the majority participant in AES, a not-for-profit corporation which is the licensee of ITFS Station WNC804, Atlanta, Georgia. The use of the ITFS station for the benefit of the Atlanta Public Schools is an integral part of the AES's service. In January, 2000 AES entered an agreement with BellSouth Wireless Cable, Inc., a subsidiary of BellSouth Corporation (BellSouth). That agreement has made possible the construction of the AES ITFS station and initiation of instructional television service using the digital video equipment provided by BellSouth.

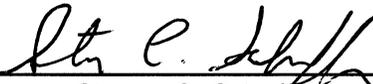
2. The WCA/NIA/CTN "white paper" entitled "A Proposal for Revising the MDS and ITFS Regulatory Regime" deserves careful study and consideration by the Commission in the rule-making process. AES/ Board urge the Commission in considering adoption of new rules to be careful not to abrogate the rights of parties reached through private

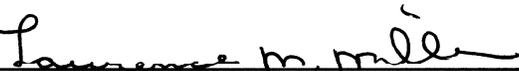
negotiations under the present regulatory regime. The two-way rules adopted by the FCC in 1998 provided a framework for arrangements between ITFS licensees and interested commercial entities such as the AES\BellSouth agreement. Pursuant to that agreement, AES enjoys technical support and financial benefits and has several options regarding the provision of telecommunications services in support of its instructional mission. AES understands that WCA/NIA/CTN have advanced their white paper proposal to assist the FCC in crafting rules which will expedite deployment of new commercial wireless services. Achieving these goals will also benefit parties like AES, which rely on commercial lessees for technical support and financial benefits that depend in part on the commercial operators' success. As the FCC starts the process of reexamining the 1998 two-way rules for needed changes, it should be careful to preserve the benefits of those rules.

3. AES/Board looks forward to a thorough examination of the issues presented and supports the issuance of a Notice of Proposed Rulemaking for the purpose of considering the WCA/NIA/CTN petition.

Respectfully submitted,

ATLANTA EDUCATIONAL SERVICES, INC. AND  
THE ATLANTA BOARD OF EDUCATION

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