

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

October 23, 2003

RE: WT Docket Number 3-66 (RM10586)

The Fresno County Office of Education (FCOE) serves 186,000 students (K-12) over a 6,000 square mile geographic area in one of the most economically disadvantaged areas of California. We service 295 school sites, primarily rural, with high populations of minority students. Many of these students are from immigrant families (predominantly Hispanic and Southeast Asian) in which English is a second language in the home.

The role of FCOE is to provide educational resources and professional development services to students and teachers, which is particularly challenging within our geographically expansive jurisdiction. As the licensee for eight ITFS band frequencies (**stations KVK-21 and KZM-21**), we believe our ability to provide critical resources to the student population of Fresno County is inextricably linked to the continued availability of Educational ITFS spectrum.

At the time of FCOE's initial application to the FCC for ITFS licenses, the economics of establishing a viable ITFS service required a partnership with a commercial interest by way of an Excess Capacity Lease Agreement. Unfortunately, a poorly drawn agreement strongly favoring the commercial partner (now Sprint) provided little opportunity to fully develop the intended educational uses of FCOE's ITFS system. With the current contract with Sprint now nearing expiration, FCOE is developing plans to greatly expand the use of ITFS to deliver much-needed educational programming and resources to local schools above and beyond our current offerings. We have begun collaborating closely with our local universities, community colleges and civic/historical/cultural institutions to develop strategies aimed at using ITFS spectrum to bridge the tremendous gaps (distance and programmatic) that exist between our urban center and our rural schools.

Should the FCC reduce or eliminate the spectrum available to the education community by making existing ITFS frequencies available directly to commercial interests, the ability of the Fresno County Office of Education to meet the critical needs of underserved children in our community would be severely hampered. This will affect not only the current educational needs of our population, but also the future economic development of our region.

It is for these reasons that we strongly support for the reply comments of the WCA/NIA/CTN, as well as the separate comments by NIA/CTN. While we understand the increasing demand that exists for spectrum available to commercial operators, much of this demand is based on speculative uses that will clearly benefit private interests at the expense of local schoolchildren.

We believe the existing eligibility rules provide ample opportunities for commercial providers to access excess spectrum capacity through partnerships with educational licensees to the mutual benefit of both parties. As a result, we also strongly support the retention of current eligibility requirements for ITFS licenses.

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