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November 13, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Notice of *ex parte* presentation in WT Docket No. 03-66

Dear Ms. Dortch:

On November 12, 2003, Ms. Phyllis Schiffer-Simon, Director of the Broward Education Communications Network (BECON), Mr. Marty Rubinstein of the School Board of Broward County, Florida, accompanied by Mr. Andy Furlong, Mr. Scott Ritchie, and the undersigned, met with John Schauble and Genevieve Augustin of the Commission's staff, and, separately, with Paul Margie, legal advisor to Commissioner Copps, Commissioner Martin, Commissioner Adelstein and Commissioner Abernathy.

The school representatives discussed Broward County Public Schools' ("BCPS") use of ITFS spectrum in classroom instruction in the school system. BCPS is the nation's fifth largest school district. BCPS has been an ITFS licensee since 1967 and transmits analog video educational programming on each of its 8 licensed channels from 7 a.m. to 11 p.m., daily. Programming from 7 a.m. to 2 p.m. is produced for classroom instruction. BECON is the instructional technology and communications arm of BCPS, and is equipped with a studio for the production of instructional programming. BCPS has never leased any of its ITFS capacity to others. BECON's instructional programming is used for classroom instruction by BCPS and in other school districts throughout the country. BECON allows instruction, in any subject taught by BCPS, available to each school. This allows all students to benefit from instruction in subjects, such as languages and advanced mathematics, for which instructors are not available at each school.

Students enrolled in BCPS speak some 57 languages. BECON produces instructional programming in the four principal languages spoken by its students: English, Spanish, Creole, and Portuguese. BECON's funding is provided by the School Board, and is currently approximately \$4 million per year. Every school and administrative building is equipped with an ITFS receive antenna. To date, the School Board has invested over \$100 million in its ITFS system.

BCPS is a member of the National ITFS Association, and generally supports its comments in

the rule making. In addition, BECON urges the Commission to consider the needs of ITFS licensees that, like BECON, fully utilize their ITFS channels for instructional purposes. BECON intends to test ITFS digital programming, which will include video streams and broadband data, in the near future. BECON's planned digital use of its ITFS channels will be enhanced if BECON's ITFS channels are contiguous. BECON intends to communicate via ITFS at data rates of 10 to 155 MB/s. Discontiguous channel allocations, which may be suitable for low bandwidth mobile applications, are less useful for BECON's communication needs. The Commission can assist in BECON's digital transition by allowing ITFS licensees the option to retain contiguous channel spectrum.

BECON is also concerned, if ITFS spectrum is freely transferable and is not principally reserved for instructional purposes, that communications equipment manufacturers will become less likely to provide suitable equipment. Without a sufficient demand from school systems, equipment will become prohibitively expensive or simply unavailable. (This is the converse of an issue that presents itself in the transition to digital television: the price of digital television receivers, now high, with relatively few units sold, is expected to fall when demand increases.)

BCPS is currently designing school facilities to be constructed ten or more years in the future. Extensive use of ITFS programming will be incorporated into those designs.

In accordance with Section 1.1206(b), 47 C.F.R. § 1206(b), this letter is filed with your office today.

Respectfully submitted,

Paul H. Brown
Counsel to
The School Board of Broward County, Florida