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VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

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boston
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Re: **EX PARTE SUBMISSION**

WT Docket No. 03-66; Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

Dear Ms. Dortch:

Today, Monsignor Michael J. Dempsey of the Diocese of Brooklyn, David G. Moore of the Archdiocese of Los Angeles Education and Welfare Corporation, and the undersigned, counsel to the Catholic Television Network ("CTN"), met with John Muleta, Catherine W. Seidel, David Furth, and Uzoma C. Onyeije of the Wireless Telecommunications Bureau regarding the above-referenced proceeding.

We discussed whether eligibility rules for holding Instructional Television Fixed Service ("ITFS") licenses should be modified so as to permit ITFS licenses to be held by for-profit entities. Currently, the rules require ITFS licensees to be accredited schools or other governmental or non-profit entities that provide services to accredited schools. CTN expressed its view that current eligibility rules for ITFS need to be retained and that open eligibility for ITFS licenses would result, over time, in the *de facto* reallocation of a substantial part of the ITFS band to a commercial service. CTN also expressed its view that decisions of ITFS licensees to sell their channels in many instances would be coerced, rather than voluntary. Finally, CTN emphasized that providing educational institutions with access to small amounts of capacity as an educational set-aside on ITFS channels held by for-profit entities would be no substitute for ITFS spectrum licensed to and controlled by educators. In this regard, CTN pointed out that educators need to retain control for

Fish & Richardson p.c.

Letter to Marlene H. Dortch
January 30, 2004
Page 2

themselves how to best use ITFS spectrum, and share it with commercial operators, to meet their varied and changing educational needs.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this summary of CTN's presentation is being filed electronically. Should any questions arise concerning this matter, kindly contact undersigned counsel for CTN.

Respectfully submitted,

/s/ Edwin N. Lavergne

Edwin N. Lavergne
Counsel to the Catholic Television
Network

cc by email: John Muleta
Catherine W. Seidel
Uzoma C. Onyeije
David Furth