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February 11, 2004

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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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:

Yesterday, Monsignor Michael Dempsey of the Diocese of Brooklyn, David Moore of the Archdiocese of Los Angeles Education and Welfare Corporation, Patrick Gossman, Chair of the National ITFS Association, Todd Gray, counsel to the National ITFS Association, Joseph Chitwood of the University of Arizona, Dean Byrd of the South Carolina Educational Television Commission, Martin Mangold of the Mississippi EDNET Institute, Leslie Harris, counsel to the Education Community, and the undersigned, counsel to the Catholic Television Network, met with Commissioner Michael J. Copps and his Spectrum and Legal Advisor, Paul Margie 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. We expressed the 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. We also expressed the view that decisions of ITFS licensees to sell their channels in many instances might not be wholly voluntary. Finally, we

Fish & Richardson p.c.

Letter to Marlene H. Dortch
February 11, 2004
Page 2

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, we pointed out that educators need to retain control for 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 our presentation is being filed electronically. Should any questions arise concerning this matter, kindly contact the undersigned.

Respectfully submitted,

/s/ Edwin N. Lavergne

Edwin N. Lavergne
Counsel to the Catholic Television
Network

cc by email: Paul Margie