Edwin Lavergne

From: Edwin Lavergne
Sent: Thursday, June 03, 2004 3:43 PM
To: 'jennifer.manner@fcc.gov'; 'stacy.fuller@fcc.gov'
Cc: Todd D. Gray (E-mail)
Subject: Issues of Concern to Education Community

Contacts: Jennifer Manner

Jennifer and Stacy:

As a follow up to our meeting last week, this summarizes the key concerns of the Catholic Television Network and the National ITFS Association in WT Docket No. 03-66.

1. We understand that the WTB has proposed the adoption of a Report and Order which retains the existing ITFS eligibility requirements. This is good news. We want to ensure, however, that the language in the Report and Order does not create any uncertainty as to the Commission's commitment to maintain the educational eligibility requirements for ITFS.

2. We understand that a FNPRM will be released which will seek comment on several issues including ITFS eligibility. We are not opposed to a FNPRM per se. We do, however, want to ensure that the scope of the FNPRM is limited to evaluating ways to enhance the use of ITFS for the benefit of education (e.g., exploring whether changes should be made to the percentage of ITFS capacity that may be leased, exploring educational use requirements, exploring limits on ITFS excess capacity lease arrangements, exploring criteria to be evaluated at the time an ITFS license is renewed, etc.). The FNPRM should not reopen the question of whether eligibility itself should be kept in place. That question was decided affirmatively three years ago in ET Docket 00-258, and should be reaffirmed in the Report and Order.

3. We understand that a proposal has been circulated to create a "sunset provision" under which eligibility restrictions would expire after a set period of time, or there would be an rebuttable presumption that ITFS eligibility restrictions should expire after some period of time. We are adamantly opposed to any sunset proposal or presumption that eligibility should go away because it would create further uncertainty and undermine the decision in the Report and Order to keep eligibility restrictions in place.

4. With respect to proposed changes to the band plan, the use of 4 MHz transition bands (J and K bands) is feasible. However, from the perspective of ITFS licensees using the MBS, the Report and Order should make clear that a fundamental requirement is that the MBS noise floor must under all circumstances remain at -107 dBm in 6 MHz for analog, or -90 dBm in 6 MHz for digital. This can be done by requiring the upper-most LBS channel and the lower-most UBS channel to further suppress its OOBE at 4 MHz above its upper channel edge to what the suppression would have been at 6 MHz above the upper channel edge for the originally agreed upon 6-MHz wide J and K bands. Based on linear interpolation of the previously proposed 43 dB + 10logP suppression requirement at the channel edge, and the 55 dB + 10logP suppression requirement at 5.5 MHz above the channel edge, this would increase the suppression requirement by 8.7 dB. This additional suppression requirement would need to apply to both base stations and CPEs. Another alternative would be for the upper-most LBS channel licensee and the lower-most UBS channel licensee to upgrade the bottom-of-the-MBS band channel licensee, and the top-of-the-MBS band licensee, from analog to digital. This would result in a 17 dB relaxation of the MBS noise floor protection requirement.

Thank you for your consideration of these issues.

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