

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

RE: 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; Part 1 of the Commission's Rules – Further Competitive Bidding Procedures; Amendment of Parts 21 and 74 to enable Multipoint Distribution Service and the Instructional Television Fixed Service Amendment of Parts 21 and 74 to Engage in Fixed Two-Way Transmissions; Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico (Notice of Proposed Rulemaking and Memorandum Opinion and Order)

It is the Commission's responsibility to promote the intensive and efficient use of the 2.5 GHz band, and I commend the Chairman and the Wireless Bureau for their work on this NPRM. The wide-ranging questions contained in this item will allow the Commission to explore several different ways of making ITFS, MMDS, and MDS serve America's students and consumers better.

However, I must express some concern about the potential results of this proceeding. The NPRM asks whether the Commission should remove the requirement that ITFS licensees use the spectrum entrusted to them for educational purposes. It also asks whether the Commission should allow ITFS licensees to sell their licenses to the highest bidder, where a private company could buy the spectrum and dispense with any educational activity. Such an outcome would threaten this important educational tool. If ITFS becomes just another commercial service, we will have lost the last place on the spectrum reserved specifically for education. ITFS certainly has its problems. It worries me greatly that many licensees lease such a high percentage of their spectrum to companies that do not engage in education, and that some licensees have not built out their facilities even though they have had licenses for many years. But I would rather work to make ITFS a better educational tool than say that it cannot be saved.

As we all know, the Commission set aside spectrum for ITFS almost forty years ago. It did so to give educators a powerful tool to help their students. The paramount public interest in the ITFS spectrum should continue to be to support an educational programming mission. While we must seek to find improvements that will result in the ITFS spectrum being used more intensively, and we must admit that the current use of ITFS is not as intense as it could be, our goal must be to do this in a way that promotes the educational mission.

Additionally, ITFS licensees were given their spectrum for free. This makes sense as they are public schools and non-profit educators and were required to use their spectrum to serve the public through education. Many private MMDS and MDS licensees also received their spectrum for free. If we allow these licensees to sell their spectrum, we could see a rush of licensees who received their spectrum for free selling their licenses and pocketing the proceeds. If this occurs we will be vulnerable to charges of allowing windfall profits using the public spectrum. Whether those profiting are educational institutions or private telecommunications carriers, I do not see how this serves the public interest. Wisely, this NPRM queries whether such an outcome is desirable.

But in the end this is a NPRM and not an order. The Bureau and my colleagues worked hard to ensure that the item includes wide-ranging questions that allow us to choose several paths. It does not preordain any of the outcomes I just described. This means that I can support this NPRM. I appreciate the flexibility they showed in the drafting process.

Lastly, I want to recall that the record in last year's proceeding entitled *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the*

Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems makes it clear that many in the education community make excellent use of the band. The 1,275 current ITFS licensees serve millions of students on thousands of channels at more than 70,000 locations. The licensees form a broad spectrum of educators and educational entities, including state governments, state universities, public colleges, secondary schools, elementary schools, parochial and private schools, public television stations, and hospitals. These educators use the ITFS spectrum for a variety of innovative and successful applications, including telecourses at all educational levels, traditional educational programming, professional and worker training, and back office administrative communications for schools.

In order to illustrate the public interest value of this service I believe that it is important to highlight examples of the efforts of a few licensees in three broad areas where ITFS improves our country's educational performance.

- *Rural access.* The South Carolina Educational Television Commission includes more than 60 stations. It serves nearly 800 public schools and more than 400,000 students. Given that a majority of South Carolina's students live in rural areas, ITFS allows the state to tailor its educational technology plan so rural students have access to 1,500 hours of new educational programming each year, as well as live, interactive remote instruction. These powerful services might otherwise be beyond the reach of rural schools.
- *Inner city access.* The Catholic Television Network uses its ITFS licenses to serve more than half a million students and 4 million households. Recipients of these services include schools, colleges, parishes, community centers, hospitals, nursing homes, and residences across the country. From the Los Angeles Archdiocese to the New York Archdiocese, these ITFS licensees are providing critical educational services to a large number of low-income communities where services delivered via CTN's ITFS facilities bring educational resources that are otherwise unavailable.
- *Worker training.* Stanford University operates five ITFS channels. Using these channels, the university offers 250 graduate-level courses each year to thousands of workers at hundreds of companies in Northern California. In an era when "knowledge-based workers" are the most valuable resource to our national economy, the ITFS is giving Stanford and educational institutions around the country the ability to improve worker skills and improve productivity through remote education.

I look forward to the comments in this proceeding, and encourage as many ITFS licensees as possible, many of whom are not frequent commenters to the FCC, to get involved. We need your input.