

Senator \_\_\_\_\_ Address  
Washington, D.C. 20515

November \_\_, 2018

Chairman Ajit Pai  
Federal Communications Commission  
445 12<sup>th</sup> Street Southwest  
Washington, D.C. 20554

Dear Chairman Pai:

One of the Commission's core responsibilities is to promote the availability of affordable broadband access to all Americans. Spectrum policy plays a key role in achieving this goal. One spectrum success story has been the Educational Broadband Service (EBS), which has enabled educational entities to partner with commercial operators to create public-private partnerships that achieve the Commission's dual goals of intensive commercial use and promoting education. Today, EBS is not only closing the digital divide in areas where it is licensed, it is also providing the backbone for 4G and future 5G deployment that will benefit all Americans. We commend the Commission for proposing to finish licensing EBS spectrum, particularly in rural areas with limited or no broadband options; however, we are concerned that some ideas the Commission is considering would effectively eliminate education and Indian Tribal Nations from the EBS band at a time when broadband for education is more critical than ever.

The FCC has proposed eliminating educational eligibility rules to hold EBS licenses. We strongly oppose this proposal. Rather than commercializing this band, the FCC should maintain eligibility requirements to ensure this spectrum can continue to deliver benefits to educational institutions, commercial entities, and the public. In areas where the FCC has licensed this spectrum, EBS has enabled programs that are tackling the homework gap and the digital divide. In urban areas, EBS licensees are providing much-needed broadband service "over the top" of commercial broadband networks, making good use of the extensive, continuous, footprint constructed by commercial service providers to support valuable educational uses like providing Wi-Fi on school buses and loaning hotspots to students without internet access at home. In rural areas, where an increasing number of EBS licensees have constructed their own facilities, educational entities have become broadband providers for their communities that otherwise had few, if any, other options for access. These success stories can only be replicated and expanded by maintaining current eligibility requirements.

The Commission is also considering commercially auctioning new licenses before educational entities or Tribal Nations have an opportunity to obtain these licenses. We oppose such auctions. The FCC froze issuing new EBS licenses in 1995. As a result, roughly half of the geography of the United States is without a license, including many rural areas. After over two decades of waiting, the FCC is now considering rules that will strip educators of this opportunity by placing mutually exclusive applications into a commercial bidding auction. As the Commission acknowledged in the last major EBS rulemaking, educational entities are not financially or procedurally prepared to compete in such an auction and will lose their chance to acquire a license. Before commencing an auction, the Commission should allow educational entities to apply on a first-come, first-served basis or through some other simple and conclusive process. Simply putting this

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spectrum in the hands of commercial providers alone will not guarantee any educational benefits, and it may also fail to close the digital divide, a key Commission goal.

Few rulemakings provide the Commission with an opportunity to close the digital divide and homework gap, expand rural broadband and accelerate 5G deployment. There's never been a time when the cost to build private educational networks has been more affordable, the technological sophistication of the educational community has been more capable, and the need for broadband to educate our students has been more urgent. We urge the Commission to reject commercializing this band and to support making new licenses available for educators and Indian Tribal Nations who have waited nearly two decades for access and are best suited to put this spectrum to its highest and best use. EBS has proven successful, and the existing regulatory model can continue serving both educational and commercial needs with the Commission's support.

Sincerely,

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Cc: Commissioner Michael O'Rielly  
Cc: Commissioner Jessica Rosenworcel  
Cc: Commissioner Brendan Carr