



EBS TRIBAL PRIORITY WINDOW

WIRELESS SPECTRUM OPPORTUNITY FOR RURAL TRIBAL NATIONS

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EBS – EDUCATIONAL BROADBAND SERVICE

SEPTEMBER 23 – 24, 2019 | WASHINGTON, DC

WHAT IS EBS?

- + 116.5 MHz of spectrum in the 2.5 GHz band
- + Historically used for instructional video broadcasts within school districts or other educational entities
- + Transitioned to broadband use starting in 2004
- + In July 2019, the FCC decided to remove the eligibility restrictions, establishing open eligibility to access this band after the Tribal window closes
- + Before unused areas of this band are auctioned, rural Tribal Nations will have the opportunity to apply for licenses

WHAT CAN EBS SPECTRUM DO?

- + Supports broadband in rural areas: higher power limits and lower frequency than other available spectrum (unlicensed, 3.5 GHz) means better propagation and fewer base stations, lowering deployment costs
- + Equipment compatible with EBS spectrum is readily available “off the shelf” from a variety of vendors nationwide
- + Some educational licensees have used EBS spectrum to build their own broadband networks
- + Most licensees also lease parts of their licenses to commercial providers, such as Sprint, which operates part of its LTE network on EBS spectrum

THE POWER OF EBS: NISQUALLY INDIAN TRIBE

- + Located in rural Washington State
- + Obtained EBS spectrum via waiver in 2013
- + Sought spectrum to enhance educational offerings, including access to online classes at K-12 and university levels
- + Currently offers free internet connectivity to Tribal members via WiMax

THE POWER OF EBS: HAVASUPAI TRIBE

- + Located in Supai, Arizona, on the floor of the Grand Canyon
- + Received a waiver to build a network with EBS spectrum in 2018
- + Partnered with MuralNet, a nonprofit that facilitates rural network deployment by providing engineering expertise and solutions
- + Deployed its network within weeks of gaining access to spectrum
- + Currently, the Havasupai network provides online classes for students and continuing education for teachers
- + A remote charter high school is also planned

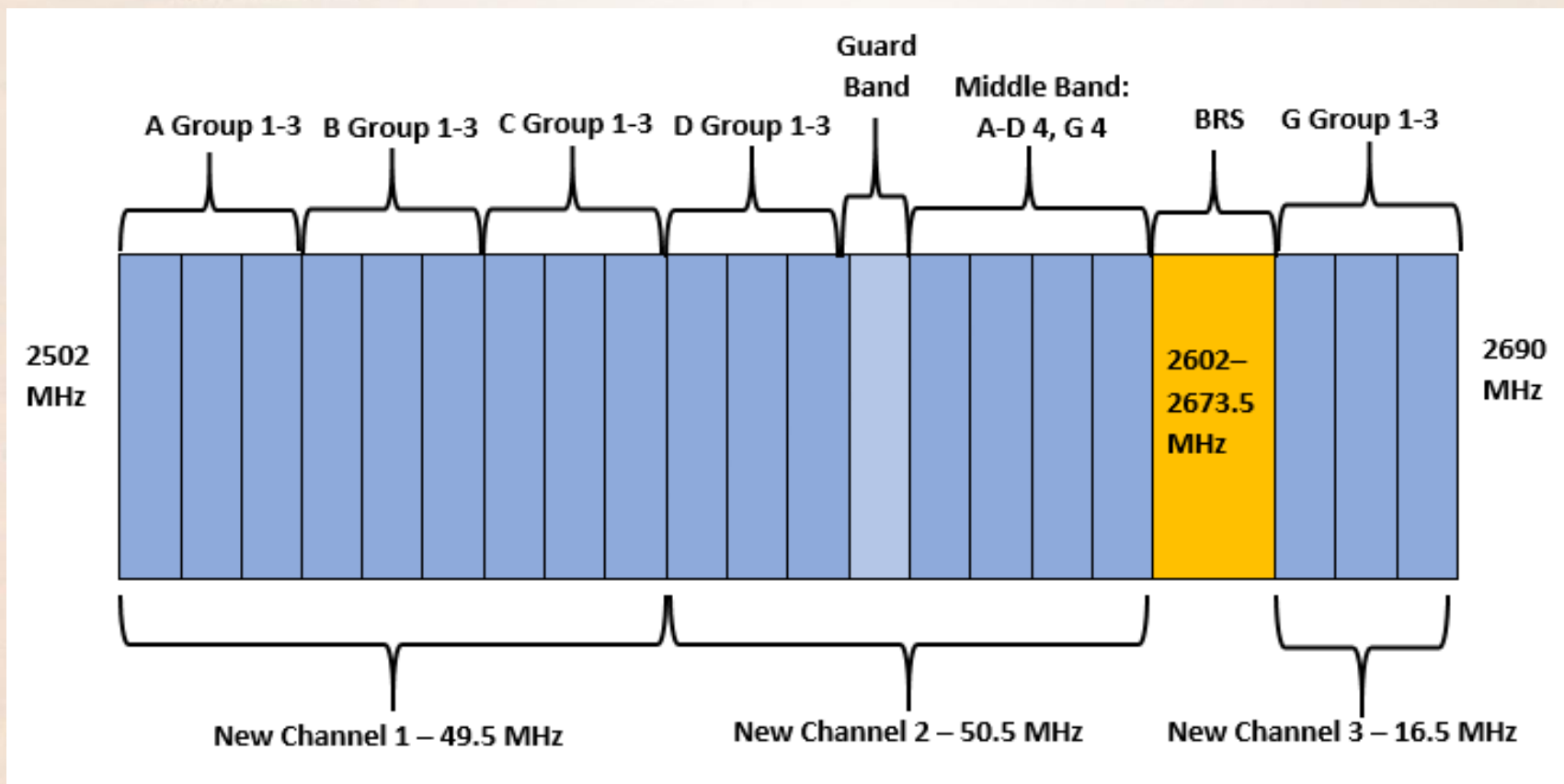
GAINING ACCESS: THE TRIBAL PRIORITY WINDOW

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WHAT IS AVAILABLE?

- + Any EBS spectrum that is not currently licensed to another entity, up to the entire band
- + Tribes may define their own desired license area, subject to some limitations:
 - + License area must be “rural” – may not contain an urbanized area or urban cluster area with a population >50,000
 - + License area must be within a Tribal reservation, or an off-reservation area already designated as Tribal land per Section 54.412 of FCC rules

THE EBS BAND PLAN



WHERE IS EBS AVAILABLE?

- + Current licenses cover about 85% of the US population, but only about 50% of the land area
- + EBS spectrum is more widely available west of the Mississippi, and in rural or remote areas
- + Some areas may have some channels available even with a current licensee
- + To explore availability in your area, you can use the FCC's Universal Licensing System (ULS), which has mapping capabilities

WHO CAN APPLY?

- + Federally-recognized American Indian Tribes and Alaska Native Villages
- + Other entities controlled and majority-owned by a federally-recognized Tribe or consortium of Tribes
- + Examples: a Tribal university (if owned by a Tribe or consortium), or a corporation set up by a Tribe to operate its communications network
- + Tribal applicants must have a local presence in their desired license area

TYPE OF LICENSE: OVERLAY LICENSES

- + Licenses awarded in the Tribal Priority Window, and in the subsequent auction, will be “overlay licenses”
- + Overlay licensees automatically acquire spectrum covered by an overlapping incumbent license if that incumbent license is revoked or cancelled.
- + An overlay license DOES NOT make that spectrum available to the overlay licensee immediately, even if the incumbent is not using it.

BUILDOUT REQUIREMENTS AND RESTRICTIONS ON LICENSES

- + Applicants should only apply for license areas on which they can meet buildout requirements
- + Must provide service that covers 50% of the population of the license area within two years, and 80% within five years
- + If the final buildout requirement is not met, license is automatically cancelled
- + Tribal licensees may not sell or transfer their licenses until after buildout requirements have been met
- + Leasing is permitted; service provided by a lessee counts toward buildout

APPLICATION PROCESS

- + The window will be conducted prior to the auction, and the preliminary work has already begun
- + Specific procedures, including dates and length of the filing window, will be announced by the FCC Wireless Bureau later this year by Public Notice
- + Application process will use ULS, the Wireless Bureau's online application portal

APPLICATION COMPONENTS

- + Specifics will be announced in the forthcoming Procedures Public Notice
- + At a minimum, applicants should be prepared to show:
 - + A description of the desired license area
 - + Exhibits showing compliance with requirements: applicant eligibility, rural nature of license area, local presence, etc.

MUTUALLY EXCLUSIVE APPLICATIONS

- + “Mutually exclusive” applications are applications that cannot both (or all) be granted at the same time, because they overlap in area or in spectrum
- + Mutually exclusive applications should be avoided if possible, by advance planning among potentially conflicting applicants
- + If mutually exclusive applications occur, the relevant licenses may be legally required to be auctioned between the parties
- + If the licenses proceed to auction, the parties can no longer communicate to resolve the issue, due to anti-trust laws and FCC regulations

FUTURE STEPS

- + Administrative steps: Federal Register publication of rules, Paperwork Reduction Act approval for information collection related to the application process
- + IT steps: ULS development and testing
- + Procedures Public Notice
- + Continued outreach and support for Tribal applicants

QUESTIONS?

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