EBS TRIBAL PRIORITY WINDOW

WIRELESS SPECTRUM OPPORTUNITY FOR RURAL TRIBAL NATIONS

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EBS – EDUCATIONAL BROADBAND SERVICE
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
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

A Group 1-3  B Group 1-3  C Group 1-3  D Group 1-3  Guard Band  Middle Band: A-D 4, G 4  BRS  G Group 1-3

2502 MHz  2602–2673.5 MHz  2690 MHz

New Channel 1 – 49.5 MHz  New Channel 2 – 50.5 MHz  New Channel 3 – 16.5 MHz
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 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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