

ALERT

FCC Extends EBS Substantial Service Deadline to November 1, 2011

March 10, 2011

On March 22, 2011, the Federal Communications Commission (FCC or Commission) Wireless Telecommunications Bureau (Bureau) issued a Memorandum Opinion and Order, granting Educational Broadband Service (EBS) licensees until November 1, 2011 to meet the Commission's substantial service requirement. This represents a six month extension from the prior deadline of May 1, 2011.

In its Order granting the request by the National EBS Association and the Catholic Television Network, the Bureau found that a six month extension was in the public interest given the proximity of the prior deadline to the end of the school year. The Bureau stated that the extension will allow educators time to incorporate systems using EBS spectrum into their curricula. The Bureau also recognized that many EBS licensees and their commercial partners have been diligent in establishing and providing service in the 2.5 GHz band.

Licensees will be required to submit notifications to the FCC certifying satisfaction of the substantial service obligation by no later than 15 days after the deadline, or November 16, 2011. EBS licensees that already provide substantial service can file at any time prior to that date. Given the large number of EBS substantial service filings that will be required nationwide, we encourage EBS licensees to file in advance of the new deadline, if possible.

As a reminder, to comply with the FCC's requirements, EBS licensees must demonstrate that they are furthering the educational mission of accredited public or private schools, colleges, or universities providing a formal education and cultural development to enrolled students within the licensee's Geographic Service Area. ^[1] Such service can include, but is not limited to, training for instructors or

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transmission of materials. Additionally, licensees leasing their spectrum must reserve a minimum 5% of the capacity for educational use and must provide at least 20 hours *per week, per licensed channel* of EBS educational usage. [2]

It is imperative that EBS licensees demonstrate substantial service before the new deadline; failure to do so could result in the automatic termination of their license.

If you have any questions or need additional information about complying with the substantial service requirements, please contact one of the attorneys listed below.

[1] See 47 C.F.R. §§ 27.14(o) & 27.1203.

[2] See 47 C.F.R. § 27.1214(b).

*Not admitted to the District of Columbia Bar, supervised by principals of the firm.