

THE COMMISSION HAS THE FOLLOWING POWERS AND DUTIES:

1. **Primary Charge.** The commission shall use a *competitive process* to obtain proposals from commercial entities for the leasing of the excess spectrum capacity of the Education Broadband Service (EBS) licenses held by the South Carolina Educational Television Network.
2. **Proposal Options.** The commission shall seek proposals that utilize the excess spectrum capacity of the EBS licenses in the following manner:
 - a. A single lease of ETV's excess spectrum capacity without any service requirements;
 - b. A single lease of ETV's excess spectrum capacity with service requirements as recommended by the commission;
 - c. Multiple leases on a regional basis without any service requirements, such regions to be determined by the commission;
 - d. multiple leases on a regional basis with service requirements as recommended by the commission, such regions to be determined by the commission; and
 - e. other manners deemed appropriate by the commission.
3. **Tower Space.** The commission also must consider whether to include any lease of tower space in the proposals in the lease of excess spectrum capacity.
4. **Benefit to Public.** In determining any service requirements to impose on potential lessees, the commission must consider the costs and benefits, both monetary and societal, that would be borne by or inure to the public at large, as well as the public to be served.
5. **Consideration of all Technologies.** Because broadband service may be provided using a number of different technologies, each of which has unique characteristics and advantages, the commission, in developing its recommended service requirements, must consider the costs and benefits of all methods available to deploy broadband services throughout the State, including wireline, wireless technologies utilizing other bands of the spectrum, or satellite.
6. **Pricing Requirements.** The commission must not impose any pricing requirements on lessees and must take steps to ensure that the state's assets are not made available to a private broadband service provider to subsidize a private company's competitive service offerings.

7. **Process.** The competitive process used by the commission shall be governed exclusively by the procedures stated herein and procedures established by the commission.
8. **Recommendation.** The commission shall evaluate the proposals and present the proposals and its recommendations to the Joint Bond Review Committee.
9. **Recommendation Approval.** The Joint Bond Review Committee shall evaluate the proposals and the commission's recommendations to determine whether a proposal shall be approved. If the Joint Bond Review Committee determines that a proposal shall be approved, this determination shall be presented at the next meeting of the State Budget and Control Board for review and approval. If the State Budget and Control Board does not approve a proposal, it shall be returned to the Joint Bond Review Committee for further evaluation and recommendation.
10. **Cooperation by SCETV.** The South Carolina Educational Television Network must take actions necessary to facilitate the lease of the excess spectrum capacity of the EBS licenses in the manner set forth in an approved proposal and to ensure that ETV complies with any FCC rules or requirements.