

# **SOUTH CAROLINA EDUCATIONAL BROADBAND**

## **SERVICE COMMISSION**

Meeting Minutes  
November 21, 2008

### **Opening:**

The fifth regular meeting of the SC Educational Broadband Service Commission was called to order at 10:30 am on November 21, 2008 at 1401 Senate Street, Room 213 by Gary Pennington. It was noted for the record that Public Notice of the Meeting was made on November 19<sup>th</sup>. Gary Pennington instructed audience members to register their name and email address on the sign-in sheet.

### **Members Present:**

Gary Pennington, Neil Mellen, Jack Cooper, William Byrd, Dr. Joachim Taiber, George Wyatt

### **Staff Present:**

Paul Koch, Gay Hoyer

### **1. Approval of Agenda**

Gary Pennington asked for a motion to approve the agenda, George Wyatt made a motion to accept the agenda, all agreed and agenda was accepted.

### **2. Approval of Minutes of Previous Meetings**

Item was tabled.

### **3. Rini Coran, PC – Overview Regarding South Carolina ETV, Spectrum Valuation and Request for Proposals, Robert J. Rini**

#### **a. Preservation of FCC Licenses**

SCETV has 67 Educational Broadband Service Licenses comprising 266 channels and 1596 MHz of spectrum which gives effective coverage of the entire state of South Carolina. There are three overarching FCC Issues:

- i. Renewal Obligations
  - 2009 license expiration dates:
    - ✓ March 12, 2009: WHN714, WHR957
    - ✓ March 23, 2009: WHR961
    - ✓ July 1, 2009: WHR980
    - ✓ July 19, 2009: WHR974
    - ✓ October 6, 2009: WLX222
    - ✓ December 16, 2009: WND532, WND533, WND534
  - File renewal applications within 90 days prior to license expiration.
  - Must demonstrate qualifications

- ii. Transition to New Bandplan
  - Goals of the EBS Bandplan Transition are:
    - ✓ Incent EBS Licensees to migrate services to the new bandplan
    - ✓ Enhance new broadband opportunities
    - ✓ Facilitate new licensing of “white space”
  - Key Transition Deadline #1 is January 21, 2009
    - ✓ Deadline for proponents to initiate transition by filing a transition plan with the FCC.
    - ✓ First date that EBS licensees may self-transition
  - Key Transition Deadline #2 is April 21, 2009
    - ✓ Deadline for Licensees to notify the FCC that they are self-transitioning.
  - Key Transition Deadline #3 is July 21, 2010
    - ✓ Licensees in markets where no transition plan is filed will not be required to cease existing operations until at least 18 months after the deadline for proponents to file Initiation Plans – i.e. July 21, 2010.
  - Key Transition Deadline #4 is October 20, 2010
    - ✓ Deadline for completion of transitions, whether proponent-driven or self-transitioned.
- iii. “Substantial Service” Requirements
  - Key Transition Deadline #5 is May 1, 2011
    - ✓ Deadline for EBS licensees to demonstrate substantial service.
    - ✓ The FCC defines “substantial service” as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.
  - Self-Transition Process Obligations
    - ✓ Prohibited before January 21, 2009
    - ✓ Notify other licensees in BTA and must send pre-transition data requests.
    - ✓ Coordinate interference with adjacent licensees that are also self-transitioning.
    - ✓ File modification applications to complete self-transitions.
    - ✓ Self-transition obligations may be delegated by contract.
  - Reimbursement for Cost of Self-Transitions
    - ✓ EBS licensees may request reimbursement from all BRS licensees and lessees, entities that lease EBS spectrum for a commercial purpose; commercial EBS licensees located in the same BTA and licensees whose GSAs overlap with the self-transitioning licensee.
    - ✓ Pro-rata share based on MHz Pops.
    - ✓ Avoids free riders.

**b. Spectrum Valuation Issues**

- i. Determination of Geographical Service Areas (GSAs)
  - ✓ POPs calculated by reference to census population covered by GSA, accounting for “splitting the football”.
- ii. MHz/Pop Valuations

- ✓ Spectrum valuation – price per MHz POP is a standard valuation yardstick.
- ✓ Do not expect values to go up, but instead level out.
- iii. Comparisons to Other Benchmarks
  - ✓ Assume 6 MHz/channel
  - ✓ Estimated MHz POPs for 67 SCETV licenses – approximately 88 million.

#### **4. Executive Session – Receipt of Legal Advice**

William Byrd made a motion to go into Executive Session for the specific purpose of receiving legal advice, motion was approved.

#### **5. Next Steps**

The meeting reconvened for Public Session. Jack Cooper made a motion to approve the following seven action items:

- Review RFP
- Draft a List of Bidders
- Create a Publicity Plan
- Engage GSA expert
- Contact Valuation Expert
- Contact Technical Expert
- Attorney to Develop Roadmap for ETV

Committee agreed to meet again December 15<sup>th</sup> at 1401 Senate Street. Motion was made to adjourn. Motion was passed.