

SOUTH CAROLINA EDUCATIONAL BROADBAND

SERVICE COMMISSION

Meeting Minutes

January 30, 2009

Opening:

The eighth regular meeting of the SC Educational Broadband Service Commission was called to order at 11:00 am on January 30, 2009 via teleconferencing by Gary Pennington. It was noted for the record that all members are present and Public Notice of the Meeting was made on January 28th. Visitors were recognized and introduced and instructed to register their name and email address on the sign-in sheet.

Members Present (Via Teleconferencing):

Gary Pennington, Jack Cooper, William Byrd, Dr. Joachim Taiber, Poinzettia Stephens, George Wyatt, Jr. and Neil Mellen

Staff Present (Via Teleconferencing):

Paul Koch, Gay Hoyer
Robert Rini (Legal Counsel)

1. Approval of Agenda

Gary Pennington asked for a motion to approve the agenda, George Wyatt made a motion to accept the agenda. Agenda was approved.

2. Approval of Minutes from Previous Meetings

Gary Pennington asked for approval of minutes from December 15, 2008 meeting. William Byrd made a motion to approve the minutes without corrections or additions. Motion was approved. Gary Pennington then asked for approval of minutes from the December 23, 2008 meeting. William Byrd made a motion to approve the minutes without corrections or additions. Motion was approved.

3. Update/Discussion from SCETV

David Crouch and Dean Byrd from SCETV were in attendance at the Broad River Road conference room to give an update on the progress SCETV was making in preserving the existing licenses. There are currently 14 licenses that need waivers, 2 of which contain no viable GSA. The 12 remaining licenses require that a consent letter be sent out to any entities near these GSAs that could be affected. It was brought to the Commission's attention that Todd Gray, Legal Counsel for SCETV, has a conflict in that he has dealings with or represents most of the entities from which consent must be obtained.

Gary Pennington asked for Robert Rini to give an explanation of why it is important for SCETV to obtain these waivers. It was explained that most of the licenses are for a point to multi-point service but that 14 on the licenses were issued for point to point service. Because of this, these licenses do not have clearly defined GSAs. Since so many EBS license holders have the same issue, the FCC has said if permission is asked and consent and waivers are obtained, they would issue the GSA to these license holders.

Gary Pennington brought to the attention of the Commission that he felt that this was SCETV's issue and the Commission was not charged with this task. William Byrd made a

motion that the Commission suggest that SCETV go forward under its own authority in sending out the appropriate consent letters to the adjoining licensees to allow these waivers to be obtained from the FCC. Gary Pennington made a motion that at our next meeting, the Commission will revisit the issue of how SCETV might proceed on its own behalf with its own separate and distinct legal counsel or whether or not the Commission takes on the burden with its own legal counsel and at its own cost to assist SCETV in obtaining these waivers from the FCC. Motion was approved.

On April 21st SCETV must file a self-transition plan for the 37 licenses not already transitioned. SCETV explained their transition plan. They are currently in the process of obtaining an engineer that can assist them with their plan. Robert Rini, Legal Counsel for the Commission, confirmed the transition plan proposed by SCETV is fully consistent with the Commission's goal. Gary Pennington pointed out to SCETV that the Commission is counting on them to make sure that this happens on or before the April deadline.

4. Executive Session to Receive Legal Advice

A motion was made by William Byrd and approved for the Commission to go into Executive Session to receive legal advice. (Visitors were asked to leave the room)

5. Next Steps

Motion was made by Jack Cooper and accepted to end the Executive Session and go back into Public Session. The guests were invited back into the room. A motion was made to adjourn the meeting. Motion was accepted and meeting adjourned.