Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Extending Wireless Telecommunications Services To Tribal Lands

WT Docket No. 99-266

REPLY COMMENTS OF THE HIGHER EDUCATION PARTIES:

EDUCAUSE
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

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REPLY COMMENTS OF THE HIGHER EDUCATION PARTIES

EDUCAUSE and AIHEC hereby submit the following reply comments in the above captioned proceeding:

1. We strongly support and reinforce the proposition submitted by the Oneida Nation of Wisconsin, Convey, and others that the Commission should seek to directly involve the tribal nations themselves in the “development, partnership, or ownership” of wireless communications infrastructure serving tribal lands.

2. We generally agree with the proposition submitted by Innowave-ECR, that the prohibition against the coordination of frequency-hopping spread spectrum appear to lack significant technical and regulatory justification. The Commission should reassess this prohibition, particularly as it applies to rural and underserved areas.

3. We disagree with much of the comment submitted by the National Telephone Cooperative Association. By looking only at the current and past environment, NTCA underestimates the potential for effective future wireless solutions to serve persons living on tribal lands.

The Comment of NTCA states: “Wireless service typically serves as a supplement to wireline service, rather than as a replacement . . . [M]ore than half of NTCA’s member telcos offer wireless service, but they do so as an adjunct or complement to landline service, recognizing that wireless does not yet have the capability to deliver advanced services . . . Present-day wireless systems cannot effectively provide high speed Internet access, telemedicine, or video teleconferencing.” NTCA relies on this overall assessment to buttress its protective arguments, which, when boiled down, suggest that the FCC should do very little differently.

NTCA looks to the past and to typical practice rather than future potential. Wireless not only is capable of providing advanced telecommunications services, but also can in certain circumstances replace a wireline service (which may explain NTCA’s reluctance). See, Comments of EDUCAUSE & AIHEC (Higher Education Parties); Dandin Group (elaborating on the complete replacement of wireline with wireless in the Kingdom of Tonga); Convey LLC; David Hughes; Innowave-ECR; the Education Parties (noting the proven tendency and potential for third world nations to leap-frog though an effective wireless infrastructure).

The Commission should propose a rule that anticipates technological progress and plans for it, rather than a rule that limits a technology’s progress by virtue of its infancy. The Commission should adopt a forward-looking rule which promotes the development of

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1 Comments of Convey, LLC, at 5.
2 Comments of the Oneida Nation of Wisconsin, at 2.
3 See generally, Comments of Innowave-ECR.
4 Comments of National Telephone Cooperative Association, at 5, 8.
wireless infrastructure to its full potential, while taking care to minimize potential for interference. As stated in our Comment, the Commission should consider doing this through a tribal lands Part 15 exception, the liberalization of antenna height and tower restrictions (in cooperation with tribal leaders) and the sensible elimination of other restrictions on the use of wideband telecommunication in remote areas.

Again, we commend the Commission for undertaking this initiative, and we hope that it facilitates the innovative deployment of leading-edge wideband wireless technologies in furtherance of advanced telecommunications for tribal lands. We look forward to the rulemaking.

Respectfully submitted,

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