

THE CALIFORNIA STATE UNIVERSITY  
OFFICE OF THE CHANCELLOR



BAKERSFIELD

December 19, 2013

CHANNEL ISLANDS

**MEMORANDUM**

CHICO

**TO:** CSU Presidents

DOMINGUEZ HILLS

**FROM:** Timothy P. White  
Chancellor

EAST BAY

FRESNO

**SUBJECT:** Educational Broadband Service Contracts — Executive Order 1090

FULLERTON

HUMBOLDT

Attached is a copy of Executive Order 1090 relating to Instructional Television Fixed Service Contracts. Executive Order 435 was issued in 1984 and does not reflect current regulatory requirements and CSU practice. In crafting new more relevant and concise executive orders, we sought advice from various systemwide experts, the Office of General Counsel, Provosts, Chief Administrators and Business Officers (CABO) and expert external counsel. The nature and scope of activities is dramatically different, moving from airwave television broadcasting bandwidth to internet broadcasting bandwidth.

LONG BEACH

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

To reflect this fact, the title of the new executive order has been changed to Educational Broadband Service Contracts, which reflects the current status of the Federal Communications Commission (FCC) educational broadband program. Authority remains delegated to campus presidents and their respective designees with regard to contracting excess bandwidth.

POMONA

SACRAMENTO

SAN BERNARDINO

In accordance with the policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

SAN DIEGO

SAN FRANCISCO

If you have questions regarding this executive order, please contact Academic Affairs at (562) 951-4710.

SAN JOSÉ

TPW/scj

SAN LUIS OBISPO

Attachment

SAN MARCOS

SONOMA

c: CSU Office of the Chancellor Leadership  
Provosts/Vice Presidents of Academic Affairs  
Vice Presidents of Administration and Finance/CABO  
Deans/Senior Leadership of Extended Education

STANISLAUS

**THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
401 Golden Shore  
Long Beach, California 90802-4210  
(562) 951-4710**

**Executive Order:** 1090  
**Effective Date:** December 19, 2013  
**Supersedes:** Executive Order 435  
**Title:** Educational Broadband Service Contracts

**Article 1. Authority**

This Executive Order is issued under the authority granted by Education Code Section 89200 and the Standing Orders of the Board of Trustees, Section II (e).

The Educational Broadband Service (EBS), formerly known as the Instructional Television Fixed Service (ITFS), is an educational service that has generally been used for the transmission of instructional material to accredited educational institutions. The current EBS spectrum makes it possible for its users to continue their instructional services, utilizing low-power broadband systems while also providing students with high-speed internet access.

**Article 2. Delegation of Authority**

This Executive Order delegates to campus presidents and their respective designees authority to approve agreements and leases involving EBS spectrum capacity. Subject to the requirements contained herein, authority is granted to the presidents and their designees to initiate and execute agreements for leasing excess spectrum capacity licensed to the Board of Trustees for CSU institutions.

The Federal Communications Commission (FCC) allows non-educational commercial entities to lease and use excess EBS spectrum capacity under certain conditions. Campuses are permitted to lease their excess spectrum capacity, subject to FCC rules limiting spectrum leasing arrangements to the length of the license term. However, leases entered into under the pre-existing ITFS leasing framework have been grandfathered and may remain in effect for up to fifteen years, so long as such leases are not materially changed. Campuses intending to lease excess spectrum for non-educational purposes must preserve the primary educational purpose of the EBS program, maintain the integrity of CSU's license, and receive fair market value for spectrum leased.

In compliance with Title 47 of the Code of Federal Regulations (CFR), Part 27, campuses must adhere to the following substantive use requirements, which are designed to maintain the program's educational purposes:

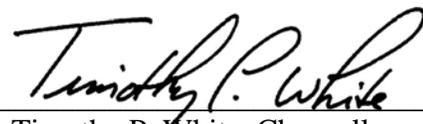
- There must be a minimum of 20 hours per 6 MHz channel per week of educational use of EBS spectrum.
- For analog facilities, campuses must retain a right to recapture an additional amount of 20 more hours per channel, per week capacity for educational purposes.
- For digital facilities, campuses must reserve at least 5% of its transmission capacity for educational purposes.
- Responsibility for compliance with FCC rules regarding station construction and operation is retained by the involved campus.
- The right to acquire the EBS transmission equipment, or comparable equipment, upon termination of a lease agreement must be retained by the involved campus.

**Article 3. Deficiencies**

Campuses must notify the Executive Vice Chancellor of Academic Affairs and Chief Academic Officer in writing 30 days of receiving an FCC notice of deficiency. A plan of corrective action to rectify deficiencies must be included with such notification.

**Article 4. Annual Report of Activities**

Campuses must file annually a report with the Executive Vice Chancellor of Academic Affairs and Chief Academic Officer of license and leasing activities, including a detailed inventory of all licenses and the current usage and status of each. Campus presidents or their designee must certify compliance with applicable laws and regulations.

  
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Timothy P. White, Chancellor

Dated: December 19, 2013