



April 23, 2018

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, IB Docket No. 16-185 – 2019 World Radiocommunication Conference Advisory Committee

Dear Ms. Dortch:

The National Association of Broadcasters strongly urges the Commission to support changes in the ITU Table of Frequency Allocations to align the ITU Table with domestic allocations. In particular, we urge the Commission to support withdrawal from footnotes 5.295 and 5.297 to the ITU Table, which identify broadcast television spectrum for International Mobile Telecommunications (IMT). These changes are critical to provide greater certainty for the broadcast television industry and encourage investment in the Next Generation TV technology the Commission has helped unleash under Chairman Pai's leadership.

Unfortunately, Chairman Tom Wheeler, on his own, directed Commission staff to support damaging changes to the ITU Table which were completed at WRC-15. These changes identified the *entire* UHF television band for IMT use, ostensibly because the amount of spectrum that would be reallocated following the broadcast television spectrum incentive auction was unknown. Following the successful close of the incentive auction, however, there is no longer any uncertainty concerning the future domestic use of the 470-608 MHz (Channels 14-36) band. Accordingly, the current Commission modified the domestic Table of Frequency Allocations to correspond with the results of the incentive auction.¹

Alarming, the International Bureau has not yet made plain its intent to recommend similar action with respect to the ITU Table. We urge the Commission to bring to an end this Wheeler-era uncertainty regarding the stability of the broadcast band. Unlike the

¹ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Order, 32 FCC Rcd 6916 (2017).

immediately past Commission, the current one has strived for a level playing field among services and has recognized the essential role broadcast television plays in our country and the rest of the world.

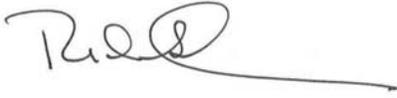
The FCC should strongly support withdrawal from ITU Table footnote, 5.295, which identifies 470-608 MHz (Channels 14-36) for IMT services. This footnote was added at WRC-15 with Canada and Mexico as co-signatories. Because the incentive auction reallocated only channels above 37 (614 MHz and above), there is no reason for the United States to continue to support this footnote. Moreover, both Canada and Mexico have also stated that 470-608 MHz will not be used for mobile services, including IMT, rendering the footnote moot.² A different result will suggest the Commission still supports the former Chairman's vision favoring the wireless industry over broadcast television viewers.

Similarly, NAB urges withdrawal from ITU Table footnote 5.297, a relic of a 1970s proposal to share some UHF-TV spectrum with land-mobile services. In this footnote, the U.S. added an allocation to the ITU table in anticipation of more land-mobile/broadcast sharing, but the Commission never added a corresponding allocation to its domestic table of frequency allocations. The ITU footnote has remained in place, a derelict provision for over 30 years, despite its conflict with the domestic table. We believe that Canada and Mexico would also assent to removal from the footnote.

Footnotes 5.295 and 5.297 deal with spectrum issues that are now decisively settled. The continuing presence of these ITU footnotes only serves to create baseless uncertainty regarding the commitment of the Commission and the International Bureau to the \$76 billion U.S. broadcast industry at a moment when we can afford it least: at the cusp of the deployment of Next Generation television technology. There is simply no valid reason for the United States to support an international allocation that is wholly inconsistent with domestic allocations and serves only to undermine domestic investment that will improve television service for American viewers.

² See ISED, "Proposed Revisions to the Canadian Table of Frequency Allocations [2017] Edition," SMSE-005-17, page 21-23 and IFT letter to Mindel de la Torre, FCC, IFT/222/UER/168/2015, 15 July 2015.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan
General Counsel and Executive Vice President,
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Chairman Ajit Pai
Rachael Bender