

May 4, 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:

On May 2, Robert Weller and the undersigned, both of the National Association of Broadcasters (NAB), met with Rachael Bender of Chairman Pai's office. During this meeting, NAB urged Commission support for changes in the ITU Table of Frequency Allocations to align the ITU Table with domestic allocations. In particular, we explained why the Commission should support View A with respect to Agenda Item 8 for the 2019 World Radiocommunication Conference.¹ View A supports U.S. 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.

Opponents of these changes claim that leaving these footnotes in place will maintain "flexibility." That argument is specious. Following the successful close of the broadcast television spectrum incentive auction, there simply is no longer any uncertainty concerning future domestic use of the 470-608 MHz (Channels 14-36) band. 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 footnote 5.295, which identifies 470-608 MHz for IMT.

¹ *International Bureau Seeks Comment on Recommendations Approved by World Radiocommunication Conference Advisory Committee*, Public Notice, IB Docket No. 16-185, DA 18-423, Attachment A at 62 (April 26, 2018).

Moreover, both Canada and Mexico have also stated that 470-608 MHz will not be used for new mobile services, including IMT,² rendering the footnote moot.³

Similarly, NAB urges withdrawal from ITU Table footnote 5.297, a vestigial holdover from 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 and no land-mobile sharing in the 512-608 MHz band has even been considered in decades. We believe that Canada and Mexico would also assent to removal from the footnote.

The continuing presence of these ITU footnotes only serves to create baseless uncertainty regarding the commitment of the Commission 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.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Patrick McFadden', with a stylized, flowing script.

Patrick McFadden
Associate General Counsel
National Association of Broadcasters

cc: Rachael Bender

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.

³ The longstanding use of portions of 470-512 MHz in 11 U.S. urban areas for land-mobile operations will not be affected by withdrawal from this footnote.