

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

<i>In the Matter of</i>)	
)	
International Bureau Seeks Comment)	IB Docket No. 16-185
on Recommendations Approved by)	Document WAC/058
World Radiocommunication Conference)	
Advisory Committee)	
)	

To: International Bureau

COMMENTS OF PEARL TV

Pearl TV, LLC (“Pearl TV”) agrees with the National Association of Broadcasters (“NAB”) that the U.S. Government should advocate at the upcoming World Radiocommunication Conference (“WRC-19”) for a harmonization of broadcast spectrum on a global basis that is consistent with how the Commission recently amended its Table of Frequency Allocations to remove footnotes that had permitted use of the frequency band 512-608 MHz for mobile and fixed services and also identified the 470-608 MHz band for International Mobile Telecommunications (“IMT”). Pearl is a business organization of U.S. broadcast companies with a shared interest in exploring forward-looking broadcast opportunities, and as such invests significant sums in testing and developing new spectrum technologies such as ATSC 3.0. In light of that investment, it is vital that broadcasters have the certainty that their utilization of the spectrum will not be impaired by other users causing unwanted interference. The Commission appropriately addressed this issue when it adopted a new band plan as part of the Incentive Auction and removed domestic allocations with respect to mobile and IMT services that had been barnacles attached to the broadcast spectrum. The U.S. Government should follow

the Commission's lead and, as it frequently does, advocate for harmonization of the global Table of Frequency Allocations consistent with the U.S. Table of Allocations.

Specifically, Pearl TV urges the Commission to adopt View A in response to WRC-19 Agenda Item 8 ("AI 8"), as set out in the April 26, 2018 Public Notice. This position, put forth by NAB in the WRC-19 Advisory Committee, would harmonize the International Telecommunication Union's ("ITU") Table of Frequency Allocations to match U.S. domestic allocations by removing the United States from footnotes 5.295 and 5.297 of Article 5.¹ Removing the United States from these footnotes is as commonsense as it is critical. From a practical standpoint, it would reflect the fact that in the wake of the broadcast television spectrum Incentive Auction, the Commission revised its Table of Allocations to remove the U.S. version of these footnotes. More importantly, the harmonization of the ITU's Table with domestic frequency allocations would rid the frequency bands in question of needless uncertainty, thereby encouraging investment in new technologies that will improve broadcast television content for viewers, including ATSC 3.0.

Currently, the footnotes that AI 8 proposes to correct reflect outdated plans for potential spectrum usage – plans that no longer apply to the United States as a result of the Incentive Auction. For example, footnote 5.295 was added at WRC-15 to identify the frequency band 470-608 MHz (Channels 14-36) for IMT services, presumably because the Commission wanted to preserve its options depending on the outcome of the Incentive Auction.² However, the Auction now has successfully closed and as a result the Commission only reallocated channels above 37

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 (Apr. 26, 2018) [hereinafter "Agenda Item 8"].

² Agenda Item 8 at 67.

(614 MHz and above) to mobile, thereby leaving the lower bands for broadcasting service only, or for broadcasting, fixed, and land mobile services only (in the band 470-512 MHz). These Commission decisions mean that future domestic use of the 470-608 MHz band has already been determined, and accordingly there is no need for the “flexibility” within the band that is being advocated by opponents to AI 8, and no reason for the United States to continue supporting the footnote as part of the ITU Table of Allocations.³

In the same regard, footnote 5.297 is a “vestigial holdover” from spectrum plans dating back to the 1970’s, which contemplated sharing certain UHF-TV spectrum with land-mobile services.⁴ This footnote remained in place for generations of spectrum proceedings, like wings on an ostrich, despite the fact that it was of no use since the United States never officially added a corresponding allocation to its own domestic table.⁵ More recently, the Commission confirmed that there are no plans for the frequency band 512-608 MHz to be used for anything other than broadcast television. In 2014, in preparation for the Auction, the Commission put fixed and mobile services with broadcast television on a co-primary basis for the 512-608 MHz band in order to reconcile the uncertainty inherent in how much spectrum the Auction would free up for mobile use, since the licensing and use of freed-up bands had to be done in accordance with the U.S. table of frequency allocations.⁶ The Commission took this position for the stated reason that failure to do so might deter forward auction bidders and delay the introduction of new

³ Agenda Item 8 at 72.

⁴ National Association of Broadcasters, *Notice of Ex Parte Communication*, IB Docket No. 16-185 – 2019 World Radiocommunication Conference Advisory Committee, May 4, 2018, at 2.

⁵ *Id.*

⁶ FCC Report and Order, *In the matter of Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*, GN Docket 12-268, adopted May 15, 2014, paras. 318-20.

services by requiring additional, post-auction allocation proceedings.⁷ At the same time, however, the Commission assured broadcasters that it would act later to modify the domestic allocations table to reflect the outcome of the Auction.⁸ The Commission followed through on that commitment and in a September 2017 Order, the Commission deleted the primary fixed and mobile services allocations from the 512-608 MHz band and reserved the band for broadcasting exclusively.⁹

In this way, the Commission's choices around the Incentive Auction, both in anticipating the Auction and in its wake, resulted in two important spectrum decisions: one was a reallocation of spectrum for mobile use, and the other was a determination of which spectrum bands will be reserved exclusively for the continued growth and advancement of broadcast television. Given that the frequency band 470-694/698 MHz is the only band that is harmonized and used on a global scale for broadcast television, the ITU Table of Frequency Allocations and its footnotes should be adjusted to reflect these important Commission decisions.

Global harmonization of spectrum use is the founding purpose of the ITU, and updating the ITU Table's footnotes to ensure that they continue to be "up to date, clear and effective" is critical to fulfilling that purpose.¹⁰ Global harmonization is a goal that the Commission frequently has embraced, as have wireless industry stakeholders. Harmonization of broadcast television frequency allocations promotes certainty in the marketplace by ensuring a stable and consistent regulatory environment that sufficiently protects against interference between

⁷ *Id.* para. 320.

⁸ *Id.* para. 321.

⁹ FCC Order, "In the matter of Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions," GN Docket 12-268, adopted September 11, 2017, para 4.

¹⁰ Agenda Item 8 at 68.

broadcast and mobile operations, and that encourages investment and innovation.¹¹ A stable regulatory environment is particularly critical to terrestrial broadcasting networks and equipment, which have long life cycles and therefore must secure investment with an eye towards long-term growth.

Such investment is even more critical to broadcast services at this point in time, as Pearl TV members and others gear up to bring consumers next-generation broadcasting technologies. Pearl TV's membership is comprised of more than 220 network-affiliated stations, including eight of the largest broadcasting companies in America, all of which have been working to make the transmission of ATSC 3.0 Next Generation TV signals a reality. Beginning with the Model Market that Pearl and its network partners have stood up in Phoenix, Pearl TV has been working through important technical issues to bring viewers better quality video and audio than ever before, along with the many other features inherent in ATSC 3.0.¹²

Global harmonization promotes this progress, and contrary to the expressed concerns of some, this harmonization would not limit the flexibility within the U.S. to deploy other future mobile services, such as 5G technologies. In fact, as discussed above, the Commission has already determined that the spectrum implicated by the footnotes in question will not be part of the mobile 5G ecosystem. As representatives of entities that make up the heart of the broadcast television industry, we encourage the Commission to end the unjustifiable uncertainty stemming

¹¹ See Comments of the National Association of Broadcasters et al., *FCC Seeks Comment on Recommendations Approved by the Advisory Committee for the 2015 World Radiocommunication Conference*, IB Docket No. 04-286, Feb. 18, 2014, at 3 (noting that “[t]he fact that allowing high powered broadcast and mobile broadband operations in the same band creates the potential for harmful interference between services should be beyond dispute.”).

¹² Joshua Phelps, *Phoenix Model Market for Next-Gen TV to Be Powered by Industry-Leading Broadcast Technologies*, Pearl Newsroom, Mar. 27, 2018, phoenix-model-market-next-gen-tv-powered-industry-leading-broadcast-technologies.

from inconsistencies between the domestic allocation table we have at home and the ITU's Table abroad, which will signal the Commission's continued commitment to the industry's innovation and growth worldwide.

Respectfully submitted,

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