

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
Expanding Flexible Use of the 3.7 to 4.2 GHz ) GN Docket No. 18-122  
Band )  
 )

**JOINT REPLY COMMENTS OF THE  
ABC TELEVISION AFFILIATES ASSOCIATION,  
CBS TELEVISION NETWORK AFFILIATES ASSOCIATION,  
FBC TELEVISION AFFILIATES ASSOCIATION, AND  
NBC TELEVISION AFFILIATES**

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August 14, 2019

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The ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates (collectively, the “Affiliates Associations”)<sup>1</sup> submit these reply comments in response to the *Public Notice* (“Notice”)<sup>2</sup> in the above-referenced docket, in which the Commission seeks further comment on the future of operations in the 3.7-4.2 GHz spectrum band (the “C-band”), specifically on various proposals filed after the comment period closed on this proceeding’s *Notice of Proposed*

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<sup>1</sup> Each of the ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates is a non-profit trade association whose members consist of local television broadcast stations throughout the country that are each affiliated with its respective broadcast television network.

Collectively, the Affiliates Associations represent more than 500 local television stations that are affiliated with the major broadcast networks. The Affiliates Associations’ member stations provide news, weather, sports, entertainment, and other valuable, highly-desired video content to virtually every community in the country, whether large or small, urban or rural.

<sup>2</sup> *Wireless Telecommunications Bureau, International Bureau, Office of Engineering and Technology, and Office of Economics and Analytics Seek Focused Additional Comment in 3.7-4.2 GHz Proceeding*, Public Notice, GN Docket 18-22, DA 19-678 (release July 19, 2019) (“Notice”).

*Rulemaking.*<sup>3</sup>

### **Introduction and Summary**

The Affiliates Associations previously urged the Commission to proceed cautiously and judiciously in this proceeding to identify and implement an approach that balances the interests of existing users of C-band spectrum against the benefits of allowing new uses by wireless providers, arguing that any plan the Commission adopts to reallocate some portion of and expand operations in the C-band must ensure (1) continued, smooth, reliable delivery of satellite video in the band, and (2) full protection for the broadcasters, content creators, MVPDs, and the hundreds of millions of consumers who rely on access to the content those incumbents create and distribute in the C-band.<sup>4</sup>

Those positions have not changed. If anything, the Affiliates Associations are even more steadfast in those views, and their concerns have grown, both with the passage of time and as a result of the introduction of the additional reallocation proposals on which the Commission in the Notice seeks comment. Rather than entertain the flawed, “new” proposals, the Commission should proceed with the plan supported by the National Association of Broadcasters (“NAB”), “Content Companies,” and others to reallocate 200 MHz of C-band spectrum for wireless use, while protecting existing C-band video delivery conduits and ensuring that the satellite video delivery services on which hundreds of millions of consumers depend will not be interrupted or

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<sup>3</sup> *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Order and Notice of Proposed Rulemaking, GN Docket No. 18-122, FCC 18-91 (released July 13, 2018) (“NPRM”).

<sup>4</sup> See Comments of the Affiliates Associations, GN Docket No. 18-122 (Dec. 11, 2018), at 4-5.

degraded.<sup>5</sup> The Commission can and should adopt that plan—now.

As for those “new” proposals, in particular the proposals set forth, respectively, by (1) ACA Connects (i.e., America’s Communications Association, the Competitive Carriers Association and Charter Communications, Inc. (the “ACA Connects Proposal”))<sup>6</sup> and (2) WISPA, Google, and Microsoft,<sup>7</sup> the Affiliates Associations echo the opinions of those commenters who have pointed out the many problems with these proposals. The Affiliates Associations encourage the Commission to see the ACA Connects Proposal for what it is, a self-serving plan the implementation of which would be time consuming, dangerously expensive, and incredibly complex, and—perhaps most importantly—would replace the existing, near-flawless content distribution pipeline that is the C-band with an unreliable fiber network. The Commission should reject that proposal out of hand. The Affiliates Associations urge the Commission to likewise reject the WISPA-Google-Microsoft “sharing” proposal that would introduce co-channel fixed wireless point-to-multipoint services into the portion of the C-band that remains for incumbent satellite services post-reallocation. The limited upside (if any) of allowing point-to-multipoint operations in the C-band is dwarfed by the downside: Permitting such operations to co-exist in the C-band would, among other things, disrupt existing satellite services, cause harmful interference, and restrict the flexibility the Commission will likely need in the C-band in years to come.

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<sup>5</sup> See Comments of the Content Companies, GN Docket No. 18-122 (Aug. 7, 2019), at 3-5 (“Content Companies Comments”); Comments of the National Association of Broadcasters, GN Docket No. 18-122 (Aug. 7, 2019), at 1-2 (“NAB Comments”).

<sup>6</sup> See Letter from ACA Connects, CCA, and Charter, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (July 2, 2019).

<sup>7</sup> See Letter from Wireless Internet Service Providers Association, Google LLC, and Microsoft Corp. to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (July 15, 2019).

**I. The Commission Should Proceed Now With Reallocation of 200 MHz of C-Band Spectrum.**

The Affiliates Associations support the collaborative efforts of NAB, the Content Companies, and the C-band Alliance and encourage the Commission to act expeditiously to reallocate 200 MHz of C-band spectrum, enabling that large swath of cleared spectrum to be used for terrestrial wireless services.<sup>8</sup> The Affiliates Associations share the belief that this “200 MHz” plan must include mechanisms to ensure that existing users of the C-band (including the Associations’ member stations) are fully protected during the reallocation. Any plan without such protections is a non-starter; the nearly 120 million American households that rely upon the critical, nationwide video delivery system made possible thanks to countless satellite downlink transmissions that occur without incident in the C-band deserve no less. Reallocating 200 MHz of the C-band will be challenging and complicated, but the Affiliates Associations share the optimism of the Content Companies and concur that “with hard work, cooperation and planning,”<sup>9</sup> the dual aims of these proceeding—to clear mid-band spectrum for 5G while preserving and protecting satellite-delivered video downlinks—appear achievable with the 200 MHz plan.

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<sup>8</sup> Content Companies Comments at 3-5; NAB Comments at 1-2.

<sup>9</sup> Content Companies Comments at 5.

## II. The Commission Must Flatly Reject the ACA Connects Proposal.

Conversely, the ACA Connects Proposal is ill-conceived and untenable. The Affiliates Associations join the chorus of commenters who rightly take the ACA Connects Proposal to task, calling out the “half-baked”<sup>10</sup> proposal not only for its faulty assumptions and estimates, but also for its transparently self-serving nature.

The ACA Connects Proposal would force content providers (and, in turn, hundreds of millions of American consumers) to give up the precision and reliability that are hallmarks of FSS usage of the C-band<sup>11</sup> in exchange for “massively complex, expensive and less reliable fiber distribution,”<sup>12</sup> at the very real risk of “breaking”<sup>13</sup> the ubiquitous video delivery system that does not need fixing. The Commission must reject the ACA Connects Proposal—as well as any other proposal that contemplates a move to fiber for content distribution.<sup>14</sup>

Numerous commenters highlight the myriad problems with the ACA Connects Proposal, chief among them its contention that fiber is an adequate replacement for C-band distribution. The ACA Connects Proposal would swap the “unmatched reliability”<sup>15</sup> of the C-band

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<sup>10</sup> Comments of the C-Band Alliance, GN Docket No. 18-122 (Aug. 7, 2019), at 3 (“CBA Comments”); *see also id.* at 4-5.

<sup>11</sup> As the Content Companies note, uptime under the current C-band distribution system is approximately 99.999%—that is, less than six minutes of downtime per year. Content Companies Comments at 6.

<sup>12</sup> NAB Comments at 2.

<sup>13</sup> *See* Notice of Ex Parte Communication from Rick Kaplan, General Counsel and Executive Vice President, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (Aug. 8, 2019); Notice of Ex Parte Communication from Rick Kaplan, General Counsel and Executive Vice President, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (Aug. 1, 2019).

<sup>14</sup> NAB Comments at 2.

<sup>15</sup> Content Companies Comments at 7.

distribution ecosystem for a fiber-only delivery platform that, as a factual matter, simply cannot achieve “sufficient network reliability”<sup>16</sup> relative to the current, integrated, proven infrastructure. To be sure, fiber is a complement to satellite distribution, but it is not the substitute that the ACA Connects Proposal makes it out to be.

Commenters lob other well-founded criticisms of the ACA Connects Proposal. The Proposal vastly underestimates the complexity, duration, and cost of its proposed “total overhaul of the nationwide delivery system[,]”<sup>17</sup> and it offers woefully “insufficient details on how it will accomplish the gargantuan task of rearchitecting nearly the entire continental U.S. content distribution ecosystem within an 18-month timeframe.”<sup>18</sup> The Affiliates Associations need not rehash here the litany of arguments against the ACA Connects Proposal in full; suffice it to say that they concur with the commenters who have made them.<sup>19</sup>

Finally, the problems inherent in the ACA Connects Proposal are not just of a practical and substantive nature. The Plan teems with naked self-interest. Although styled as a proposal to clear a 370-400 MHz swath of spectrum, the reality is that the Proposal’s implementation would likely, in short order, result in reallocation of the entire band.<sup>20</sup> That ACA Connects’ pay-TV members would reap considerable economic benefits and competitive advantages from such

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<sup>16</sup> Content Companies Comments at 6 (quoting Notice, at 3).

<sup>17</sup> Content Companies Comments at 9.

<sup>18</sup> CBA Comments at 3.

<sup>19</sup> *See generally* CBA Comments at 4-16; Content Companies Comments at 5-13; NAB Comments at 3-8.

<sup>20</sup> NAB Comments at 3; Content Companies Comments at 5.



an outcome is no accident. This “coincidence” should not go unnoticed and provides yet another reason that the Commission must reject the proposal.<sup>21</sup>

### **III. The Commission Must Protect the Remaining Portion of the C-Band and Reject Proposals to Allow Shared Use of the Band.**

The Commission should also reject the latest call (as well as previous, similar proposals) seeking to introduce fixed wireless point-to-multipoint transmissions into the portion of the C-band that is not reallocated and remains available for FSS satellite operations. Numerous commenters repeat the dire consequences that would result should the Commission condone shared use of the remaining spectrum, explaining that fixed-to-multipoint services and incumbent users cannot coexist—at least not without harmful interference to satellite operations and the concomitant programming disruptions to the nation’s video delivery system.<sup>22</sup> Tellingly, like prior “shared use” proposals, the WISPA-Google-Microsoft plan “does not include any concrete explanation as to how the existing C-band usage . . . would be adequately protected.”<sup>23</sup> As stated at the outset, a “plan” that fails to fully protect incumbents and prevent interference is unworkable. No interested party—from satellite operators to broadcasters to the consuming public—should be subjected to it.

Introducing point-to-multipoint service in an already-shrunken portion of the C-band would have other negative consequences, with broadcasters bearing the brunt of many of them. As NAB notes, allowing such co-sharing would restrict broadcasters’ ability to move their existing earth stations and to add others, and it may force the Commission to abandon or modify

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<sup>21</sup> NAB Comments at 7-8.

<sup>22</sup> Content Companies Comments at 13-14 (contending that allowing fixed wireless use in the C-band would be “fatal” to efforts to reallocate C-band spectrum while protecting the reliability of the video delivery ecosystem).

<sup>23</sup> Content Companies Comments at 14.

its current earth-station licensing policy that allows for full-band, full-arc coordination, which would threaten the reliability that is the hallmark of the current video delivery infrastructure.<sup>24</sup>

Note, too, that not all problems that would flow from allowing additional services in the C-band would be immediate. As the Affiliates Associations have previously argued, in light of advances in video technology and ever-increasing consumer demand for more, better, and clearer video programming, the need for C-band capacity stands only to increase. Permitting point-to-multipoint services to coexist with incumbent users of the C-band now would constrain future use of that spectrum by the distributors and content providers who rely heavily upon the C-band to bring valuable and important video programming to consumers.

### **Conclusion**

For the foregoing reasons, the Affiliates Associations respectfully urge the Commission to reject the proposals upon which it seeks comment in the Notice and to proceed now with the plan supported by the NAB, the Content Companies, and others to reallocate 200 MHz of C-band spectrum for wireless use, while fully protecting existing C-band video delivery conduits and ensuring that the satellite video delivery services on which hundreds of millions of consumers depend are neither degraded nor interrupted.

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<sup>24</sup> NAB Comments at 9.

Respectfully submitted,

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