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Federal Communications Commission
Office of the Secretary

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

In the Matter of	)	
	)	DA 89-1060
A.C. Nielsen Company	)	
Request to Use Line 22	)	
For Its Automated	)	
Measurement of Lineup	)	
System	)	

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COMMENTS
OF
NATIONAL BROADCASTING COMPANY, INC.

National Broadcasting Company, Inc. (NBC) files the following comments in response to Public Notice DA 89-1060 issued on September 1, 1989. The Notice seeks public comment upon the request of A.C. Nielsen Company (Nielsen) to use line 22 of the active video signal for its automated measurement of lineup system (AMOL), as well as line 20 of the vertical blanking interval (VBI). Nielsen has used line 20 of the VBI to transmit encoded program information for its national ratings services since 1974. It now seeks also to use line 22 of the active video, primarily because,

it alleges, video recording and playback equipment used by stations to time shift syndicated programs for delayed broadcast often strips the line 20 information from the VBI.

I. INTRODUCTION

NBC is a corporation that operates a national commercial television network and is licensee of seven VHF television stations. NBC has long subscribed to Nielsen ratings services and was one of the initial participants in Nielsen's first experiments using line 20. NBC filed comments in MMP-1 and MMP-2 in 1985, urging the Commission that, if it authorized monitoring services for advertising or other material on line 22, it should at a minimum require licensee consent and no degradation of the broadcast signal. The Commission subsequently authorized Ad Audit and Telescan to use line 22, subject to substantially similar conditions as those proposed by NBC.

In these comments, NBC urges the Commission to follow that precedent if it elects to grant Nielsen's request, i.e., to require broadcaster consent to Nielsen's use of line 22 and condition any authorization it may give to Nielsen on lack of interference with or degradation to the broadcast signal.

II. Discussion

A. Responsibility for and Control of all of the Allocated Spectrum Rests with the Broadcaster.

It goes without saying that the broadcaster is held responsible for the entire band of spectrum allocated for its use. This responsibility includes all program material that is available to the public and various technical aspects of operation. Thus, if any encoded material on line 22 caused any degradation or interference to program material, it would fall to the broadcaster to correct this. Under these circumstances, it is inappropriate and unfair for the Commission to authorize the placement of material into picture time by any entity other than the broadcaster, especially material that may not be detectable by the broadcaster, unless, of course, the broadcaster itself explicitly chooses to permit the service.

We are concerned about this because it is the broadcaster's responsibility to ensure technical quality. Technical problems, however rapidly corrected, could have an impact upon service provided to the public; this, in turn, would affect the public perception of NBC and other broadcasters. Because the quality of its programming, both in terms of content and technical superiority, forms the

centerpiece of both its broadcaster responsibility and its business, it is of paramount importance to NBC to retain control of all aspects of its broadcast operations and the spectrum that has been allocated to NBC.

At minimum, then, the Commission should strictly condition any authorization it chooses to make of Nielsen's proposal on Nielsen's obtaining consent of each broadcaster that will be subject to the system. Any authorization that would permit the inclusion of material in picture time without the knowledge or control of the broadcaster would undermine the broadcaster's ability to carry out its licensee responsibility. 1/

In addition, the Commission repeatedly has held that any expanded uses of the television signal be within the ultimate control of the broadcast licensee. If the Commission decides to authorize Nielsen to insert material additional to the picture in picture time, control over

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1/ Certain allegations in the pleadings of Airtrax suggest its suspicion that Nielsen may intend to rely upon its existing agreements for the use of line 20 for its AMOL system to imply broadcaster consent to its additional use of line 22. To the extent that these allegations have not been adequately laid to rest by Nielsen in its pleadings, the Commission, in any grant of Nielsen's written present request, should make clear that broadcaster consent to the use of line 22 will be required, in addition to any consent previously given for the use of the Nielsen's present line 20 services.

such uses must be retained by the broadcaster. This is the only result the Commission can reach, both in light of precedent, e.g., vertical blanking interval and subcarriers, as well as previous line 22 authorizations, and in light of the Commission's current regulatory policies.

B. The Commission Should be Satisfied that No Technical Questions Remain Regarding the System Proposed.

While NBC does not possess sufficient information today to determine whether or not data Nielsen proposes to insert on line 22 will cause degradation or interference to the program signal, we urge the Commission to satisfy itself that this will not occur.

Moreover, we have reason to believe that there may be other, relatively inexpensive technical means of solving the only problem raised by Nielsen in justification of its desire to use line 22. 2/ For example, stations whose

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2/ NBC does not understand Nielsen to be proposing to transfer its existing line 20 services to line 22, but rather proposing to add line 22 service in certain situations. Were Nielsen to transfer its existing line 20 service to line 22, this would impose far greater cost and inconvenience on broadcasters such as NBC who long have had line 20 systems in place than would retrofitting the videotape and playback equipment of those broadcasters whose present equipment strips line 20 information when syndicated programming is time shifted.

equipment automatically strips the VBI could use a converter box that would transfer Nielsen's line 20 information to line 22 of the videotape of the program as it is recorded and then transfer the information back to line 20 on playback for broadcast.

Finally, it is our understanding that, in recent years, receiver manufacturers have reduced the amount of overscan in most sets from ten to between two-and-five percent for various reasons. Line 22 is usable for coded information because the edges of the raster image are overscanned. If this should change, should, for example, flat-screen displays that do not use cathode ray tubes be introduced in the future, overscan will not be necessary and could be reduced to zero at the manufacturer's discretion. Indeed, there are monitors in the marketplace today that can both receive over-the-air broadcast signals (using an external RF tuner) and display graphics, which utilized all active picture lines. Typically, such monitors contain a manual overscan/underscan switch. If this switch is kept in the underscan mode while over-the-air broadcasts are received, the entire active picture can be viewed, including any information in line 22. This potential problem is of increasing concern, in light of the trend to concentrate all video media in a single display device.

III. CONCLUSION

In conclusion, if the Commission follows its tentative conclusion that it should grant Nielsen's request, NBC urges it to subject Nielsen to the same conditions as previous line 22 authorizations, i.e., (1) There may be no degradation to the broadcast picture; and (2) The broadcaster should remain in control of the entire signal, and use of line 22 must be with the broadcaster's consent.

Respectfully submitted,

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September 22, 1989

CERTIFICATE OF SERVICE

I, Linda Givens, hereby certify that on this 22nd day of September, 1989, I have mailed, first-class, postage prepaid copies of the foregoing COMMENTS OF NATIONAL BROADCASTING COMPANY, INC., to the following:

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