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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Digital Data Transmission Within)
the Video Portion of Television)
Broadcast Station Transmission)

MM Docket No. 95-42
RM-7567

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REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS

The National Association of Broadcasters ("NAB")¹ hereby responds to initial comments filed in response to the Commission's Notice of Proposed Rule Making ("Notice")² in the above-captioned proceeding. The Notice sought comment on various issues regarding ancillary digital data transmission within the video portion of the television picture. Specifically, the Commission requested comment on what procedural and substantive rules, if any, should be implemented in regard to these transmissions. In our initial comments, NAB addressed the establishment of standards for digital data transmission technology and the use of line 22 and higher for the transmission of non-video data.

This reply concentrates on issues relevant to ancillary digital data transmission. NAB again urges the Commission to continue to encourage use of digital data transmission technology by broadcast licensees, to adopt technical standards for this technology, to then

¹ NAB is a nonprofit, incorporated association of radio and television stations and networks which serves and represents the American broadcast industry.

² Notice of Proposed Rule Making in MM Docket No. 95-42, 10 FCC Rcd. 4918 (May 2, 1995).

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allow broadcast licensees to begin data broadcasting without prior Commission authorization and to require that broadcasters retain complete control of their NTSC transmissions. Thus, in this proceeding, NAB focuses on the improvement of digital data technology for the benefit of both broadcast licensees and the general public.

I. MANY INITIAL COMMENTERS SUPPORT NAB'S POSITION.

To begin with, NAB notes the substantial support for the use of digital data broadcasting in the comments filed.³ NAB has consistently supported usage of digital data transmission technology. In furtherance of this use, NAB has actively encouraged broadcasters to embrace the applications of this technology in their transmissions of ancillary data services. Thus, in the instant proceeding, we remain steadfast in urging the Commission to continue to take measures to ensure that this application of technology perseveres and grows.

In the Notice, the Commission sought comment on whether it should impose technical standards for digital data transmission. NAB supports the implementation of technical standards and therefore supports the views of many of the other Commenters on this subject.⁴ As stated in our comments, history has shown us time and again that standards

³See Comments of National Association of Broadcasters ("NAB"), MM Dkt. No. 95-42 (filed June 23, 1995) at 1; Comments of NAB and the Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG"), MM Dkt. No. 95-42 (filed June 23, 1995) at 2; Comments of the Association For Maximum Service Television Inc. ("MSTV"), MM Dkt. No. 95-42 (filed June 23, 1995) at 1; Comments of Radio Telecom & Technology Inc. ("RTT"), MM Dkt. No. 95-42 (filed June 23, 1995) at 1; and Comments of WavePhore Inc., MM Dkt. 95-42 (filed June 23, 1995) at 1.

⁴See Comments of NAB at 4; Comments of NAB and EIA/CEG at 2; Comments of Comsat Corp., MM Dkt. No. 95-43 (filed June 23, 1995) at 7; Comments of Chris-Craft Industries,

provide the foundation for the deployment of new technologies and thus stimulate market development.⁵ We believe digital data broadcasting has the potential to grow and flourish in the marketplace if such standards are developed and implemented. Thus we urge the Commission to adopt industry standards for this technology. The National Data Broadcasting Committee (“NDBC”) was created for the purpose of developing such technical standards. Therefore, we urge the Commission to consider the work of the NDBC in here forming its regulatory policies.

Adoption of standards would also eliminate the need for the Commission to evaluate numerous separate applications for authorization to transmit digital ancillary services thus permitting broadcasters to install and operate a data broadcasting system without the necessity of prior consent from the Commission. Such action would accelerate usage of data broadcasting, which would further enable this technology to succeed in the marketplace.

NAB finds that the record developed in this proceeding provides ample basis for allowing broadcasters to begin use of digital data transmission without prior Commission authorization, but only once the FCC has endorsed specific standards.⁶ Those systems not specifically referenced in the Commission’s Rules would address interference and other technical issues through the equipment authorization process under Part 2 or demonstrate, through a separate petition, the system’s compliance with other previously established Commission technical precedence. And, consistent with NAB’s position in the initial filing,

Inc./United Television, Inc. (“Chris-Craft”), MM Dkt. No. 95-42 (filed June 23, 1995) at 3; and Comments of Digideck Incorp., MM Dkt. No. 95-42 (filed June 23, 1995) at 4.

⁵ See Comments of NAB at 4.

⁶ See Comments of NAB at 6.

we again urge the Commission to only adopt rules which protect the integrity of the data delivery mechanism, and not rules which prescribe the uses for this technology. We support permitting broadcasters to begin data broadcasting without individual prior Commission authorization -- so long as the system has been approved as consistent with technical president.

In the initial comment phase of this proceeding, NAB, and an overwhelming number of commenters, expressed support for the current requirement that broadcasters retain ultimate control to reject, if needed, signals embedded within their broadcast signal.⁷ In these reply comments, NAB reiterates its strong support for this requirement. Thus, we applaud the Commission for stating in the Notice that broadcast licensees must retain control of their NTSC transmissions.⁸

II. OTHER ISSUES RAISED BY COMMENTERS

A. Picture degradation

NAB agrees with those commenters that state the Commission should leave decisions regarding picture degradation to the broadcast licensee.⁹ It is in broadcasters' best interests to supply their viewers with the best picture possible and thus we believe that it is unnecessary for the Commission to prescribe specific requirements or methodologies for

⁷ See Comments of NAB at 3; Comments of A.C. Nielsen Co. at 22; Comments of MSTV at 4; Comments of Yes! Entertainment Corp., MM Dkt. No. 95-42 (filed June 23, 1995) at 5; and Comments of WavePhore at 16.

⁸ See note 2, supra at ¶ 32.

⁹ See Comments of RTT at 6; Comments of WavePhore at 12.

assessing picture quality. As WavePhore correctly pointed out in its comments,¹⁰ the Commission has already acknowledged, in a number of past proceedings, broadcasters' right to balance picture quality against other technical and economic concerns. We believe that, so long as broadcasters are provided with the technical information required to assess a technology's impact on their transmitted signal,¹¹ this right should extend to data broadcasting using subvideo technologies as well. This technical information will be well documented by the NDBC for those data broadcasting systems participating in the NDBC process.

B. Digital Signal Compression

Comsat and A.C. Nielsen¹² raise the issue of the usefulness of sub-video technology throughout the program distribution chain, specifically with respect to video that is likely to undergo digital compression. Both claim that over-scan technologies are more appropriate for program distribution - especially satellite distribution - and that digital compression may destroy subvideo encoded data or that the use of subvideo encoding may cause picture degradation, if the TV signal is processed by a digital compression system.

While the issue of compatibility with digital compression systems is a valid concern, we do not believe this to be germane in this proceeding. We support a program suppliers' right to encode data into a program by any means appropriate to achieve their objectives.

¹⁰ See Comments of WavePhore at 13.

¹¹ In this regard, unlike other technology proponents in this proceeding, we note that EN Technology has not provided a technical description of their system sufficient to allow broadcasters or the Commission to assess the technology's impact on a station's signal.

¹² See Comments of Comsat at 2-8; Comments of A.C. Nielsen at 12.

However, this is a different matter entirely from the issue of data broadcasting. We believe that the appropriate focus of this proceeding is the transmission of data from broadcast stations, over-the-air, to receivers. It is this facet which we believe requires regulatory action by the Commission and that would benefit most by the adoption of technical standards.

III. CONCLUSION

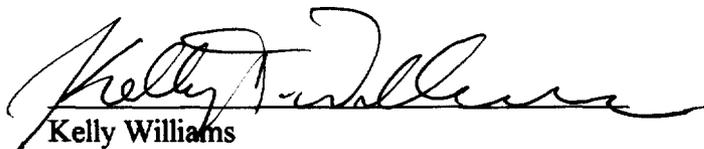
NAB urges the Commission to continue to encourage use of digital data transmission technology by broadcast licensees, to adopt technical standards for this technology, to then allow broadcast licensees to begin data transmission without prior Commission authorization, and to require that broadcasters retain complete control of their NTSC transmissions.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N. Street, N.W.
Washington, D.C. 20036


Lynn D. Claudy
Sr. Vice President, Science & Technology

Valerie Schulte
Of Counsel


Kelly Williams
Director of Engineering

Christine J. Newcomb
Legal Intern

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