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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)
)
Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket 87-268

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

**NATIONAL ASSOCIATION OF
BROADCASTERS**
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Washington, DC 20036

August 12, 1996

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I. Introduction and Summary.

The National Association of Broadcasters (“NAB”)¹ was a signatory to the joint comments² (“Broadcasters’ Comments”) submitted by 91 broadcast organizations in response to the Commission’s *Fifth Further Notice of Proposed Rule Making*³ (“Fifth NPRM or Notice”), in this proceeding. That filing demonstrated the unanimity of broadcasters on the issues addressed in the Notice. In these reply comments, NAB highlights the overwhelming support of the television industry in general for a mandated standard, and specifically for the ATSC⁴ Digital Television Standard.⁵ In addition, we respond briefly to the cable industry commenters, and suggest that their expressed position opposing a government mandated standard for terrestrial broadcasting stems from their desire to derail the advent of digital broadcast television service for their own anti-competitive reasons -- reasons that run counter to the interests of the entire

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

² Broadcasters’ Comments on the *Fifth Further Notice of Proposed Rule Making*, MM Docket 87-268, July 11, 1996.

³ Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service, *Fifth Further Notice of Proposed Rule Making*, MM Docket No. 87-268, FCC 96-207 (released May 20, 1996).

⁴ Advanced Television Systems Committee

⁵ The ATSC Digital Television Standard consist of: ATSC Doc. A/53, ATSC DIGITAL TELEVISION STANDARD, 16 SEP 95 AND ATSC Doc. A/52, ATSC DIGITAL AUDIO COMPRESSION STANDARD.

American viewing public in upgrading and preserving free, universal broadcast television. We also respond to the objections of the computer industry as being of little substance and void of any possibility for consensus.

II. The Overall Television Industry Supports FCC Adoption of the ATSC Digital Television Standard.

It is a significant achievement that broadcasters were able to agree on a single unified position on the issues in this Notice and express them so definitely and without qualification in the joint Broadcasters' Comments. The broadcast trade associations, networks, and a large number of station groups and individual stations participated in the Broadcasters' Comments. Those comments effectively present the case that FCC adoption of a technical standard is an absolute necessity for a successful and expeditious ATV transition. They urge the Commission to adopt the ATSC Digital Television Standard as soon as possible.

This overwhelming consensus of U.S. broadcast organizations should be respected and given significant weight in the Commission's deliberations. Of all the commenting parties, the population of television broadcasters (and their provision of universal, free television for **all**, Americans) is most directly and intimately affected by the Commission's decisions concerning this issue. At issue, after all, is the digital transmission standard for terrestrial television broadcasting. It is broadcasters, as a whole and individually, that must transform their entire industry including their consumers and the entire television receiver industry on the basis of this standard. U.S. broadcasters have accepted the implications and responsibility of mandating the ATSC standard with seriousness and alacrity.

Support for a mandated standard has also been voiced by broadcasters outside the United States. In particular, the work on advanced television in the U.S. has been closely coordinated with Canadian broadcasters. Comments submitted by the Advanced Broadcasting Systems of Canada (ABSOC),⁶ a membership organization which includes the majority of Canadian television

⁶ Comments of Canadian TV Broadcasters, submitted by the Advanced Broadcasting Systems of Canada, Inc. (ABSOC), MM Docket 87-268, July 10, 1996.

broadcasters, note “the adoption of a single, mandatory standard would facilitate coordination of frequency allotments in USA/Canada border areas, thus ensuring reception by viewers in both countries, of TV services from both NTSC and ATV sources. Thus, Canadian TV broadcasters support the adoption of a single, mandatory standard for digital terrestrial television broadcasting.”⁷

The other industry most directly affected and involved in the transition of America’s universal television service, the television receiver industry, clearly supports adoption of the ATSC DTV Standard. Comments submitted by many in the television receiver industry clearly show receiver manufacturers support mandating this standard. EIA⁸ notes that concerns over whether the benefits of government-mandated standards outweigh their costs are misplaced in the case of the instant proceeding, flatly stating “**the Commission will not be able to achieve its goals of preserving universal access to free over-the-air television and speeding the transition to DTV in the absence of a mandated transmission standard.**”⁹ EIA also expresses unreserved support for adopting the ATSC DTV Standard as being an entirely adequate standard for advanced television service and “urge[s] the Commission to affirm its tentative decision to adopt the ATSC standard for digital television broadcasting **without qualification.**”¹⁰ This recommendation is strong evidence of the absolute necessity of this being a mandated standard.

Underscoring the importance and seriousness with which this is viewed is the fact that a number of major television receiver manufacturers also filed individual comments in response to this Notice. **All** support the adoption of a single, definite transmission standard and **all** recommend that the Commission adopt the ATSC Digital Television Standard.

⁷ See ABSOC Comments at 2.

⁸ Comments of the Electronic Industries Association and the EIA Advanced Television Committee, MM Docket 87-268, July 11, 1996.

⁹ See EIA Comments at 5 (emphasis added).

¹⁰ See EIA Comments at ii (emphasis added).

Matsushita¹¹ states “MECA supports the Commission’s proposal to adopt the *complete* ATSC standard to establish market certainty for consumers, broadcasters and manufacturers.”¹² Mitsubishi,¹³ in stating its support for mandating the ATSC Standard, argues “the ATSC standard represents a careful balance among diverse industries and interests, painstakingly achieved over a decade. Piecemeal implementation of the standard would upset that careful balance and risk destroying the consensus necessary to implement digital television service.”¹⁴ Thomson¹⁵ argues “a mandated single standard will protect consumers, promote a swift transition, drive broadcaster and consumer costs down more rapidly, allow the Commission to recover extremely valuable television spectrum as soon as possible, and promote employment and economic growth.”¹⁶ Philips¹⁷ urges the Commission to adopt the ATSC standard, highlighting the need for a single standard: “Philips cannot stress more strongly its belief that the successful introduction of DTV as a revolutionary leap forward in our system of universally available, free television **entirely depends** upon the Commission’s first adopting and mandating the use of a single broadcast transmission standard.”¹⁸ Noting the “stunningly fair and capable process that brought about the ATSC DTV Standard,”¹⁹ Philips urges prompt adoption of the standard by the Commission.

Hitachi²⁰ submits its assessment of what will happen if the standard is **not** adopted: “Conversely, if, after an unprecedented degree of cooperation among companies, industries, and government to develop and test the ATSC Standard, the Commission does not adopt it and require its use, **it is doubtful that digital television will be established in the United States in any near future.**”²¹ Sony²² also supports the standard stating “only a mandate can provide the requisite degree of certainty and security for all interested parties that will insure the swift

¹¹ Comments of Matsushita Electric Corp. Of America (MECA), MM Docket 87-268, July 11, 1996.

¹² See MECA Comments at 2.

¹³ Comments of Mitsubishi Consumer Electronics America, Inc. (MCEA), MM Docket 87-268, July 11, 1996.

¹⁴ See MCEA Comments at 3.

¹⁵ Comments of Thomson Consumer Electronics, MM Docket 87-268, July 11, 1996.

¹⁶ Thomson Comments at 6.

¹⁷ Comments of Philips Electronics North America Corporation, MM Docket 87-268, July 11, 1996.

¹⁸ Philips Comments at 7 (emphasis added).

¹⁹ *Id.* at 13.

²⁰ Comments of Hitachi America, Ltd., MM Docket 87-268, July 11, 1996.

²¹ See Hitachi Comments at 3 emphasis added.

²² Comments of Sony Electronics, Inc., MM Docket 87-268, July 11, 1996.

introduction of HDTV.”²³ In its comments, Zenith states that “a clear, unambiguous standard is necessary to provide a reliable and economic basis for the design of broadcast and consumer equipment; and that an FCC requirement *mandating* the use of the DTV standard by digital broadcast licensees is necessary to achieve these goals.”²⁴

Zenith also states “mandating use of the DTV standard would **not be a case of government imposing an unproven standard**, but would be a matter of **reinforcing an extremely broad industry consensus** around proven, extensively tested, world-leading technology, **thereby providing** the certainty and reliability to allow all segments of the industry to move forward rapidly and confidently to implement the service.”²⁵ The Grand Alliance²⁶ states its belief that “all layers of the ATSC DTV Standard should be adopted by the Commission, and points out that the proposal represents the **minimum essential requirements** to provide broadcasters and equipment manufacturers the information and assurances they need, yet allows tremendous room for flexible use, and for product and service differentiation and enhancements.”²⁷ And finally, the Advanced Television Systems Committee²⁸ lauds the accomplishment of the Digital Television Standard it has documented, and offers a detailed, substantive analysis as to why the choices made in the process of forging the standard were the correct and/or best choices for the entire industry.

Government entities also submitted comments in this proceeding supporting the Commission’s proposed action. NTIA²⁹ notes “Commission adoption of a transmission standard will provide certainty to consumers, broadcast licensees, and equipment manufacturers, which in turn will help alleviate the ‘chicken and egg’ problem inherent in adoption of any totally new system.”³⁰ NTIA also appreciates the advantage of a transmission standard in keeping consumer, broadcaster and manufacturer costs down, and notes “adoption of a digital transmission standard

²³ Sony Comments at 8.

²⁴ Comments of Zenith Electronics Corp., MM Docket 87-268, July 11, 1996.

²⁵ See Zenith Comments at 4(emphasis added).

²⁶ Comments of the Digital HDTV Grand Alliance, MM Docket 87-268, July 11, 1996.

²⁷ See Grand Alliance Comments at 9.

²⁸ Comments of the Advanced Television Systems Committee, MM Docket 87-268, July 11, 1996.

²⁹ Comments of the National Telecommunications and Information Administration (NTIA), MM Docket 87-268, July 11, 1996.

³⁰ See NTIA Comments at 1.

promises to spur the American economy in terms of manufacturing, trade, technological development and international investment – including job growth.”³¹

Comments from an official in the White House Office of Science and Technology Policy (“OSTP”)³² explain how a single transmission standard will be beneficial to Wall Street, broadcasters, manufacturers and American consumers. Their conclusion is clearly stated: **“[t]he fate of digital television and all its attendant benefits for American consumers and the U.S. economy teeter on the Commission’s decision whether or not to adopt the ATSC DTV standard for digital television transmission. I urge the Commission to act quickly to adopt the ATSC DTV standard, creating the certainty needed to secure America’s global position as the leader in digital video technology and manufacturing.”**³³

Clearly, the comments submitted from those with a primary interest in the preservation and digital future of the American universal, free over-the-air television broadcasting service strongly support FCC adoption of the industry-developed standard for digital television.

III. Changes to the ATSC DTV Standard Requested by Some Factions of the Computer Industry Should Be Rejected.

A number of comments were submitted in this proceeding from factions of the computer industry.³⁴ Most of these comments ask the Commission either to not set a standard or to set a standard with only the attributes that are favored by the computer industry -- which requires removing certain aspects of the ATSC standard considered necessary by broadcasters and others in the television industry to achieve a transition for universal free television broadcasting to advanced television. In particular, segments of the computer industry request the removal of interlaced scanning transmission formats, exclusive use of scanning formats with square pixel

³¹ Id.

³² Comments of the Executive Office of the President, Office of Science and Technology Policy, MM Docket 87-268, July 10, 1996.

³³ See Comments of OST at 2.

³⁴ Comments of the Business Software Alliance, the Computer Industry Coalition on Advanced Television Service, Compaq Computer Corporation, the Computing Technology Industry Association, Intel Corporation, the Information Technology Industry Council, and Microsoft Corporation; all filed in MM Docket 87-268 dated July 11, 1996.

spacing, transmitted frame rates up to 72 Hz, new error correction schemes and a proposal for a new family of scanning formats as sketched out by the ad hoc CICATS³⁵ coalition. The majority of these issues are not new at all. They were discussed at great length and in depth in the working parties and subcommittees of the FCC Advisory Committee on Advanced Television Service, the specialist groups and technology groups of the Advanced Television Systems Committee, and a number of cross-industry forums over a number of years. As the ATSC Comments point out, “the ATSC members have been heavily involved, especially during the last five years, in extensive efforts to ensure that any recommended standard maximized interoperability with alternative media, including computers and telecommunications. After these years of effort and progress, we’re convinced the ATSC DTV Standard provides *more than adequate* interoperability with alternative media, that no critical interoperability problems remain, and that the Commission need not take any further actions to facilitate interoperability. None of the objections raised by members of the computer and motion picture industries are new issues. They have been raised and debated thoroughly and repeatedly, and addressed fully in the Advisory Committee recommendation.”³⁶

NAB submits that, the ATSC Digital Television Standard, the result of a decade of work, strikes the proper balance between optimization for transition of the analog broadcast service to digital and interoperability with other media. But NAB wishes to emphasize the point made in the Broadcasters Comments “that the goal of this proceeding is to preserve and enhance the public’s universally available, free, over-the-air television service. Consumer friendly DTV policies also should seek to make different video technologies as compatible and interoperable as possible, but **should not sacrifice the quality and viability of the public’s free broadcast television service in order to satisfy the parochial interests of particular industries.**”³⁷ Sony makes this same point: “the ATSC DTV standard, is first and foremost, a television standard. We support all measures that accommodate a continuing technical convergence between television, computing and telecommunications – but only to the extent such measures do not violate the clear imperatives of the television industry, which must balance the ongoing evolution of today’s analog

³⁵ Computer Industry Coalition on Advanced Television Service.

³⁶ Comments of ATSC at ii-iii.

³⁷ Broadcaster’s Comments at 7 (emphasis added).

NTSC-based system with the newly emerging digital advanced television services.”³⁸ In fact, as the ATSC Comments point out, “the ATSC DTV Standard is more easily interoperable, by far, than any other standard on the planet.”³⁹

The fact that computer industry factions are bringing up these old issues yet again does not make the case for their adoption any more solidly than when originally presented. These proposals simply have not withstood the scrutiny of peer review in an open consensus-driven process. At a more abstract level, it is hard to see why it is good for the public to require more computer power (to interpret among many approaches, if there were no standard) or more expensive display devices (if all interlace display equipment was banned).⁴⁰

Continued consideration in the regulatory process of proposals previously rejected by the Advisory Committee process can only result in additional delay in adopting a standard, and put at risk the carefully balanced consensus that exists. Moreover, delay is discordant with the larger Commission goal of expeditious return of spectrum from broadcasters, which can only take place subsequent to completion of the transition to digital service. NTIA recognizes the economic benefits of this sense of urgency and urges the Commission to act rapidly, for “if we fail to act now, the window of opportunity may be closed by the success of competing foreign standards.”⁴¹ OSTP also takes up the foreign competition issue noting that if “any other country is allowed to capitalize on the window of opportunity created by any further delay in the FCC’s adoption of a digital television standard, all the global economic benefits that now are within our grasp will be quickly drawn away by foreign competitors.”⁴² Dolby Laboratories puts it succinctly: “the time for theoretical “what if...” concerns has past. A fully supportive mandate for the full ATSC DTV Standard from the FCC is essential.”⁴³

³⁸ Comments of Sony at 9.

³⁹ Comments of ATSC at ii.

⁴⁰ As suggested by Gary Demos in his filing in MM Docket 87-268, July 11, 1996 at p2. among other outrageous and self serving recommendations.

⁴¹ NTIA Comments at 3.

⁴² OSTP Comments at 2.

⁴³ Dolby Comments in MM Docket 87-268, July 11, 1996 at section III (p.4).

IV. The Newly-Espoused Opposition of the Cable Industry to the FCC's Adoption of an Advanced Television Standard Should Be Dismissed: It Is an Anti-competitive Ruse to Disrupt the Long Planned and Broad-based Transition of Free Broadcast Television and to Avoid Cable Compatibility With the Transition.

The cable industry, in the comments of the National Cable Television Association ("NCTA") and of Telecommunications, Inc. ("TCI"), announces its newly-found opposition to the FCC's adopting *any* standard for the transition to advanced digital television, even for the hardest and most critical part of the transition -- that of the universal, free over-the-air broadcasting system with its who have unique interference and transmission constraints that require a complex, coordinated and comprehensive transition based on a single technical standard. This the cable industry does, at the eleventh hour, despite its full participation in the work of the Advisory Committee on Advanced Television and of the Advanced Television Test Center over most of the last decade -- which has resulted in a technical standard *optimized for use by the cable industry*.

NAB believes that the cable industry is taking this last minute U-turn in an attempt to derail the long planned transition of America's free broadcasting service to advanced television so that it, the cable gatekeeper, can continue its march to proprietary, subscriber-based digital television unconstrained by an upgraded competitive free television service.

NAB believes that cable is also taking this "about-face" position to avoid playing its necessary and proper part in the massive, comprehensive transition of the American public's television to an advanced digital television service -- that is, to avoid the FCC's requiring cable to achieve some degree of compatibility with the ATSC standard, as NAB and the Joint Broadcasters have urged.⁴⁴

It is said that the best defense is a good offense. NAB maintains that cable is going on the offense -- opposing the adoption of any standard -- in order to defend against rightful calls for cable compatibility with the ATSC standard. For, were cable required to achieve even some level

⁴⁴ See Broadcasters' Comments, *supra* at 24-32; Joint Broadcaster Comments to the Fourth NPRM (Nov. 20, 1995) at 38-39; Joint Broadcaster Reply to the Fourth NPRM (Jan. 22, 1996) at 8-10. See also Comments of EIA to the Fourth NPRM at 28-29.

of commonality with the ATSC standard for broadcast television, it would not be able to tie almost 70% of the American viewing public to its proprietary set top boxes in perpetuity. It would, rather, with a level of compatibility with the ATSC standard, facilitate, in the digital world, the availability of affordable cable-ready receivers so hard-won for American consumers in the analog world⁴⁵ and just as desirable in the digital world.⁴⁶ It would, as well, help spur the massive transition to advanced television in general, for the overall benefit of the American viewing public.

But a level playing field and the overall benefit of the American viewing public is not what cable is after. It is after a proprietary subscribed-based television system for which it can be the primary gatekeeper and ultimately the prime beneficiary, to the detriment of the free, over-the-air, universal television system we have today.

Thus, as this proceeding has been envisioned, the debate *is* about the future of American television and whether over-the-air broadcasting will be able to transition into a competitive, advanced digital world -- for the benefit of the American public. NAB believes that the cable industry would prefer to see broadcasting relegated to second-class video status, tied to an uncompetitive analog service -- along with those citizens who cannot afford cable's expense. And, thus, at the eleventh hour, cable does an about-face and argues against the adoption of a standard, knowing that, should that come to pass, the planned transition will be hobbled, slowed and very likely destroyed.

But NAB also believes that the weight of considered opinion, the years of planning and the wisdom of the Commissioners will lead the Commission to reject cable's inapposite - and disingenuous, arguments against adopting a standard. the comments of NCTA as well as the there - attached statement of Bruce M. Owen (Owen Study) were broad-brush and failed to consider adequately the unique circumstances of terrestrial, interference constrained television broadcasting and the public poling goal of continuing advanced television broadcasting as a universal and free service.

⁴⁵ See 47 U.S.C. § 624A.

⁴⁶ Cable's scrambled programming can be delivered via "set-back" boxes being designed in conjunction with EIA for purposes of ET Docket 43-7. See also Broadcasters Comments, *supra*, at 27-29 and n.45-47.

There can be little serious doubt that a transition of the open-networked universal system of American broadcasting *requires* the certainty of a FCC-endorsed standard for broadcasters, equipment manufacturers, financial institutions, program producers and consumers to have the confidence necessary to participate in the transition.⁴⁷ For the FCC to back away from endorsing the ATSC standard at this point will create confusion and doubt that most likely will doom the transition.

Clearly, this is not a “government-imposed” standard that could suffer from a less than fully developed and informed process of development. It is a standard developed, as most commenters have said, by *all affected industries*, over a decade, and is the most advanced, most flexible, most open to innovation television technology ever developed -- and done in the incredibly constrained technical environment of over-the-air 6 MHz broadcast transmission.

And, clearly, adopting the ATSC standard will *allow for innovation* that just as surely will be stymied without a government-endorsed standard. As has been said, technology in reality will be *frozen by the failure to adopt the standard*. Cable is right that digital television is currently available to some consumers without government standards -- *but only for a price and only from a proprietary provider and with little portability or interoperability*.

NAB believes that the Commission, and the Congress, and the American public wants to perpetuate the universally available, free, over-the-air television service and see it move, swiftly, surely and smoothly, into the advanced digital age. We are thus confident that the Commission will reject cable’s anti-competitive, anti-public, anti-democratic position.

V. Specific Rules Regarding Interference.

The Commission has proposed establishing DTV-specific rules to protect other authorized services from DTV interference,⁴⁸ and has noted that such rules are most appropriately addressed

⁴⁷ The commission’s record is replete with recitations of the need for certainty which FCC action can confer or deny.

⁴⁸ Notice at ¶55-59.

in the upcoming Notice on DTV allotments. NAB believes that, while excellent progress has been made on these interference issues, that work is not complete. These issues cannot be fully evaluated without also considering issues related to the amount of interference from the DTV service that will be permitted into NTSC (and other DTV) services. NAB suggests the full record on these rules and other related rules must be developed and addressed as a part of a whole system analysis under the umbrella of the upcoming *Sixth Further Notice of Proposed Rule Making on Advanced Television Service*.⁴⁹ Nevertheless, our brief thoughts on the areas of emission mask, frequency offset and measurement of maximum power are here provided.

With respect to the emission mask, the ATSC comments suggest the mask should be based on a weighting function.⁵⁰ While this approach has appealing aspects, it was derived from measured NTSC receiver performance, the results of which are not currently a part of the record of this proceeding, and both the data and the method of calculating the weighting function should be further evaluated before adoption. To require a mask based on a weighting function without corresponding receiver performance requirements would add to the uncertainty of predicting the levels of interference. This is yet another reason supporting mandated receiver standards, in addition to those discussed in the Broadcaster's Comments.⁵¹ Compliance measurement details can affect implementation costs and optimally should be considered before the establishment of a rule. In developing these details, NAB finds merit in narrowing the measurement bandwidth, as suggested in the comments of Hammett & Edison,⁵² to permit verification measurements with a commonly available 300 kHz bandwidth instrument, once a technical showing of the equivalence to a 500 kHz bandwidth is made.⁵³

With respect to the precise frequency off-set between an NTSC station and an upper-adjacent DTV station proposed by the Commission,⁵⁴ NAB cannot support an overall tolerance as tight as ± 3 Hz for such an offset. Not enough information is available about the number of

⁴⁹ Action announced in FCC Press Release dated July 25, 1996.

⁵⁰ See Comments of ATSC, Appendix B, pages 2-4.

⁵¹ See Comments of Broadcasters at 32-33.

⁵² Comments of Hammett & Edison, Inc., MM Docket 87-268, July 11, 1996; paragraph 4.

⁵³ It is not clear that a simple correction factor of 2.2 dB due to the different bandwidth is appropriate.

⁵⁴ See Notice, ¶ 57.

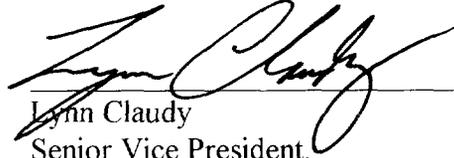
affected stations and the feasibility in specific cases of concern. NAB agrees, however that this precision frequency offset control may be an effective tool that may be employed to reduce interference. For example, in the co-located (NTSC and upper adjacent DTV), co-owned situation, the use of this technique is technically straightforward and can be used effectively to both protect the NTSC and avoid degrading DTV service. In other situations, it is not clear that the required frequency separation will be needed nor is it clear that an overall ± 3 Hz could be maintained with reasonable effort and expenditure, particularly in certain distant signal multi-channel interfering configurations with old NTSC transmitters. The practical limits of the effectiveness of this tool for interference minimization are not known and need to be studied before setting this tolerance as part of the Commission rules.

With respect to power (ERP) measurements, while the suggestions of the ATSC seem meritorious,⁵⁵ a match with the methodology used in predicting interference as part of the channel assignment process is critical. As such, measurement rules such as these would be more properly considered with, and established, in the upcoming NPRM dedicated to channel assignment issues.

⁵⁵ See Comments of ATSC at B-7 and B-8.

For the foregoing reasons, as well as those in the Broadcaster's Comments, NAB urges the Commission, at the earliest opportunity, to mandate the use of the ATSC Digital Television Standard as the terrestrial transmission standard for digital television broadcasting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynn Claudy", written over a horizontal line.

Lynn Claudy
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