

# Engineers for the Integrity of Broadcast Auxiliary Services Spectrum

ELECTRONICALLY FILED TO IB DOCKET 13-213

## EIBASS Co-Chairs

DANE E. ERICKSEN, P.E.,  
CSRTE, 8-VSB, CBNT  
Consultant to  
Hammett & Edison, Inc.  
San Francisco, CA  
707/996-5200  
[dericksen@h-e.com](mailto:dericksen@h-e.com)

RICHARD A. RUDMAN, CPBE  
Remote Possibilities  
Santa Paula, CA  
805/921-0382  
[rar01@mac.com](mailto:rar01@mac.com)

## EIBASS Members

KENNETH J. BROWN  
Broadcast Technical Consultant  
Carneys Point, NJ

PAUL B. CHRISTENSEN, Esq.,  
CPBE, CBNT, 8-VSB, AMD  
Law Office of Paul Christensen  
Jacksonville, FL

GERRY DALTON, CBRE, CBNT  
Communications Consultant  
Dallas, TX

HOWARD FINE  
SCFCC Database Administrator  
Los Angeles, CA

MICHAEL G. McCARTHY, CSRE  
McCarthy Radio Engineering  
Chicago, IL

MICHAEL S. NEWMAN  
CSI Telecommunications, Inc.  
San Francisco, CA

WILLIAM F. RUCK  
NCFCC Chairman  
San Francisco, CA

KARL VOSS  
Frequency Coordinator  
Scottsdale, AZ

BURT I. WEINER  
Broadcast Technical Services  
Glendale, CA

November 10, 2014

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Dear Ms. Dortch:

This *ex parte* filing of EIBASS is in response to the November 3, 2014, *ex parte* filing of the Wi-Fi Alliance to IB Docket 13-213 (TLPS/AWS-5).

The Wi-Fi Alliance *ex parte* filing explains that TLPS/AWS-5 would cause interference existing 2.4 GHz S-band WiFi operations, while not mentioning, even once, Part 74 TV Broadcast Auxiliary Services (BAS) operations at 2,450–2,483.5 MHz (TV BAS Channels A8 and A9). WiFi is a Part 15, unlicensed, unprotected service. TV BAS is a licensed service. So are the Part 101 stations sharing 2,450–2,483.5 MHz, many of which are mobile public safety operations. Broadcasters frequency coordinate their 2.5 GHz electronic news gathering (ENG) operations with these Part 101 users. Pursuant to Section 15.5(b) of the FCC Rules, a Part 15 device must not cause interference to any licensed service, and must accept interference from licensed services and other Part 15 devices.

EIBASS finds it ironic that Wi-Fi Alliance submits a filing regarding potential interference from the Terrestrial Low Power Service (TLPS) portion of Globalstar's TLPS/AWS-5, when Section 15.5(b) so clearly states that there is no interference protection afforded between Part 15 devices, yet ignores the co-channel, licensed, Part 74 and Part 101 stations at 2.5 GHz, which are entitled to protection.

Wi-Fi Alliance is not alone in this self-serving myopic stance: On October 20 Iridium Constellation LLC (Iridium) filed a 44-page *ex parte* that similarly managed to avoid mentioning Part 74 TV BAS or Part 101 stations, and on October 30 Globalstar filed an 8-page *ex parte* that also managed to avoid mentioning Part 74 or Part 101 stations. However, at 97 pages, the Wi-Fi Alliance *ex parte* filing wins the "clueless" award.

The Commission must ensure that licensed Part 74 and Part 101 stations are protected from interference by secondary, unlicensed Part 15

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operations.<sup>1</sup> The Commission must ensure that the AWS-5 portion of TLPS/AWS-5, if approved, is not deployed in any market with co-primary grandfathered TV BAS Channel A10 (2,483.5–2,500 MHz) stations, absent the consent of those licensees.

Respectfully,

***/s/ Dane E. Ericksen***

***/s/ Richard A. Rudman***

Dane E. Ericksen

Richard A. Rudman

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<sup>1</sup> EIBASS notes that in the March 19, 2009, *Petition for Reconsideration* of the ET Docket 04-186 Report & Order jointly filed by Dane Ericksen and Richard Rudman, the Commission was requested to modify Section 15.5(c) of the FCC Rules to additionally give interference-aggrieved private parties the right to take legal action, such as a Small Claims Court case, against a Part 15 user causing harmful interference to a licensed user. The current Section 15.5(c) language limits enforcement to only "a Commission representative," and the relatively few FCC Enforcement Bureau field offices and small staff make such Part 15 interference enforcement unlikely. Regrettably, at paragraph 151 of the September 23, 2010, ET Docket 04-186 *Second Memorandum, Opinion & Order*, the Commission declined to modify Section 15.5(c), stating that "The Commission's statutory authority and its rules provide for a range of enforcement actions that could be relied upon to eliminate and prevent interference."