

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

In the Matter of )  
 )  
Terrestrial Use of the 2473–2495 MHz Band for ) IB Docket No. 13-213  
Low-Power Mobile Broadband Networks; ) RM-11685  
Amendments to Rules for the Ancillary Terrestrial )  
Component of Mobile Satellite Service Systems )

To: The Commission

**EIBASS *Ex Parte* Comments**

1. Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (EIBASS) hereby respectfully submits its *ex parte* comments in response to the December 29, 2014, *ex parte* filing of Globalstar, Inc. (Globalstar) to the IB Docket 13-213 rulemaking regarding the Terrestrial Low-Power Service (TLPS) and Advanced Wireless Service Band 5 (AWS-5).

**I. Globalstar is Mistaken in Its Claim that TV BAS Channel A10 Operations Have Successfully Shared Spectrum**

2. In its *ex parte* filing, Globalstar states, at page four, that:

Channel A10 systems have successfully shared spectrum with MSS operations in the Upper Big LEO band, and the Commission has repeatedly determined that ancillary terrestrial component ("ATC") systems and a limited number of grandfathered BAS facilities in the band can coexist on a co-channel basis through reasonable coordination practices. Globalstar routinely investigates the need for frequency coordination with other licensees by utilizing the services of firms that maintain databases of station locations and operating characteristics, and this approach applies sharing of BAS systems on Channel A10. To enhance coordination in this context, Globalstar commits to providing a coordination point of contact to all BAS licensees in those geographic areas where TLPS will be deployed.

3. EIBASS believes that Globalstar has made serious factual errors on several points:

3A. MSS ATC and grandfathered TV BAS Channel A10 operations were not able to successfully share terrestrial spectrum. When the Open Range terrestrial operations existed in St. John, Indiana and in Northern California, those ATC operations caused immediate and severe interference to grandfathered TV BAS A10 operations in Chicago and Sacramento.

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The Chicago interference was even documented in a formal Enforcement Bureau investigation and finding of harmful interference.<sup>1</sup>

3B. While EIBASS agrees that the Part 101 Prior Coordination Notice (PCN) process is effective for fixed-link TV BAS operations, such as STLs and ICRs, there are few such grandfathered A10 stations, and those station's use of highly directive parabolic dish antennas for both transmit and receive also minimize the likelihood of interference. However, the vast majority of grandfathered A10 operations are mobile TV Pickup stations, not subject to the Part 101 PCN process, which was intended to minimize interference between fixed stations, not mobile stations. Further, in those markets with grandfathered A10 operations, that frequency band is heavily used by multiple mobile platforms that a single grandfathered TV Pickup license authorizes; that is, typically a fleet of ENG trucks, and often one or more news helicopters. Indeed, in Los Angeles TV BAS Channel A10 is the KCAL-TV home channel<sup>2</sup>, meaning that channel is heavily used 24/7 for news operations.<sup>3</sup>

3C. While the International Bureau has concluded that MSS ATC and grandfathered A10 TV BAS can share spectrum, the Wireless Telecommunications Bureau and the Office of Engineering and Technology (OET) have reached the opposite conclusion about mobile ENG operations being able to share the same spectrum in the same area at the same time with terrestrial commercial mobile radio service operations. It was for this reason that the Commission found it necessary to clear the bottom 35 MHz of the 2 GHz TV BAS band, to make those frequencies available for CMRS operations.<sup>4</sup>

3D. Both the Society of Broadcast Engineers, Inc. (SBE) and EIBASS have filed timely Petitions for Reconsideration of the International Bureau decisions finding that "frequency

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<sup>1</sup> See the November 17, 2011, EIBASS comments to WC Docket 11-183; the January 14, 2013, EIBASS comments to RM-11685; and FCC Enforcement Bureau Case Report number EB-11-CG-0015, dated March 25, 2011.

<sup>2</sup> The term "home channel" was first used in Los Angeles in 1984 to refer to the basis for sharing the even then limited amount of 2 GHz TV BAS spectrum among local BAS licensees. The Los Angeles Home Channel Plan came out of the successful sharing of 2 GHz spectrum during the Summer Olympic Games held in Los Angeles in 1984. "Home Channel Plans" have subsequently been used successfully in most other major markets.

<sup>3</sup> The KCAL-TV TV Pickup Station with A10 grandfather rights is KB97260. The license shows eight operating ENG receive-only sites throughout the greater Los Angeles basin. ENG-RO sites are placed atop tall buildings, on mountain tops, and near the top of broadcast towers so that no matter where a news event in the TV Pickup station's operational area occurs, there is a high likelihood that an ENG shot can be established. The KB97260 operational area is a 193.1 km radius circle centered on 34-04-01.0 N, 118-19-20.2 W, NAD83.

<sup>4</sup> The OET rulemaking was ET Docket 00-258, and the WTB rulemaking was WT Docket 02-55.

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coordination" can some how allow co-channel operation between competing mobile/itinerant services.<sup>5</sup>

**II. Details of Globalstar's Promise to Protect Grandfathered TV BAS Channel A10  
ENG Operations Are Needed**

4. Nevertheless, at page five of its December 29, 2014, *ex parte* filing, Globalstar goes on to state:

In the unlikely event that TLPS operations cause harmful interference to a grandfathered Channel A10 TV BAS facility, Globalstar's TLPS NOS will provide a means of identifying, mitigating and eliminating such interference. If Globalstar's point of contact receives an interference complaint from a BAS operator, Globalstar can correlate the interference with specific TLPS access points and take remedial steps.

5. EIBASS is pleased that Globalstar now unequivocally agrees to not interfere with co-channel, grandfathered, earlier-in-time, co-primary TV BAS operations. As documented in earlier EIBASS filings, such grandfathered electronic news gathering (ENG) operations exist in Boston, Chicago, Denver, Detroit, Los Angeles, Miami, New York City, Philadelphia, Phoenix, Sacramento, Salt Lake City, San Diego, San Francisco, Washington, DC, and other areas.

6. EIBASS requests that the IB Docket 13-213 record reflect that any interference mitigation to ENG operations needs to be real-time mitigation, not after-the-fact attempts to resolve interference days or even hours later. Thus, EIBASS asks the Commission to mandate a 24/7/365 (366 in Leap Years) "hot line" telephone number to the Globalstar network operating system (NOS) to ensure that interference problems can be reported, and dealt with, in a timely manner. That is, in a time window that is consistent with ENG coverage of breaking news events.

7. Finally, EIBASS requests that in those markets with grandfathered TV BAS Channel A10 TV Pickup stations, Globalstar be required to provide a disclaimer to its customers that its TLPS service is subject to temporary interruption in the event of interference to earlier-in-time, co-primary, TV BAS operations. Only with such a caveat to subscribers does EIBASS find Globalstar's frequency coordination promises to be believable, credible, or possible.

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<sup>5</sup> See the April 16, 2013, EIBASS *ex parte* comments to RM-11865, responding to a Globalstar RM-11685 *ex parte* filing. See the May 5, 2014, SBE comments to IB Docket 13-213.

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**III. Summary**

8. Both Carl Sagan's quote "Extraordinary claims require extraordinary evidence" and President Reagan's "Trust, but verify" quote apply here. Broadcasters are being asked to believe that "frequency coordination" will work between co-channel mobile and itinerant operations in the same place and at the same time. The Commission itself is clearly on the record that such frequency coordination between mobile ENG operations and CMRS operations at 2 GHz would be so impractical as to instead require clearing of TV BAS operations from 1,990–2,025 MHz, to make that spectrum available for CMRS. Thus, EIBASS asks that the IB Docket 13-213 Report and Order contain reasonable and binding guarantees that the relied upon frequency coordination will be effective and practical.

Respectfully submitted,

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