



May 1, 2015

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: National Association of Broadcasters Petition to Amend Sections 47 C.F.R 15.711(b) and 47 C.F.R. 15.717; Regarding Changes to Certain Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap and Channel 37, RM-11745

Dear Ms. Dortch:

Microsoft opposes the above-captioned emergency motion and petition for rulemaking filed by the National Association of Broadcasters (NAB)¹ requesting that the Commission suspend the operations of all television white space (TVWS) database operators pending consideration of NAB's untimely proposals to modify rules impacting TV white space devices and database operations. Lacking any evidence of interference or any other harms to incumbent licensees, NAB has failed to justify emergency suspension of database operations, and its proposed rule changes (also unwarranted) are better addressed, if at all, in the Commission's current rulemakings to amend Part 15 of the Commission's rules for unlicensed operations in the television bands.

The NAB's claimed harms are pure conjecture. NAB broadly characterizes the Commission's TVWS database system as fatally flawed because of data entry "inaccuracies."² Yet, nowhere in the petition is there reference to any TVWS device causing harmful interference to a broadcaster or any other protected service. Microsoft understands that most, if not all, of the database entries cited in the NAB's petition likely are not errors at all, but rather reflect pre-deployment tests, or the retention of inactive records by some database operators. Neither poses even a theoretical risk of interference to other services. NAB would have known this if it had contacted the listed party responsible for the relevant fixed TV white space devices and/or the database operators.

¹ Emergency Motion for Suspension of Operations and Petition for Rulemaking of the National Association for Broadcasters, RM-11745 (filed Mar. 19, 2015) (NAB Petition).

² NAB Petition at 10.

Instead of being collaborative, NAB chose to embark on an incendiary public campaign to malign the Commission’s TV white space database and wider spectrum sharing systems—irresponsibly going so far as to claim that database operators “may encourage” users of TV white space devices to falsify information³—and filed its headline-grabbing emergency petition. But the database entries NAB has identified provide no support for this allegation, and the existing rules already address the issues that NAB hypothesizes. The FCC’s rules clearly state that “the party responsible for a fixed TVBD must ensure that the TVBD registration database has the most current, up-to-date information for that device.”⁴ The TVWS database provider receiving the updated information has the responsibility of forwarding that information to other TVWS database providers in a timely manner.

Furthermore, under existing rules, human error is only possible during the installation of *fixed* TVWS devices. And fixed devices can only be installed and registered in the database either automatically—eliminating the possibility of human error—or by professional installers,⁵ who will be especially unlikely to commit inadvertent errors, and have a great deal to lose by intentionally entering incorrect information. All other personal/portable TV white space devices determine and report their locations to the database automatically, eliminating the possibility of human error in any part of the process that could affect interference protection.⁶

The burdensome reporting and auditing requirements for TVWS database providers NAB calls for—“certification mechanisms to ensure the integrity of each existing and new entry in the database”⁷—are overkill for addressing benign housekeeping issues with the respective FCC-certified databases. And the notion that a TV white space database provider would design its database to allow and possibly encourage users of TV white space devices to falsify information is just as nonsensical as if someone claimed that NAB would encourage broadcasters to falsify information in their electronic files when erroneous or incomplete data fields are detected. Microsoft strongly believes that broadcasters strive to be 100 percent compliant with all applicable rules and statutes—as do the responsible parties for fixed TVWS devices.

At its base, the NAB petition is nothing more than a tempest in a tea pot raising issues better addressed through informal collaboration among all parties. When, and if, isolated errors do arise, they can and should be addressed collaboratively by the TVWS equipment providers responsible for the installation of fixed devices and entities representing the interests of the protected services, with guidance from the Commission’s Office of Engineering and

³ See NAB Petition at 2.

⁴ 47 C.F.R. §15.713 (f)(2).

⁵ 47 C.F.R. §15.711(b)(1).

⁶ 47 C.F.R. §15.711(b)(2).

⁷ NAB Petition at 1-2.

Technology. But there is no need for the draconian actions sought by the NAB. Rather than issuing needless petitions, blogs, op-eds, and press releases, all interested parties would be better served through collaboration. The Commission should, therefore, deny the NAB's petition.

Respectfully submitted,

/s/ Paula Boyd

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Certificate of Service

I hereby certify that on this 1st day of May, 2015, a copy of the foregoing Opposition to the Emergency Motion for Suspension of Operations and Petition for Rulemaking of the National Association for Broadcasters in RM-11745 was sent by U.S. Mail to the following party:

Rick Kaplan
Jerianne Timmerman
Patrick McFadden
Scott Goodwin
National Association for Broadcasters
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/s/ April Smith
