

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Reallocation of the 216-220 MHz,) ET Docket No. 00-221
1390-1395 MHz, 1427-1429 MHz,) RM-9267
1670-1675 MHz, and 2385-2390 MHz) RM-9692
Government Transfer Bands) RM-9797
) RM-9854

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OFFICE OF THE SECRETARY

To: The Commission

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION.

The National Association of Broadcasters¹ submits these brief comments in response to the Commission's *Notice of Proposed Rulemaking* in this proceeding.² Specifically, NAB's comments address the 216-220 MHz band, which has been identified for transfer from shared Government and non-Government use to mixed Government and non-Government use, beginning in January 2002. *Notice* at ¶ 11. The Commission requests comment on its proposal to allocate the 216-220 MHz band generally to fixed service (FS) and mobile service (MS) (except aeronautical mobile) on a primary basis. *Id.* at ¶ 14.

Currently, Automated Maritime Telecommunications Systems (AMTS) operating in the 217-220 MHz band are subject to regulatory procedures, including the requirement

¹ NAB is a nonprofit, incorporated association which serves and represents America's radio and television broadcast stations and networks.

² *Notice of Proposed Rulemaking* in ET Docket No. 00-221, rel. November 20, 2000 (hereinafter "*Notice*").

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to submit engineering studies with station applications. These requirements are designed to serve important informational functions and to forestall potential television interference problems. As discussed below, while NAB does not oppose the reallocation of the 216-220 MHz band, NAB strongly urges the Commission to retain its technical requirements, including the submission of engineering studies, to ensure that the public's free over-the-air television service remains clear of any interfering signals.

II. BACKGROUND.

AMTS stations provide automated, integrated, interconnected ship-to-shore communications similar to a cellular phone system for tugs, barges, and other maritime vessels. Part 80 of the Commission's rules contains the regulations that apply to the operation of AMTS stations in the 217-220 MHz band, just above television channel 13. In formulating the rules for AMTS stations, the Commission considered the potential for interference to television reception, particularly television Channels 10 and 13, because of the proximity of AMTS frequencies to those channels. It conditioned the operation of AMTS stations on the requirement that no harmful interference be caused to television reception. 47 C.F.R. § 80.215(h). Under the Commission's rules, an applicant proposing to locate an AMTS station within 169 kilometers (105 miles) of a Channel 13 television station, or within 129 kilometers (80 miles) of a Channel 10 station, must submit an engineering study demonstrating the means of avoiding interference within the television station's Grade B contour. 47 C.F.R. § 80.475(a)(1).

In addition, any AMTS licensee that, despite these precautions, causes interference to television reception within a station's Grade B contour must eliminate the problem within 90 days or cease operations, and must help resolve complaints of

interference outside a television station's Grade B contour. 47 C.F.R. § 80.215(h)(4). Thus, the Commission has established detailed and well-crafted technical requirements to ensure that broadcast television stations are protected against interference from AMTS operations in the 216-220 MHz band.

III. DESPITE REGIONET'S REPEATED PETITIONS, THE COMMISSION SHOULD NOT RELAX ITS TECHNICAL REQUIREMENTS.

Petitioner RegioNet seeks the reallocation of the 218-219 MHz band to the Paging and Radiotelephone Service to permit responses from two-way paging units in the 216-217 MHz band. *See* RegioNet Petition, RM-9692, June 16, 1999 at 1-2. Although NAB did not comment on the Petition, NAB and others have previously addressed the issue of eliminating technical requirements in the 216-220 MHz band in order to accommodate new paging services.³ In the month prior to filing the Petition, RegioNet had requested that the Commission eliminate the requirement of filing an engineering study in support of an AMTS application, arguing that it had "lost its utility and should be eliminated."⁴ RegioNet attempted to support this argument by alleging that there had been "no documented report of harmful interference directly to a TV receiver" since 1982. Petition at 10. RegioNet seemed to suggest that the Commission's rules are deficient *because* there allegedly had been no reported cases of interference to television reception caused

³ *See* Joint Comments of NAB and the Association for Maximum Service Television (MSTV) on the Second Further Notice of Proposed Rulemaking, PR Docket 92-257 (filed September 15, 1997); Comments of NAB and MSTV, in Reply to the Early-Filed Reply Comments of Orion Telecom, PR Docket 92-257 (filed September 30, 1997); Opposition of MSTV to the Petition for Rulemaking Filed By RegioNet, RM-9664 (filed July 16, 1999); Opposition of NAB to the Petition for Rulemaking Filed by RegioNet, RM-9664 (filed July 16, 1999).

⁴ Petition for Rulemaking filed by RegioNet, RM-9664, May 10, 1999 at 10.

by AMTS operations. RegioNet implied that, in order to demonstrate that the Commission's rules are effective, there should at least be some complaints of interference to television reception.

As NAB told the Commission in opposing RegioNet's earlier request, the "minimal requirement that AMTS applicants file engineering studies and address concerns raised by broadcasters whose viewers would be impacted by the proposed operations is a small price to pay to ensure the technical integrity of the television broadcasting bands."⁵ To ensure that television viewers continue to receive interference-free service, the Commission should retain its requirement that AMTS applicants perform and submit detailed engineering studies showing how proposed AMTS stations comply with the current interference criteria set forth in the Commission's rules. Rather than showing any deficiency in the Commission's approach, the absence of any reported cases of interference to television reception caused by AMTS operations in fact demonstrates the *effectiveness* of the Commission's requirements.

Moreover, should the Commission allocate new two-way paging services in the 216-220 MHz band on a primary basis, it must ensure that new licensees do not cause interference to Channel 10 or Channel 13. As the Commission has recognized:

"[a]ny new operations in the 216-220 MHz band are likely to be constrained by the need to protect TV channel 13, which occupies the subjacent 210-216 MHz band. Protection of television channel 13 was one of the factors we considered in limiting use of this band to low power applications such as LPRS and telemetry on a secondary basis." *Notice* at ¶ 11.

⁵ Opposition of NAB to the Petition to Rulemaking Filed by RegioNet, RM-9664 (filed July 16, 1999) at 3.

Thus, NAB urges the Commission to retain its technical requirements, including the submission of engineering studies, for any new licensee operating in the 216-220 MHz band.

IV. TECHNICAL CHANGES TO THE 216-220 MHz BAND, IF ADOPTED, SHOULD BE DELAYED UNTIL AFTER MASS-PRODUCED DIGITAL TELEVISION RECEIVERS ARE WIDELY AVAILABLE TO THE GENERAL PUBLIC.

As the Commission is well aware, digital television service is currently being introduced in the United States. Should the Commission choose to relax or alter its technical requirements for either existing AMTS licensees, relocating AMTS licensees, or new FS and MS licensees operating in the 216-220 MHz band, NAB strongly urges the Commission to delay any technical changes until the susceptibility of digital television receivers to interference from AMTS or other new services can be accurately assessed. Only by testing commonly available digital television receivers can the degree to which AMTS operations and/or new FS and MS operating in the 216-220 MHz band will interfere with digital television reception be accurately determined.

Thus, the Commission should not make any changes to the interference protection criteria that apply to AMTS stations until high-volume, mass-produced digital television receivers have been thoroughly tested. Moreover, the Commission should ensure that new licensees in the 216-220 MHz band provide the same level of interference protection as those required of existing AMTS stations. In light of the fact that a new proceeding would be required to address interference to digital television reception, NAB believes the Commission's limited resources would be more efficiently utilized if any review of AMTS and/or new 216-220 MHz licensee interference standards were conducted after

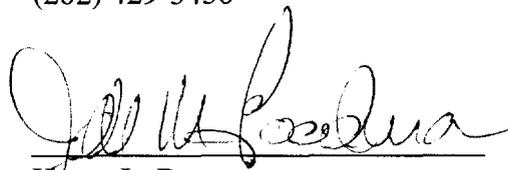
gaining more information about the effect of such interference on high-volume, mass-produced digital television receivers.

V. CONCLUSION.

For the reasons stated above, while NAB does not oppose reallocation of the 216-220 MHz band to allow for new fixed and mobile paging services, NAB urges the Commission to adopt rules that would require licensees of such services to protect TV Channels 10 and Channel 13's subjacent 210-216 MHz band from interference. Given the important role the existing rules play in protecting the public's airwaves from harmful interference by AMTS stations, the Commission should not eliminate its requirement to submit engineering studies with AMTS applications. Further, new licensees in the 216-220 MHz band should be subject to the same interference protection criteria as the AMTS current applicants. Finally, in light of the current transition to digital television, any relaxation of the significant technical requirements concerning television interference is clearly premature.

Respectfully submitted,

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