

Comments:

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To: FCC

Re: ET Docket 98-206
MITRE Corporation Report on Technical Analysis of Potential Harmful
Interference to DBS from Proposed Terrestrial Services

DirecTV has created a network of Commercial System Operators throughout the country to serve the MDU (Multiple Dwelling Unit) market of condominiums and apartments. The individual System Operators are independent video service providers who compete directly with entrenched cable services and often share properties with such companies as AT&T Broadband, Time-Warner, and Cox. These independent service providers are particularly susceptible to financial harm from signal degradation by the MVDDS/DBS bandsharing scheme proposed by Northpoint for a number of reasons:

- 1) Any harmful signal interference by MVDDS transmission will affect more than a single dba customer because MDU System Operators often deliver video to over one hundred customers from a single fixed location. In many cases a single large building may provide a substantial portion of a small System Operator's revenue.
- 2) There are numerous factors that limit dish locations on urban buildings, particularly when the dba service is paired with terrestrial HDTV signal in a hybrid system. Multipath interference of HDTV signals, blocked view angles for satellite reception from nearby buildings, co-locating on a roof with cellular transmission towers and V-Sats, combine with other factors to make the urban environment a challenge for dba. Adding another complication to the equation will in many cases deny satellite service to a number of MDU sites with the net result of granting cable defacto exclusive access to those properties.
- 3) The operational parameters discussed in Section 6.2.1 of the report are simply ineffective or impossible to implement in an urban setting because of the various heights and locations of existing dba dishes.
- 4) The corrective measures at DBS Receiver locations discussed in Section 6.2.3 will also be particularly difficult for Commercial System Operators. System Operators rent receivers to their customers and many of them are older models.

The MITRE report addresses the technical aspects of signal degradation and it is not encouraging for independent Commercial System Operators who face the loss of customers and in some extreme cases, the loss of entire buildings. If the FCC allows spectrum sharing, the FCC needs to address the issue of compensation for System Operators who have invested in building infrastructure and face the loss of that investment.

Recently enacted rules by the FCC have fostered a competitive environment in the MDU market (particularly Rule 207 that sets guidelines for the placement of individual dishes and the Inside Wiring Rules of 1997). The MDU market is now much more competitive and in many cases consumers have a choice between cable or satellite video service. It is a finely balanced environment in which satellite and cable have invested in infrastructure that allows the customer to easily switch services, and which makes the degradation of signal quality particularly worrisome to System Operators.

MITRE acknowledges that DBS customers may not know what is causing a particular outage, or the reason for its duration. The fact is that customers don't care what about the cause of a particular problem, they want it fixed. Better yet, they don't want it to happen at all. If a problem persists.....switch to cable.

The FCC has always been sensitive and protective of incumbent service providers' investment in building infrastructure while at the same time providing a competitive environment that benefits consumer interests. The FCC has an obligation to protect the incumbent service provider, in this case db, in the same manner it has rightly protected the incumbent cable infrastructure in the past. The MITRE report makes it clear that such protection is not offered with the current technology.