

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

In the Matter of	)	
	)	
Revisions to Broadcast Auxiliary Service Rules in Part 74 and Conforming Technical Rules for Broadcast Auxiliary Service, Cable Television Relay Service And Fixed Services in Parts 74, 78 and 101 of the Commission's Rules	)	ET Docket No. 01-75
	)	
Telecommunications Industry Association, Petition for Rule Making Regarding Digital Modulation for the Television Broadcast Auxiliary Services	)	RM-9418
	)	
Alliance of Motion Picture and Television Producers, Petition for Rule Making Regarding Low-Power Video Assist Devices in Portions of the UHF and VHF Television Bands	)	RM-9856
	)	

**Reply Comments of the Alliance of Motion Picture  
And Television Producers**

On March 20, 2001, the Commission released a *Notice of Proposed Rule Making* proposing revisions to its rules governing the Broadcast Auxiliary Services (BAS) and addressing the Alliance of Motion Picture and Television Producers' (AMPTP) Petition for Rule Making regarding the use of wireless video assist devices (WAVDs).<sup>1</sup> On June

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<sup>1</sup> See In the Matter of Revisions to Broadcast Auxiliary Service Rules in Part 74 and Conforming Technical Rules for Broadcast Auxiliary Service, Cable Television Relay Service and Fixed Services in Parts 74, 78 and 101 of the Commission's Rules; Telecommunications Industry Association, Petition for Rule Making Regarding Digital Modulation for the Television Broadcast Auxiliary Service; Alliance of Motion Picture and Television Producers, Petition for Rule Making Regarding Low-Power Video Assist Devices in Portions of the UHF and VHF Television Bands; *Notice of Proposed Rule Making*, ET Docket No. 01-75, FCC 01-92 (rel. March 20, 2001) (NPRM).

25, 2001, the AMPTP<sup>2</sup> filed comments. Now, the AMPTP submits these Reply Comments in order to further clarify its views to the Commission.

On November 15, 1999, the AMPTP filed a Petition for Rule Making seeking an amendment to Part 74 to permit the operation of low-power WAVDs on vacant television channels in the 174-216 MHz and 470-746 MHz channels.<sup>3</sup> These WAVDs produce low resolution images that are used by production crews to make content, lighting, and image framing decisions. In the NPRM, the Commission proposes to amend its Part 74 rules, through the addition of a new Section 74.870, to permit motion picture and television producers, as well as TV BAS license holders, to use WAVDs in VHF-TV and UHF-TV spectrum.

Although originally opposing the AMPTP Petition, the Society of Broadcast Engineers, Inc. (SBE) and the Association for Maximum Service Television, Inc. and the National Association of Broadcasters (collectively, MSTV) now find themselves in support of the AMPTP Petition to allow use of WAVDs in VHF-TV and UHF-TV spectrum by motion picture and television producers.<sup>4</sup>

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<sup>2</sup> The AMPTP is a non-profit trade association of companies engaged in the production of motion pictures and television programming. AMPTP represents in excess of 300 of the major and independent producers of motion pictures and television programs with respect to industry-wide collective bargaining agreements. The AMPTP is a Federal Communications Commission certified frequency advisory committee that coordinates applications on behalf of film and video production industry applicants seeking authority to operate business and industrial/land transportation radio stations on frequency assignments allocated between 30-900 MHz.

<sup>3</sup> See In the Matter of Alliance of Motion Picture and Television Producers, Petition to Amend Part 74 of the Commission's Rules to Permit Operation of Wireless Video Assist Devices, RM—9856, filed November 15, 1999. See also, Reply Comments of the Alliance of Motion Picture and Television Producers, filed June 9, 2000 (Reply Comments).

<sup>4</sup> See Comments of the Society of Broadcast Engineers, Inc. dated July 9, 2001, at p. 19, stating "SBE now finds itself able to support the proposed and significantly 'tighter' set of WAVD rules." (SBE Comments) See also, Comments of the Association for Maximum Service Television, Inc. and the National Association of Broadcasters dated July 9, 2001, at p. 13, stating "MSTV and NAB...no longer oppose the use of WVADs under the conditions set forth in the *Notice*." (MSTV Comments).

The AMPTP joins these commenters in applauding the Commission for seeking comments on rules allowing the use of WAVDs in the production of material being filmed or taped for later viewing. Moreover, the AMPTP shares the interests of the Commission and the commenters to protect existing operations. As such, the AMPTP endorses the lower 250 milliwatt ERP to limit the operating area of a WAVD to 300 meters; 6 MHz of operating spectrum on either VHF-TV channels 8-12 or UHF-TV channels 22-36 and 38-51; authorization only on a non-interference basis; a ten day notification period to the local broadcast coordinator; a 129 km separation from TV broadcasting stations; TV BAS emission standards; equipment certification requirements; and station identification, all as proposed in the NPRM.

**A. The AMPTP Suggest that the Commission Adopt a 10 Day Notification Procedure Instead of Full Coordination**

The NPRM proposes that WAVD licensees provide prior notification to the local broadcast coordinator in the area where they wish to operate ten business days prior to the day that WAVD use is required.<sup>5</sup> If, however, there is no local broadcast coordinator, the WAVD licensee must notify any television station within 161 kilometers operating on adjacent channels in the area in which they wish to operate. The notification must include: proposed frequency or frequencies; location; antenna height; type of emission; ERP; intended dates of operation; and licensee contact information. Furthermore, the NPRM proposes that a lack of response from the coordinator is to be deemed approval and the local coordinators are responsible for suggesting modifications to the operating parameters if they deem them necessary.<sup>6</sup>

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<sup>5</sup> NPRM at p. 40. *See also* Reply Comments at 2. *See also* AMPTP Comments at 6 and n. 14.

<sup>6</sup> NPRM at p. 40.

The AMPTP joins SBE in supporting the proposal's "requirement to notify local BAS frequency coordinators prior to WAVD operation."<sup>7</sup> As mentioned in our earlier comments, these notification requirements are certainly reasonable.<sup>8</sup> MSTV, however, recommends "full frequency coordination...to ensure non-interference" to existing low power BAS operations.<sup>9</sup>

The Commission noted in the NPRM that notification, rather than full coordination, is sufficient for [WAVD] devices due to their low ERP and limited operating range.<sup>10</sup> The Commission also points out, and the AMPTP agrees, that WAVDs should only be authorized on a non-interference basis.<sup>11</sup> With the current protections to existing services proposed in the NPRM, the AMPTP believes that notification of WAVD use to the local broadcast coordinator ten days prior to operation is sufficient and will allow the coordinator and the licensee ample time to address concerns, should there be one, before actual operation.

Furthermore, the AMPTP agrees with the Commission's proposal that a coordinator's lack of response to a licensee's notification should equate to approval. If this were not the case, use of WAVDs could be limited if a coordinator simply loses notification in a stack of paperwork, accidentally throws it out, or even if the coordinator is out of town. While the AMPTP understands that there might be interference issues that need addressing prior to use, operating efficiency for television and motion picture

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<sup>7</sup> SBE Comments at p. 19.

<sup>8</sup> See Comment of the Alliance of Motion Picture and Television Producers dated June 25, 2001, at p. 6 (AMPTP Comments). In the AMPTP Comments, the AMPTP also encouraged the Commission to clarify that the WAVD licensee notify the coordinator of the antenna height as a maximum level due to movement of the antenna from camera activity at p. 6.

<sup>9</sup> MSTV Comments at p.13-14. Not only does MSTV believe notification is insufficient, but they also state that a non-response from a coordinator should not equate to approval.

<sup>10</sup> NPRM at p. 39-40.

<sup>11</sup> *Id.* at p. 33.

producers must be considered as well. Thus, it is the AMPTP's belief that the ten day notification period allows all parties to adequately address interference issues prior to operation.

**B. The AMPTP Suggests Detachable Antennas for WAVD Use**

The Commission proposes to permit WAVDs to transmit with a permanently attached antenna,<sup>12</sup> and SBE claims that an integral antenna will prevent parties from boosting their station's EIRP.<sup>13</sup>

The AMPTP, however, notes that requiring "permanent attachment of the antenna will only heighten the potential for damage, thus creating increased and unnecessary repair costs."<sup>14</sup> Therefore, the AMPTP suggests that the Commission permit the antenna to be removable for ease of repair and maintenance.

In addition, any potential problems associated with antenna usage should be addressed and solved by the notification to and response from the local broadcast coordinator prior to WAVD operation. The WAVD licensee should work closely with the coordinator to ensure compliant operations as a secondary, non-interfering party and as prescribed by the Commission's technical, operational and eligibility rules.

**C. The AMPTP Suggests that the Commission Allow WAVD Licensees to Rent WAVD Equipment to Third Parties**

In the NPRM, the Commission noted their intent to make WAVD licenses non-assignable and non-transferable.<sup>15</sup> While the AMPTP agrees that the licenses themselves should be non-assignable and non-transferable, we believe that rental to a third party should not be prohibited. The end users of this equipment should be subject to the same

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<sup>12</sup> *Id.* at p. 36.

<sup>13</sup> SBE Comments at p. 21.

<sup>14</sup> AMPTP Comments at p. 5.

regulations as the independent contractor renting out the equipment, with the actual licensee being held accountable for full compliance with the Commission's rules. Renting this equipment will not "dilute" the accountability of the WAVD licensee as suggested by SBE,<sup>16</sup> since the independent contractor will still be held accountable for compliant operation as the WAVD licensee.<sup>17</sup> Moreover, if the Commission so desires, the AMPTP would support a third party eligibility restriction "to those directly involved in the production of television and motion picture programming."<sup>18</sup>

#### **D. WAVDs Should Not Be Classified as Operational Communications**

In their comments, SBE suggests that the Commission "define WAVD transmissions as 'operational communications' for priority of communications purposes" to clarify WAVD's secondary status to "broadcasters' use UHF television frequencies for wireless microphones, IFBs, and telemetry and control transmitters."<sup>19</sup> The AMPTP believes that such a classification is not necessary at this juncture and may be harmful to the development of WAVDs. It is evident that all commenters, including the AMPTP, support the use of WAVDs on a non-interference basis. These devices should be operating without interference to existing operations and only after notification to the local broadcast coordinator ten days prior to operation, which obviates the need for additional restrictions.

Furthermore, classifying WAVDs on the priority of transmission list before monitoring their efficiency and demand in the industry could limit WAVD development

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<sup>15</sup> NPRM at p. 34.

<sup>16</sup> SBE Comments at p. 21.

<sup>17</sup> If a user is operating outside of the scope of their authorization, the AMPTP suggest that the Commission strictly and expeditiously enforce the use limitations.

<sup>18</sup> AMPTP Comments at p. 5.

<sup>19</sup> SBE Comments at p. 19. *See also*, 47 C.F.R. 74.403(b).

and their transition into the marketplace. While eligibility, technical and operational limitations are needed, added restrictions may stifle development of an efficient technology for television and motion picture producers.

After monitoring the development of these devices and if the Commission desires to clarify their priority of transmission, the AMPTP would support a rule making proceeding to clarify that WAVDs be listed third in the priority of transmission list with “cues, orders, and other related communications immediately necessary to the accomplishment of broadcast.”<sup>20</sup>

The AMPTP applauds the Commission’s efforts to permit the use of WAVDs on certain unused VHF and UHF television frequencies and supports the Commission’s proposals in the NPRM, with the minor clarifications presented in our June 25, 2001, filing<sup>21</sup> and in today’s reply comments. As discussed above, the AMPTP urges the Commission to permit a ten-day notification requirement to the local broadcast coordinator prior to use in that area, allow a detachable antenna, permit independent

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<sup>20</sup> 47 C.F.R. 74.403(b).

<sup>21</sup> *Id.* In addition to the clarifications discussed above, the AMPTP also urged the Commission “to expand the use limitations for WAVDs to permit their use in the production of programming and motion pictures for cable, satellite and motion picture theaters.”

contractors to rent WAVDs to third-party users, and refrain from classification of WAVDs in the priority of transmission list.

Respectfully submitted,

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By: /s/ J. Nicholas Counter  
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Date: August 7, 2001

**CERTIFICATE OF SERVICE**

I, Jeremy Denton, do hereby certify that on the 7<sup>th</sup> day of August 2001, I forwarded to the Parties listed below a copy of the foregoing Reply Comments of the Alliance of Motion Picture and Television Producers by first-class mail, postage pre-paid:

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