

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Remedial Steps For Failure to Comply with	)	MM Docket No. 02-113
Digital Television Construction Schedule	)	
	)	
Requests for Extension of the	)	
October 5, 2001, Digital Television	)	
Construction Deadline	)	

**REPLY COMMENTS OF MOTOROLA, INC.**

Motorola, Inc. (“Motorola”) hereby submits these reply comments in response to the *Notice of Proposed Rulemaking* in the above-captioned proceeding.<sup>1</sup>

Motorola supports the Commission’s efforts to advance the DTV transition as quickly as possible in order to make spectrum in the 700 MHz band available to wireless communications entities, and, in particular, public safety users.<sup>2</sup> Twenty-four MHz of spectrum in this band has been allocated to such users, but remains unavailable due to broadcast incumbency. The

---

<sup>1</sup> See *In the Matter of Remedial Steps For Failure to Comply with Digital Television Construction Schedule; Requests for Extension of the October 5, 2001, Digital Television Construction Deadline*, MM Dkt. No. 02-113, FCC 02-150, Order and Notice of Proposed Rulemaking (rel. May 24, 2002) (“*Notice*”).

<sup>2</sup> Motorola has participated in the various Commission proceedings related to the DTV transition, commenting extensively on the technical characteristics of the spectrum at issue, *see, e.g., In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands and Revision to Part 27 of the Commission’s Rules*, WT Dkt. No. 99-168, as well as the need to accelerate the DTV transition. *See, e.g., In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communication Requirements Through the Year 2010, Establishment of Rules and Requirements for Priority Access Service*, WT Dkt. No. 96-86.

Commission is therefore to be commended for launching the pending rulemaking to consider remedial measures for broadcasters that fail to comply with the DTV construction schedule, including the rescission of a broadcast station's DTV authorization and the deletion of its allotment from the DTV Table of Allotments.<sup>3</sup>

The *Notice* invited comment on whether the Commission should, in the case of rescission of a broadcast station's DTV authorization, auction or delete the vacant allotment.<sup>4</sup> Regardless of the specific sanctions the Commission adopts to ensure that broadcasters deploy DTV as rapidly as possible, Motorola strongly supports the NAB/MSTV proposal to delete the allotment for stations that lose their DTV authorization for failing to comply with the DTV construction rule.<sup>5</sup> As NAB/MSTV noted in their joint comments, there have been numerous challenges in accommodating all of the DTV stations in "now extremely congested television bands."<sup>6</sup> Eliminating the DTV allotment of stations that lose their DTV authorizations could help facilitate a more timely transition and clear the 700 MHz spectrum as quickly as possible of TV use.<sup>7</sup>

---

<sup>3</sup> See *Notice* ¶ 19.

<sup>4</sup> See *id.*

<sup>5</sup> See NAB/MSTV Comments at 4.

<sup>6</sup> See *id.* at 4-5 (noting that the current DTV Table of Allotments has created "unexpected interference" problems, prevented DTV replication and full protection of NTSC service areas, and reduced maximization possibilities).

<sup>7</sup> Motorola does not support making a vacated allotment available for other potential DTV broadcasters. See HDTVAA Comments at 2-3; APTS Comments at 6-7.

Motorola urges the Commission to give prompt approval to the NAB/MSTV proposal to delete the DTV allotments of non-compliant broadcasters in this rulemaking proceeding.

Respectfully submitted,

/s/ Christine G. Crafton  
Christine G. Crafton  
Vice President and Director  
Broadband Policy

Jeanine Poltronieri  
Director  
Telecommunications Strategy  
and Regulation

Motorola, Inc.  
1350 I Street, N.W.  
Washington, DC 20005-3305

July 23, 2002