

**SOCIETY OF BROADCAST ENGINEERS
FCC LIAISON COMMITTEE**

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TV Station KPNX
Mesa, AZ

August 19, 2002

The Honorable W.J. "Billy" Tauzin
Chairman, Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Re: Continued Lack of FCC Action Allowing Digital STLs to Support the
DTV Transition

Dear Chairman Tauzin:

The Society of Broadcast Engineers, Inc. ("SBE"), the national association of broadcast engineers and technical communications professionals, with more than 5,000 members world wide, has been attempting to get the FCC to allow TV broadcasters the use of digitally modulated studio-to-transmitter microwave links ("STLs") in support of the Congressionally-mandated Digital Television ("DTV") transition. A May 2 conference call between myself, SBE General Counsel Christopher Imlay, two senior FCC persons and the FCC person working on the ET Docket 01-75 rulemaking has proved fruitless. In that telephone call FCC personnel promised to do their best to have a draft Report & Order ("R&O") to the FCC Commissioners for their review by the end of June, 2002. When SBE called the designated FCC OET person on July 1, 2002, to ascertain whether the item was now before the FCC Commissioners, he declined to even disclose this information! Further, no response to SBE's May 8 letter to FCC Chairman Michael Powell, has ever been received. A copy of that letter, which gives the history of this issue and explains its importance to the DTV transition, is attached.

The article *DTV Bill Due After Recess* in the July 22, 2002, issue of *Broadcasting & Cable* magazine, at page 30, states:

In May, Tauzin gave the industries a July 15 deadline to come up with a solution, but, with none apparently emerging, he decided it was time to take a stronger approach.

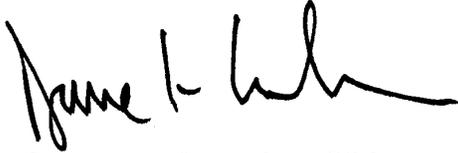
Like you, with apparently no action in sight on a rule change to allow digital STLs, SBE is electing to take a stronger approach; hence, this letter.

SBE accordingly asks that you query the FCC and ask why the FCC still

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will not routinely allow as standard licensing procedure pure digital or hybrid analog-digital STLs for TV stations needing to either commence DTV operation and/or permit transmission of a true high-definition signal rather than merely duplicating their NTSC standard-definition signal.

Sincerely,



Dane E. Ericksen, P.E., CSRTE
Chairman, SBE FCC Liaison Committee

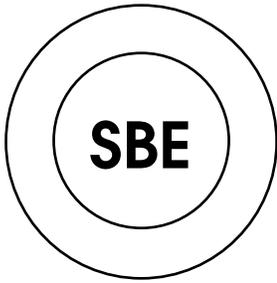
Enclosure

cc: The Honorable Michael K. Powell, Chairman, FCC
Mr. W. Kenneth Ferree, Chief, Media Bureau, FCC
Mr. Rick C. Chessen, Associate Bureau Chief, Digital Television Task Force, Media
Bureau, FCC
Mr. Keith Larson, Chief Engineer, Media Bureau, FCC
Mr. Ed Thomas, Chief, OET, FCC
Mr. Edward ("Ted") B. Ryder, OET, FCC
MM Docket 00-39 (as an *ex parte* comment)
ET Docket 01-75 (as an *ex parte* comment)

Congressman John D. Dingell
Congressman Edward J. Markey
Congressman Fred Upton

Senator Ernest Hollings
Senator John McCain

All SBE Officers and Directors
All SBE FCC Liaison Committee members



SOCIETY OF BROADCAST ENGINEERS • Indianapolis, Indiana
FCC Liaison Committee

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Los Angeles, CA

KARL VOSS
TV Station KPNX
Mesa, AZ

May 8, 2002

BY HAND AND BY E-MAIL

The Honorable Michael K. Powell
Chairman, Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: April 4, 2002, letter to Chairman W. J. "Billy" Tauzin

Dear Chairman Powell:

The Society of Broadcast Engineers, Inc. ("SBE"), the national association of broadcast engineers and technical communications professionals, with more than 5,000 members world wide, has read with great interest your April 4 letter to Congressman W.J. "Billy" Tauzin, Chairman of the House Energy and Commerce Committee. SBE would like to address Item 2 of the attachment to your letter, namely the goal that DTV stations of the top-four networks in the "top-100 TV markets obtain and install the equipment necessary to pass through network DTV without degradation of signal quality (*e.g.*, pass through high-definition ("HD") programming, if that is what its network provides)" by January 1, 2003.

Many TV stations require a high-definition HD capable (digital) studio-to-transmitter ("STL") microwave link to relay their digital programming to their DTV transmitter. Without a digital path to the DTV transmitter, the analog NTSC signal must be digitized at the DTV transmitter, making HD passthrough impossible. The broadcasting industry has developed a spectrum-efficient solution that requires no additional microwave bandwidth for relaying digital (including HD) programming to their DTV transmitter. It involves using digital modulation for the microwave signal, or a combination of both analog and digital modulation, within the same microwave channel now used for the NTSC (analog) STL. Hardware for doing this is currently available, but its use is being impeded because the FCC Rules do not explicitly authorize digital modulation in the 7 and 13 GHz microwave bands primarily used by broadcasters for their STLs. Nor is digital modulation allowed in the 2 and 2.5 GHz TV broadcast auxiliary service ("BAS") bands, most frequently used for relaying programming from field locations back to the TV studio (*i.e.*, electronic news gathering, or "ENG," applications, and the coverage of sporting events).

There is no technical reason not to allow digital modulation in all of the TV BAS microwave bands. In March 1998 the TIA/EIA filed a petition

for rulemaking that proposed to amend the FCC Rules to allow digital modulation in any of the TV microwave bands. This petition languished at the FCC for six months, with no action, until SBE took the initiative and filed comments in support of the petition, even though no rulemaking number had yet been assigned. This spurred the FCC to assign a rulemaking number (RM-9418) and issue a public notice asking for comments on the TIA/EIA petition. SBE and about a half dozen other parties commented, all in favor of allowing digital microwave modulation in all of the TV microwave bands. Even in light of these favorable initial comments, and continued queries from SBE, the FCC let the RM-9418 petition languish until March 2001, when at long last a notice of proposed rulemaking (“NPRM”) was finally issued, Engineering Technology (“ET”) Docket 01-75 (possibly due to action by Mr. Tauzin’s office, in response to the SBE’s October 18, 2000, letter to Congressman Tauzin).

SBE filed comments and reply comments to the ET Docket 01-75 rulemaking, again in favor of allowing digital modulation in all TV BAS microwave bands; indeed, SBE repeated its recommendation that the FCC issue a blanket waiver allowing digital modulation in all of the TV microwave bands, much as the FCC did in 1996 when the FCC exercised its considerable regulatory discretion by issuing an edict immediately allowing digital modulation for MDS, MMDS, and ITFS “wireless cable” stations. The same approach for broadcasters makes obvious sense to SBE and other supporters. Indeed, SBE knows of no source of opposition to this change except for the FCC.

To this day the FCC refuses to grant a blanket waiver to broadcasters. Stations must instead devote time and resources to request special temporary authority (“STA”) to use digital or hybrid analog/digital modulation for their STL. This requires a separate application, a separate filing fee, and, unlike a microwave STL license, which has an 8-year term concurrent with the license of the affiliated TV/DTV station, STAs must be renewed every six months.

A Report & Order (“R&O”) to the ET Docket 01-75 rulemaking has yet to be issued, even though the reply comment period for that rulemaking closed on August 7, 2001. As a result of a May 2 conference call between myself, SBE General Counsel Christopher Imlay, and Mr. Rick Chessen, Associate Bureau Chief, Digital Television Task Force, Media Bureau; Mr. Keith Larson, Chief Engineer of the Media Bureau; and Mr. Ted Ryder of OET, the person working on the ET 01-75 rulemaking, SBE learned that OET hopes to have a draft R&O to you and the other FCC Commissioners in June of 2002. The purpose of this letter, then, is to urge that the R&O make the expected approval for digital modulation in all of the TV BAS microwave bands effective upon adoption of the item, in lieu of the normal practice of not making a rule change effective until 30 days after publication in the Federal Register, which can sometimes take months. Since this change would be extending authority for digital modulation, that is, would represent a liberalizing of the FCC Rules, no party should be negatively impacted by an immediate effective date for this aspect of the ET Docket 01-75 rulemaking.

Chairman Powell, you have asked broadcasters to adopt voluntary commitments to increase the amount of HD programming they provide. SBE submits that the you could do more to accomplish the congressionally-mandated goal of the earliest possible roll out of DTV by

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instructing OET to include an “effective upon adoption” clause for digital microwave modulation, thus allowing TV stations to transport HD digital programming to their DTV transmitters without the burden of having to obtain, and repeatedly renew, STAs. Broadcasters have been waiting for the FCC to take this actions for more than four years. The time to act is now.

Sincerely,

/s/ Dane E. Ericksen

Dane E. Ericksen, P.E., CSRTE
Chairman, SBE FCC Liaison Committee

cc: Mr. W. Kenneth Ferree, Chief, Media Bureau, FCC
Mr. Rick C. Chessen, Associate Bureau Chief, Digital Television Task Force, Media Bureau, FCC
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