

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

In the Matter of)	
)	
Unlicensed Operation in the TV Broadcast Bands)	ET Docket No. 04-186
)	
Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band)	ET Docket No. 02-380
)	

COMMENTS IN SUPPORT OF MOTION FOR EXTENSION OF TIME

The Association for Maximum Service Television, Inc. (“MSTV”) submits this letter in support of the Motion for Extension of Time filed by the IEEE 802.18 Radio Regulatory Technical Advisory Group (“the IEEE 802.18 Group”) in the above-referenced dockets. MSTV agrees with the IEEE 802.18 Group that allowing all parties additional time to prepare comments and reply comments regarding the Commission’s proposal to allow unlicensed device operation in the television broadcast spectrum will further the public interest.

As the IEEE 802.18 Group explains in its Motion, the Commission’s NPRM raises many complex and challenging technical issues. The issues central to that NPRM deserve careful consideration. Fundamentally, the Commission must determine whether, and if so, how, unlicensed devices may be given access to the television broadcast spectrum while maintaining the public’s right to free, over-the-air television. Yet the Commission will only obtain the information needed to reach a sound conclusion if it provides all affected parties a reasonable opportunity to comment.¹

The Commission cannot reasonably expect the complex technical studies needed to evaluate its proposal to be completed by September 1, 2004. In its earlier Request for Clarification, MSTV outlined the comprehensive measurement and evaluation it believes

¹ 47 C.F.R. § 1.415(b), (c) (requiring that a “reasonable time” be provided for submission of comments and reply comments).

August 17, 2004

necessary to assess the impact of the unlicensed devices proposal on the public.² For example, MSTV continues to assess the available spectrum (*i.e.*, “white spaces”) for unlicensed devices as well as the feasibility and practicality of unlicensed equipment that would provide the interference protection necessary to safeguard the integrity of the broadcast television service. And the ongoing DTV transition complicates these studies significantly.

MSTV also agrees with the IEEE 802.18 Group that more time is needed to allow development of consensus among the interested parties – the unlicensed device community, TV broadcasters, public safety PLMRS interests, and consumer electronics manufacturers. If parties are instead forced to state a position in comments by September 1, these collaborative efforts may falter.

Finally, there is no merit to the claims of Intel Corp. and Prof. Kevin Werbach that the IEEE 802.18 Group’s request is “extreme and unwarranted.”³ While Intel is free to submit comments as soon as it wishes, neither it nor the Commission would benefit from “access to public input” on September 1 when such input has had insufficient time to develop. Accordingly, MSTV asks that the Commission grant the IEEE 802.18 Group’s Motion for Extension of Time.

Respectfully Submitted,



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² See Request for Clarification of MSTV (June 21, 2004).

³ Opposition of Intel Corp. to Motion for Extension of Time (Aug. 16, 2004) at 1; *see also* Opposition of Prof. Kevin Werbach to Motion for Extension of Time (Aug. 16, 2004).