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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Over-The-Air Broadcast)
Television Viewers)
)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MB Docket No. 04-210

**REPLY COMMENTS OF
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.**

The Industrial Telecommunications Association, Inc. ("ITA") hereby respectfully submits these reply comments in response to the Commission's *Public Notice* ("Notice") in the above-referenced matter.¹ The Notice seeks comment on "options for minimizing the disruption to consumers when the switch-over to digital broadcasting occurs."² As discussed below, ITA notes the benefits associated with the expedient clearing of the 700 MHz band, and urges the Commission to support, whether through a report to Congress or other appropriate means, a federal funding mechanism to achieve this end.

ITA is the national advocacy and service organization for private licensees and radio dealer providers, representing the private wireless industry's communication interests before the FCC and Congress. As an FCC-certified frequency advisory committee, ITA coordinates in excess of 6,000 applications each year on behalf of both enterprise and radio dealer applicants who require authority to operate voice and data communication systems on wireless spectrum between 30 MHz and 1.4 GHz.

¹ Media Bureau Seeks Comment on Over-The-Air Broadcast Television Views, *Public Notice*, MB Docket No. 04-210, DA 04-1497 (rel. May 27, 2004) ("Notice").

² Notice at p. 1.

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ITA enjoys the support of a membership including more than 2,100 licensed land mobile radio communications users, private mobile radio service ("PMRS") oriented radio dealer organizations, and the following trade associations: Alliance of Motion Picture and Television Producers, Aeronautical Radio, Inc., and the Newspaper Association of America. In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communications Suppliers, the Taxicab & Livery Communications Council, the Telephone Maintenance Frequency Advisory Committee, and USMSS, Inc.

ITA's extensive involvement with the private land mobile industry includes coordination and engineering services for industrial/business users, paging licensees, special emergency eligibles, commercial licensees under Part 90 of the Commission's rules, and PMRS radio dealers; protection of petroleum service users through a contractual agreement with the American Petroleum Institute; the Commission's first line of post-licensing, interference resolution; and various other services.

With these comments, ITA wishes to make the following points:

- *By clearing the entire 700 MHz band of broadcast operations, the Commission would be advancing more efficient uses of the spectrum.*
- *The Commission should support a federal funding mechanism, whether through a Report to Congress or other appropriate means that would facilitate the provision of digital equipment to over-the-air television viewers.*

In a proceeding seeking efficient use of UHF television spectrum, the Commission notes, "fewer channels are required to accommodate all existing television stations after the digital transition"³ thus permitting the Commission to reallocate the 700

³ Unlicensed Operation in the TV Broadcast Bands, and Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, *Notice of Proposed Rulemaking*,

MHz band (698-806 MHz or television channels 52-69) for other uses.⁴ Intel observes that the expedient conclusion of the DTV transition serves

“the larger public interest by fostering more highly valued use of this spectrum. In particular, the ability to use TV frequencies would accelerate the growth, expand the reach, reduce the cost, improve the quality of broadband wireless service and make it far more economical to serve rural areas and to compete with wireline broadband alternatives in urban areas.”⁵

Other commenters recognize the public interest benefits – including rural and public safety implications, as well as advanced broadband services – associated with clearing the 700 MHz band.⁶

Portions of the 700 MHz band have already been auctioned to licensees awaiting the end of the digital transition, and in the interim carefully engineering new operations around existing broadcast stations.⁷ For example, 700 MHz guard band managers, such as Access Spectrum, LLC, have begun leasing spectrum it has purchased at auction to

ET Docket Nos. 04-186 and 02-380 (rel. May 25, 2004) ¶ 4, citing the Commission’s *First Report and Order* in WT Docket No. 99-168, 15 FCC Rcd 476 (2000), *Report and Order* in ET Docket No. 97-157, 12 FCC Rcd 22953 (1988) and *Report and Order* in GN Docket No. 01-74, 17 FCC Rcd 1022 (2002).

⁴ The 700 MHz band is split into two sub-bands. Channels 52-59 (698-746 MHz) are known as the lower 700 MHz band, while television channels 60-69 (746-806 MHz) have been labeled the upper 700 MHz band.

⁵ See Comments of Intel Corporation, MB Docket No. 04-210, at p. 5.

⁶ See Comments of Motorola, Inc., MB Docket No. 04-210, (Motorola) at p. 5, “the public interest benefits of clearing the 700 MHz spectrum expeditiously for public safety access nationwide far outweigh the need for preserving over-the-air service to such a small percentage of viewers.” See also, Comments of the Information Technology Industry Council, MB Docket No. 04-210, at p. 3, “Clearly the spectrum at issue is some of the most useful spectrum in nature. Independent of its market value, which is substantial, it can produce enormous social and economic benefits.”

⁷ Guard Band spectrum in the 746-747/776-777 MHz and 762-764/792-794 MHz bands has already been auctioned, as well as limited portions of the lower 700 MHz block in the 710-716/740-746 MHz and 716-722 MHz bands. See 700 MHz Guard Bands Auction Closes: Winning Bidders Announced, *Public Notice*, DA 00-2154 (rel. Sept. 25, 2000). See also, 700 MHz Guard Bands Auction Closes: Winning Bidders Announced, *Public Notice*, DA 01-478 (rel. Feb. 22, 2001). See also, Lower 700 MHz Band Auction Closes: Winning Bidders Announced, *Public Notice*, DA 02-2323 (rel. Sept. 20, 2002). See also, Lower 700 MHz Band Auction Closes: Winning Bidders Announced, *Public Notice*, DA 03-1978 (rel. June 18, 2003).

wireless entities, deploying solutions that do not interfere with incumbent broadcast operations. Other sections of the band have been allocated for public safety use, pending the Commission's acceptance of regional spectrum use plans and provided that such use does not interfere with existing broadcast operations.⁸ Still, other portions of the 700 MHz band lay fallow awaiting auctions.⁹ As broadcasters vacate the band, current and future licensees can more intensively utilize this spectrum. Therefore, ITA supports the effective and efficient clearing of the entire 700 MHz band to optimize its existing uses and to maximize its potential uses – in effect, advancing the social and economic benefits of the spectrum in question.

ITA applauds the Commission for promoting dialogue to minimize the impact of the digital conversion for over-the-air consumers.¹⁰ The Commission's assessment of, and action on, this item could provide the public with new opportunities for technological advancement, both in the transmission and reception of digital broadcast signals and in other uses of the former television allotments.

ITA recommends that the Commission report to Congress, requesting that it pursue a federal funding mechanism that would provide over-the-air television viewers with the option of securing digital equipment capable of receiving digital signals.¹¹ Such

⁸ The Commission has allocated 24 MHz of the upper 700 MHz band for public safety use at 764-776 MHz and 794-806 MHz. Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, *Report and Order*, 12 FCC Rcd 22953 (1998).

⁹ Spectrum awaiting licensing is as follows: 698-710 MHz, 722-740 MHz, 747-762 MHz, and 777-792 MHz (60 MHz in total).

¹⁰ See Comments of the Consumer Electronics Association, MB Docket No. 04-210, at p. 7, stating that "about 13 percent of households do not subscribe to cable and/or satellite services and that the majority of non-subscribing households are making a conscious decision not to subscribe for reasons other than economic constraints."

¹¹ Motorola at p. 7, noting that it could produce a digital-to-analog converter "to ensure the continued reception of free television" for approximately \$67 per unit, "assuming that the market is driven by a hard deadline of December 31, 2006."

a mechanism could expedite the transition to digital television on a nationwide basis, thereby opening up the 700 MHz to its potential, efficient uses in all geographies, while protecting over-the-air viewers during the digital transition.

In closing, ITA notes the public interest benefits of unfettered use of the 700 MHz band, and encourages the Commission to support through a report to Congress or other appropriate means a federal funding mechanism to facilitate the transition to digital television.

Respectfully submitted,

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September 7, 2004

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