

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

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

COMMENTS OF RED RIVER BROADCASTING COMPANY, LLC

Red River Broadcasting Co., LLC, (“Red River”) by its attorneys, hereby submits these comments opposing the Commission’s proposal to allow unlicensed radio transmitters to operate in the broadcast television spectrum. Red River strongly supports the Commission’s spectrum management reform efforts, but respectfully asks the Commission not to allow unlicensed operations in the broadcast band until spectrum sharing technologies improve and their effectiveness is better understood, and until the DTV transition has ended. Even if the Commission decides to allow unlicensed operations in the TV broadcast band, it should not place new financial and regulatory burdens on broadcasters by requiring them to broadcast “control” signals and should minimize harmful interference by requiring the registration of all unlicensed devices and the professional installation of all fixed access, unlicensed devices.

A. Free Over the Air Television Must be Protected From Harmful Interference From Unlicensed Devices

Many of Red River’s viewers depend exclusively on free over-the-air programming for news, entertainment and emergency information. Harmful interference from unlicensed devices located randomly throughout Red River’s viewing area will be difficult to eliminate and could significantly harm the public interest by destroying television communications. Unlicensed radio

transmitters in the TV band should not occur without first ensuring that TV broadcast signals will be protected by, among other things, interference avoidance technologies which have been comprehensively tested and are better understood than they are today. Red River agrees with the comments filed by the Association for Maximum Service Television, the National Association of Broadcasters and the Association of Public Television Station stating that current technologies “simply [do] not provide adequate assurance that broadcast uses will be protected from interference from unlicensed devices.”¹ In light of the uncertainty surrounding these technologies, the Commission should withhold further consideration of this proceeding until additional, more comprehensive, studies are conducted to demonstrate their effectiveness.

B. Requiring Broadcasters to Transmit “Control” Signals Would Unnecessarily Burden Small Market Stations

The *Notice of Proposed Rulemaking* seeks comment on whether broadcasters would “voluntarily engage” in agreements with unlicensed device manufacturers or service providers to transmit control signals to unlicensed devices, or whether it should “require TV stations to transmit this information.”² The Commission proposes that parties could receive compensation for transmitting control information, if a market arises for transmitting such signals.³ Red River strongly opposes mandatory carriage of control signal information. Transmitting control signals would require stations to make significant new investments in equipment and staff that may not be recoverable. Moreover, such a requirement would raise many of the same First Amendment issues presented by cable must-carry, none of which has been addressed by the Commission in this proceeding.

¹ *Joint Reply Comments of the Association for Maximum Service Television Inc., the National Association of Broadcasters, and the Association of Public Television Stations*, p.8, *Additional Spectrum for Unlicensed Devices Below 900 Mhz and in the 3 GHz Band*, ET Docket No. 02-380 (May 16, 2003).

² *Unlicensed Operation in the TV Broadcast Bands*, Notice of Proposed Rulemaking, ET Docket No. 04-186, ¶ 12, (2004).

³ *Id.* at ¶ 10.

Many less populated markets, like those served by Red River, will undoubtedly have lower demand for unlicensed devices. In such markets, broadcaster's investments in new equipment and other resources needed to broadcast control signals would likely outweigh market demand for unlicensed devices. Areas with little or no demand for unlicensed devices will not attract service providers who, under the FCC's theory, would ultimately compensate stations for their control signal transmission investments. In areas with higher demand for unlicensed devices, the free market will provide control signals without government prompting. The signals may even be provided by local broadcasters who are paid to do so, as the Commission suggests. Where there is little or no demand for unlicensed devices, however, provision of the control signal should not be required, because the cost of offering it outweighs any public or economic benefit it may provide. In such cases, the cost of providing the control signal must be borne by the parties wishing to distribute and utilize unlicensed devices, not broadcasters. Red River encourages the Commission to let the free market work. An FCC mandate is unnecessary and would be counter to the public interest and wasteful of small stations' very limited resources.

C. All Unlicensed Devices Must be Registered Along With Their Operating Frequencies In Order to Minimize Harmful Interference

The *Notice of Proposed Rulemaking* seeks comment on whether to require that all personal/portable transmitters be registered with an industry accepted entity, such as a frequency coordinator, that maintains a registration database of all models of personal/portable transmitters along with their operating frequencies.⁴ The television broadcast band is a complex setting, particularly during the crowded transition to digital programming. Because of this complexity and because many consumers depend on free over-the-air television, the Commission should take all available steps, including creating an unlicensed device registration database, to ensure that if

⁴ *Id.* at ¶ 13.

interference problems arise, they can be remedied as quickly as possible. The Commission, must however, also ensure that frequency coordinators or other designated entities are responsive to all licensees, not just those located in urban markets. The needs of stations in smaller markets are not always met by regional frequency coordinators. The registration system contemplated by the Commission will be useless unless it is properly leveraged to remedy interference problems quickly and effectively. In the absence of a properly managed registration system, many television viewers will be left with a substandard service and the public interest will be irreparably harmed.

D. Fixed Access Unlicensed Devices Must be Professionally Installed By a Party Who Would Determine the Device's Geographic Location and the Available "Unused" Channels at that Location.

The Commission proposes to require professional installation of Fixed/Access unlicensed devices and that the professional installer would determine the device's geographic location and the available "unused" channels at that location. Although Red River remains opposed to any unlicensed operations in the TV band, to the extent that the Commission ultimately permits such operations, Red River strongly urges the Commission to adopt a professional installation requirement. Professional installation of unlicensed systems is absolutely critical to ensuring that they are properly configured to operate only on unused channels. In this vein, the Commission should require and support an industry-based certification program to ensure that installers of fixed access unlicensed systems are properly trained and competent.

E. CONCLUSION

Unlicensed devices should not be allowed to operate in the broadcast band because interference avoidance technologies are not sufficiently advanced to protect licensed users from harmful interference. However, should the Commission allow such uses in the broadcast

spectrum, it should not financially burden stations by requiring them to invest in equipment and staff to transmit “control” information, but instead should allow the free market to determine where and when such information is provided. Furthermore, all unlicensed devices should be centrally registered and fixed/access unlicensed systems should only be installed by certified professionals.

Respectfully submitted,

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