

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)	ET Docket No. 02-380
Below 900 MHz and in the 3 GHz Band)	

To: The Secretary, for forwarding to The Commission

**REPLY COMMENTS
OF THE
COMMUNITY BROADCASTERS ASSOCIATION**

1. The Community Broadcasters Association (“CBA”) hereby submits its Reply Comments in this proceeding,¹ directed primarily toward initial comments filed by the New America Foundation/Media Access Project (“NAF/MAP”) and the Microsoft Corporation (“Microsoft”).

2. CBA believes strongly that NAF/MAP’s comments are based on a misguided theory that unwired, unlicensed, home-made wireless systems are so vital to the health and welfare of the nation that they justify taking significant engineering risks, including the risk of interference to licensed services from sources that are extremely difficult to trace. In effect, NAF/MAP would elevate Part 15 unlicensed systems far above their historical status and would give them parity with licensed services.² NAF/MAP states that unlicensed devices should have “co-equal status” with

¹ CBA filed initial Comments in this proceeding on November 30, 2004. CBA is the trade association of the nation’s Class A and Low Power Television (“LPTV”) stations and represents the interests of these stations in legislative, administrative, and judicial forums.

² NAF/MAP Comments at p. 22

LPTV stations and translators.³ Also, while claiming to recognize the important local services provided by LPTV stations,⁴ NAF/MAP advocates using the spectrum used by LPTV stations and translator services as a “guinea pig” to test various technologies that could provide unlicensed underlay operations in the entire broadcast band.⁵ CBA agrees that wider availability of broadband services is in the public interest, but it emphatically does not agree that generating random interference throughout the television broadcast band is a necessary way, or even a good way, to do it. Further, it is beyond the scope of this proceeding to completely reverse the historical priority between unlicensed and licensed devices in spectrum that is not specifically reserved for unlicensed operations.

3. Picking on spectrum used by Class A and LPTV stations is especially inappropriate, as most of these stations do not have cable or satellite carriage rights and they depend primarily on over-the-air reception to reach their viewers, as will many full power digital television (“DTV”) stations while the issue of DTV cable and satellite carriage remains unresolved. Moreover, because LPTV stations rely on weaker signals than full power stations in the broadcast band, the spectrum used by the LPTV industry is the *last place* where any underlay testing for unlicensed devices should be permitted.

4. To justify its position, NAF/MAP cites the calculated interference risks taken by the Federal Communications Commission (“Commission”) in approving the Low Power FM (“LPFM”) service on channels adjacent to conventional FM stations.⁶ This example is a poor one, however,

³ Id. at p. 24.

⁴ Id. at p. 20.

⁵ Id. at p. 21.

⁶ Id. at p. 18.

because in the case of LPFM, the two services involved both use the same technology. Furthermore, because of the “capture effect,” a receiver will lock on to the stronger FM signal when two signals are of different strength, so that the listener continues to receive FM radio service, although the station being received may change. If wireless broadband devices are permitted to operate in the LPTV band, the situation will be very different, because if the viewer’s television receiver suffers from interference, the viewer will receive no television signal at all. The wireless broadband signals will not display on a TV receiver, and TV signals will not display on wireless broadband receivers. Thus, interference will destroy service, not substitute service, to the serious detriment of viewers as well as broadcasters.

5. Because of the dependence of Class A and LPTV stations on over-the-air reception, the difficulty in identifying unlicensed interference sources, and the Commission’s very limited enforcement resources,⁷ the Commission cannot realistically declare an “open field day” on the broadcast spectrum. An experiment in sharing broadcast spectrum with non-broadcast services is especially daring to begin with; and even if the idea is a good one, it borders on recklessness to start out with unlicensed non-broadcast operations. Neither the Commission nor the private sector will be able to police the proliferation of networks built by persons of varying levels of sophistication unless everyone is carefully licensed, and technical standards are tightly controlled.

6. The Commission has already taken many initiatives to open up spectrum to both licensed and unlicensed broadband services, so the nation will not be left without the educational and information benefits of broadband. But throwing interference darts at locally-based low power stations, often owned by members of minority groups and often serving minority audiences, is

⁷ The likelihood that the Commission would have the resources to chase down large numbers of rogue broadband operators is virtually *nil*.

throwing out the baby with the bath water – sacrificing one source of important information because of the *anticipated* benefits of another. Moreover, there is a significant potential for abuse (particularly wanton abuse) where spectrum is being shared between services that are very different in their nature, and where equipment is distributed in large quantities for use by unsophisticated private individuals. Accordingly, the views of NAF/MAP should be rejected.

7. CBA also opposes one particular position taken by Microsoft because Microsoft believes that “...the likelihood of interference [to wireless microphone operations] from unlicensed device signals is so low that interference mitigation measures are unnecessary.”⁸ The Commission must recognize the critical role that wireless microphones play in the support of both television and radio broadcasting. It would not be in the public interest for the Commission to permit unlicensed devices to interfere with wireless microphones or to ignore the existence of wireless microphones in selecting frequencies.

Respectfully submitted,


Peter Tannenwald
Gregory V. Haledjian⁹

*Counsel for the Community Broadcasters
Association*

IRWIN, CAMPBELL & TANNENWALD, P.C.
1730 Rhode Island Ave., N.W., Suite 200
Washington, D.C. 20036-3101
Tel. 202-728-0400
Fax 202-0728-0354

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⁸ Microsoft Comments at p. 25.

⁹ Admitted in Maryland; Not admitted in D.C.