

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

In the Matter of)
)
Improving Public Safety Communications) WT Docket No. 02-55
in the 800 MHz Band)
)
Consolidating the 900 MHz Industrial/)
Land Transportation and Business Pool Channels)

Amendment of Section 2.106 of the Commission's) ET Docket 95-18
Rules to Allocate Spectrum at 2 GHz for use by)
the Mobile-Satellite Service)

Amendment of Part 2 of the Commission's Rules) ET Docket No. 00-258
to Allocate Spectrum Below 3 GHz for Mobile)
and Fixed Services to Support the Introduction of)
New Advanced Wireless Services, including Third)
Generation Wireless Systems)

To: The Commission

**Ex Parte Comments of the Society of Broadcast Engineers, Inc. in Support of
the June 20, 2005, Nextel/MSTV/NAB Request for Declaratory Ruling**

The Society of Broadcast Engineers, Incorporated (SBE), the national association of broadcast engineers and technical communications professionals, with more than 5,000 members world wide, hereby respectfully submits its *ex parte* comments in support of the *Request for Declaratory Ruling ("Request")* jointly filed on June 20, 2005, by the Nextel Communications, Inc. ("Nextel"), the Association of Maximum Service Television, Inc. ("MSTV"), and the National Association of Broadcasters ("NAB"). That Request asks the Commission to rule that 2 GHz TV Broadcast Auxiliary Service (BAS) stations applied for after June 26, 2000, but before November 23, 2004, will also be eligible for reimbursement of expenses by Nextel for converting microwave radios and related hardware from the old to the new band plans, should Nextel find it proper to do so.

I. SBE Fully Supports the Nextel/MSTV/NAB Request for Declaratory Ruling

1. SBE agrees with the fundamental reason behind the Nextel/MSTV/NAB Request: Namely, if stations that were applied for after June 26, 2000, but before November 23, 2004, are not

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included in the universe of TV BAS stations eligible for reimbursement, then those licensees may not have the resources to participate in the Nextel transition schedule to convert 2 GHz TV BAS stations from the old band plan, with 17 MHz wide channels, to the new band plan, with 12 MHz wide channels. As the Commission well knows, participation of all stations in a market, plus any associated smaller markets in the area, is vital for the transition plan to work. Thus, it is critical that all stations participate, even those that applied for a license after June 26, 2000, but prior to November 23, 2004.

2. TV Pickup stations operating in the 2 GHz TV BAS band are used primarily for electronic news gathering (ENG) purposes. SBE believes that ENG is an application that cannot tolerate months, let alone years, of uncertainty while the multiple FCC rule makings¹ and reconsideration petitions affecting the 2 GHz TV BAS band are processed. Any protracted delay in finalizing action keeps the whole 2 GHz TV BAS band a "moving target," and thus forces some licenses into purchasing interim microwave radios and associated hardware. Finality regarding the 2 GHz TV BAS band did not truly occur until November 22, 2004, when the WT Docket 02-55 Report & Order (R&O) was published in the Federal Register.

3. Nextel will be the party responsible for the payment of broadcasters' reimbursement expenses, which, as part of the 800 MHz "true-up" process, will be included among the credits Nextel will receive in calculating the difference between Nextel's new 2 GHz spectrum and Nextel's costs in fulfilling its obligations under the FCC's 800 MHz Report and Order. The Request demonstrates Nextel's commitment toward making the transition work, even though the total reimbursement cost for Nextel will be higher if the FCC honors the joint request. In effect, Nextel is asking the FCC to let it pay a relatively small premium for an additional insurance policy rider to ensure success. SBE believes that this is a smart move.

¹ In addition to this instant WT Docket 02-55 proceeding, other pertinent dockets are ET 95-18, ET 00-258, WT Docket 03-66, and IB 02-234. WT Docket 03-66 and IB Docket 02-234 have linkage because most 2 GHz TV BAS radios also are capable of operating on the 2.5 GHz TV BAS channels.

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II. Summary

4. Accordingly, SBE fully agrees with Nextel/MSTV/NAB that a Declaratory Ruling is needed, so that the holders of 2 GHz TV BAS applications filed after June 26, 2000, but prior to November 23, 2004, can participate in the transition plan adopted by the Commission and to be implemented by Nextel. This participation by all 2 GHz TV BAS licensees is critical to the success of the transition. Therefore, SBE adds its voice in support of the Nextel/MSTV/NAB Request for Declaratory Ruling.

Society of Broadcast Engineers, Inc.

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SBE President

/s/ Dane E. Ericksen, P.E., CSRTE, CBNT
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