

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)	
)	
2000 Biennial Regulatory Review --)	
Streamlining and Other Revisions of)	
Part 25 of the Commission's Rules)	IB Docket No. 00-248
Governing the Licensing of, and)	
Spectrum Usage by, Satellite Network)	
Earth Stations and Space Stations)	

JOINT COMMENTS

CBS Broadcasting, Inc., Fox Broadcasting Company, Microspace Communications Corporation, MTV Networks, Showtime Networks Inc., Twentieth Television and The Walt Disney Company (including ABC, Inc., the ABC Cable Networks Group, Buena Vista Television and ESPN) (together, the "Joint Commenters") hereby submit these joint comments in opposition to the Commission's proposal to prohibit analog video transmissions announced in the *Third Further Notice of Proposed Rulemaking* ("*Third Further Notice*") in the above-captioned proceeding.¹ The proposal that the Joint Commenters oppose is narrow in scope, but significant in potential impact. The prohibition of analog video transmissions – particularly within the short one-year time frame proposed by the Commission – would severely curtail critical video delivery services without

¹ See *Third Further Notice* at ¶¶ 84-88. The common interest of the Joint Commenters is limited to opposing the Commission's proposal concerning analog video transmissions as discussed herein. To protect proprietary and confidential information, the examples of analog video use, infrastructure and transponder inventory cited in these comments are not attributed to a specific Joint Commenter. Should the Commission require the identification of any Joint Commenter's discrete information, such identification can be provided separately with a request for confidential treatment in accordance with Section 0.459 of the FCC's rules, 47 C.F.R. § 0.459.

significant countervailing benefit. The Commission should reject its arbitrary deadline in favor of an analog-to-digital transition period set by practical, commercial, and public safety considerations which fully account for the existing (and future) uses of analog video transmissions at C- and Ku-band.²

A. The Proposal To Prohibit Analog Video Transmissions Is Neither Well Founded Nor Justified.

As an initial matter, the Commission’s proposal to prohibit analog video transmissions is based on a faulty premise – namely, that analog video transmissions “are more likely to cause harmful interference to other transmissions.” *Third Further Notice at* ¶ 87. To the contrary, in the collective experience of the Joint Commenters, analog video transmissions have proven to be no more of a source of harmful interference than digital video transmissions. Indeed, there exists the potential for increased interference in an all-digital environment. Analog video transmissions require more bandwidth, and hence fewer carriers, than digital video transmissions. An increase in carriers poses the risk of increased interference – especially if single channel per carrier digital modes are used.

Interference from analog video transmissions is also not intrinsically more harmful than digital interference, as there are no known cases of analog interference that could not be resolved through normal coordination processes. Interference is interference, regardless of its transmission source, and whenever it occurs, it must be mitigated. As it decides whether, and when, to impose a prohibition of analog video transmissions, the Commission

² One Joint Commenter utilizes multi-purpose earth station licenses to distribute aural and data information to more than 220,000 businesses or organizations on a daily basis. These organizations and businesses include the Federal Emergency Management Agency, military bases, law enforcement agencies, and heartland farmers. It is unclear how the Commission’s proposal to prohibit analog video transmissions will affect multi-purpose licenses. If a digital transition is mandated, however, the cost to convert the equipment currently used by these more than 220,000 businesses and organizations is estimated to exceed \$100 million.

must be mindful of the fact that any such prohibition will *not* eliminate all potential for interference, and that analog and digital transmissions co-exist peacefully today. There is no justification to change the functional status quo on the pretext that analog video transmissions are somehow an increased source of harmful interference.

B. Analog Video Transmissions Are A Vital Means Of Communications Both On A Daily Basis And In Response To Crisis.

In the *Third Further Notice*, the Commission stated that it intends to adopt its proposal to prohibit analog video transmissions unless a “convincing” case can be made that such transmissions are “necessary.” *Third Further Notice* at ¶ 88.³ The wide-ranging dependence on analog video transmissions discussed below provides just such a “convincing” case. Although analog video transmissions are declining as the transition to a digital environment proceeds, these transmissions nevertheless function as an indispensable source for communications, and will continue to do so well beyond the one-year transition period proposed by the Commission. It would be fundamentally premature – and contrary to the public interest – to eliminate analog video transmissions within the timeframe envisioned by the Commission.

By any measure, C- and Ku-band analog video transmissions provide vital services. Perhaps most importantly, analog signals maintain the uninterrupted delivery of video programming, such as broadcast network feeds to affiliated television stations throughout the United States. When an affiliate experiences last-minute digital signal loss,⁴ analog

³ In the *Third Further Notice*, the Commission also requests a technical study that provides a sufficient basis for an analog video off-axis EIRP envelope. *Third Further Notice* at ¶ 88. The Joint Commenters understand that satellite service providers intend to submit technical showings in response to that request, and consequently will reserve comment on this aspect of the *Third Further Notice* until they are able to review these studies.

⁴ Digital signal loss can result from a variety of circumstances, including equipment failure, adverse weather, power failure, and sporadic local market radio frequency interference.

feeds provide the necessary back-up to ensure seamless television transmission. The broadcast of popular sporting events offers a case in point. Given the high value of this programming, when even one out of hundreds of broadcast network-affiliated stations experiences digital signal loss, networks are able to set up an immediate analog version of the event in order to minimize downtime. Thus, the analog-receive equipment that television stations routinely maintain remains an important safeguard against the interruption of video program delivery.

In the wake of 9/11, the importance of reliable, uninterrupted communications has never been more evident. The Media Security and Reliability Council (“MSRC”) last year stressed the importance of redundancy as a protection against the threat of terrorist attack on the networks and systems of media companies.⁵ Analog functions as the ideal source for redundancy because it is a quick and easy transmission platform to set up and because it guarantees ubiquity. In contrast, digital transmission and reception systems are neither ubiquitous nor fully “interoperable” (that is, all digital receive devices are not necessarily compatible with all digital transmit devices). To guard against the possible loss of communications in times of crisis, the Commission should protect, rather than prohibit, analog video transmissions.

In addition to serving as a vital back-up source, analog transmissions also provide video programming on a primary basis. For one Joint Commenter, analog transmissions serve as the distribution source for a majority of its syndicated programming, as well as for program distribution to certain markets, such as Canada, where most of the targeted

⁵ See Media Security And Reliability Council, Comprehensive Best Practices Recommendations (released March 2, 2004). MSRC is the Federal advisory committee formed to study, develop and report on communications and coordination designed to assure the optimal reliability, robustness and security of the broadcast and multichannel video programming distribution industries in emergency situations.

stations are not equipped with digital receivers.⁶ On the receive end, there remain today tens of thousands of television households equipped with backyard analog television receive-only (“TVRO”) decoders. The cost of individual replacement of this equipment, as well as the loss in TVRO revenue, would be substantial should the Commission’s proposal be adopted.

The parties to these comments also rely heavily on analog to support backhauls for the gathering of news, sports and entertainment content. One Joint Commenter estimates that more than half of its entertainment- and sports-related C-band satellite backhaul feeds from remote locations use analog video transmissions. The affiliates of another Joint Commenter currently employ low powered uplinks, 80 percent of which are analog-only, and satellite news-gathering (“SNG”) trucks, 40 percent of which are analog-only, for their backhaul feeds.⁷ While these percentages will decrease over time, continued analog backhaul transmission for these particular services is anticipated over the next three to five years.

Further evidence of the continuing importance of analog video transmissions is the number of C- and Ku-band satellite transponders set aside for analog or analog/digital use. One Joint Commenter uses its inventory of 10 C-band and 2 Ku-band satellite transponders for analog transmissions one-half and one-quarter of the time, respectively. Another Joint Commenter counts two analog-only and two analog/digital transponders among its transponder inventory. With the transition to digital, the number of analog transponders is

⁶ One Joint Commenter also provides service to approximately 100 cruise ships and to approximately 200 schools via analog feeds.

⁷ This Joint Commenter transmitted 21.6 percent of its SNG data over Ku-band frequencies using analog transmission.

expected to decline, but will not disappear completely (absent a Commission directive to the contrary) in order to meet the special programming distribution needs detailed above.

C. The Switch To Digital Is Underway, But Must Be Determined By Practical, Commercial And Public Safety Considerations.

The Joint Commenters recognize (indeed are actively pursuing) the transition to digital, but the pace of transition must be driven by practical, commercial and public safety considerations and not by arbitrary governmental fiat. As an initial matter, the “digital only” mandate cannot, as a practical matter, be achieved within the needlessly accelerated time frame proposed by the Commission. The Joint Commenters are aware of only two major satellite receiver vendors capable of supporting the multi-programmer transition to digital, which is a significant concern given the amount of embedded legacy equipment, including compatible encryption and conditional access technology. The delayed digital roll-outs experienced by the Joint Commenters to date offer ample warning that a “flash cut” transition to digital is not feasible, in large part because these two vendors would not be able to produce all the necessary encoding and decoding equipment in time.⁸ The dearth of suppliers also raises the risk of price-gouging under a mandated switch to digital, as demand for digital equipment would outstrip supply.⁹

Practicality aside, mandating the prohibition of analog video transmissions would require significant financial outlays. Five of the Joint Commenters estimate that it will cost as much as \$17 million, \$15 million, \$11 million, \$10 million, and \$2 million to convert to

⁸ Another complicating factor is the unknown. One Joint Commenter had to recall more than 10,000 deployed units due to a defective chip during a recent digital roll-out. An unforeseen event such as this necessarily compromises the timing of a digital transition.

⁹ A mandated transition with a short defined timeline could also have the adverse effect of stifling digital equipment innovation. Once all established services had migrated to digital, there would be a limited market for, and little incentive for manufacturers to develop, new digital features and products.

digital their respective remaining affiliates which receive transmissions via analog.¹⁰ Another Joint Commenter estimates that it will cost \$4 million to retrofit its SNGs to “digital only.” These examples illustrate the significant financial burden that video companies would have to bear in the wake of a transition deadline set by the Commission and not by the user community.

Finally, even if the prohibition of analog video transmissions did not face the significant practical, financial and technical hurdles discussed herein, and the successful migration to digital could somehow be guaranteed, analog video transmissions would still be needed to provide the back-up services during emergency situations as noted above. In lieu of a strict prohibition of analog video transmissions, the Commission should allow marketplace forces and commercial prerogatives to guide users for the foreseeable future in choosing to transmit their video programming in either analog or digital formats.

CONCLUSION

For the foregoing reasons, the Joint Commenters urge the Commission to reject its unwarranted proposal to prohibit analog video transmissions in favor of a more gradual transition to digital that is informed by practical, commercial and public safety considerations.

Respectfully submitted,

CBS BROADCASTING, INC.

Brent Stranathan /s/
Brent Stranathan
Vice President
Broadcast Distribution

FOX BROADCASTING COMPANY

Ellen S. Agress /s/
Ellen S. Agress
Attorney for Fox Broadcasting Company

¹⁰ As noted above, depending on the affect of the Commission’s proposal on multi-purpose licenses, one Joint Commenter estimates a conversion cost of more than \$100 million. See footnote 2 *supra*.

MICROSPACE COMMUNICATIONS
CORPORATION

Dianne Smith /s/
Dianne Smith
Special Projects Counsel

MTV NETWORKS

Michael Aloisi /s/
Michael Aloisi
Vice President
Technology, Satellite & Affiliate Services

SHOWTIME NETWORKS INC.

Michael Ward /s/
Michael Ward
Senior Vice President/
Deputy General Counsel

TWENTIETH TELEVISION

Ellen S. Agress /s/
Ellen S. Agress
Attorney for Twentieth Television

THE WALT DISNEY COMPANY

Susan Fox /s/
Susan Fox
Vice President
Government Affairs

Raul R. Rodriguez
Philip A. Bonomo
Leventhal Senter & Lerman PLLC
2000 K Street, NW
Suite 600
Washington, DC 20006
(202) 429-8970

Of Counsel

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