

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

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In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762	)	WT Docket No. 06-150
and 777-792 MHz Bands	)	
	)	
Revision of the Commission's Rules to	)	CC Docket No. 94-102
Ensure Compatibility with Enhanced 911	)	
Emergency Calling Systems	)	
	)	
Section 68.4(a) of the Commission's Rules	)	WT Docket No. 01-309
Governing Hearing Aid-Compatible	)	
Telephones	)	
_____	)	

**REPLY COMMENTS OF MSTV AND NAB**

The Association for Maximum Service Television, Inc. (“MSTV”)<sup>1</sup> and the National Association of Broadcasters (“NAB”)<sup>2</sup> support the Commission’s efforts to ensure that the spectrum being vacated by broadcasters is put to productive use. In response to the Commission’s Notice of Proposed Rulemaking, a variety of commenters have offered suggestions for changes to the Commission’s 700 MHz rules that would facilitate this effort.<sup>3</sup> Because licensees in the Lower 700 MHz Band (Channels 52-59) will operate adjacent to digital television broadcasters at Channels 51 and below, MSTV

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<sup>1</sup> MSTV is the non-profit trade association representing local broadcast television stations committed to preserving the technical integrity of the public’s broadcast television service.

<sup>2</sup> NAB is a nonprofit trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and the Courts.

<sup>3</sup> *In re Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Notice of Proposed Rule Making, WT Docket No. 06-150, FCC 06-114 (rel. Aug. 10, 2006) (“NPRM”).

and NAB offer their perspectives on steps that the Commission may take, in light of the proposals advanced in this proceeding, to minimize harmful interference between the two bands.<sup>4</sup>

As the Commission observes, this rulemaking impacts both “licenses yet to be auctioned” in the 700 MHz band, “as well as licenses that already have been auctioned....”<sup>5</sup> MSTV and NAB understand that the Commission does not anticipate changes in this proceeding that would increase interference to broadcast television operations prior to the completion of the digital transition,<sup>6</sup> and these reply comments therefore address broadcasters’ concerns about the interaction of the broadcast service and commercial 700 MHz users in the post-transition environment.

**I. CURRENT CHANNELIZATION IN THE LOWER 700 MHz BAND SHOULD BE RETAINED.**

In its NPRM, the Commission inquired whether the spectrum blocks in the Lower 700 MHz Band should be maintained at their current 6 megahertz alignment and sizes.<sup>7</sup> MSTV and NAB, like the Commission, agree with those commenters who acknowledge that the current channelization in the Lower 700 MHz Band is the most

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<sup>4</sup> The Commission’s NPRM raises many important questions about the use of the 700 MHz band after the conclusion of the DTV transition. MSTV and NAB, however, confine their recommendations in this submission to the specific issues that could impact broadcasters in the post-transition environment.

<sup>5</sup> *NPRM* at ¶ 2.

<sup>6</sup> In light of the importance of the transition, and the substantial collaborative efforts of the Commission, Congress, broadcasters, and other industries to complete it efficiently, it is important that the Commission not make any changes to the 700 MHz rules that would adversely impact television operations before the transition’s conclusion.

<sup>7</sup> *NPRM* at ¶ 50.

appropriate approach to assigning spectrum in the band.<sup>8</sup> Particularly in light of the spectrum already auctioned in this band,<sup>9</sup> retaining 6 MHz channelization is the most efficient approach to distributing the spectrum that remains available, and to facilitating the technologies that commenters agree are in development or operation for use with 6 MHz channels.<sup>10</sup>

Given the critical importance of the broadcast service, both before and after the transition, the retention of 6 MHz channelization would facilitate the prevention of harmful interference to broadcast stations operating on Channel 51, adjacent to the 700 MHz band. With comparable channelization, commercial 700 MHz users could most efficiently coordinate with Channel 51 broadcasters. 6 MHz channelization is also large enough to allow for the inclusion of a guard band, should that be necessary to ensure that new 700 MHz users do not create harmful interference to TV Channel 51 operations and their viewers.

In addition, the retention of 6 MHz channelization would allow use of the spectrum for broadcast television or broadcast-like services. Given the impressive rate of innovation in the digital broadcast environment, the availability of additional spectrum

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<sup>8</sup> See, e.g., Comments of Motorola, Inc., WT Docket No. 06-150, at 4-5 (filed Sep. 29, 2006) (“Motorola Comments”) (acknowledging that the existing band plans “provide for a diversity of spectrum opportunities and should be maintained”). See also Comments of MetroPCS Communications, Inc, WT Docket No. 06-150, at 11 (filed Sep. 29, 2006) (supporting channelization of 6 MHz or 2 x 6 MHz in the Lower 700 MHz band, and observing that Auction 66 revealed strong demand for smaller spectrum blocks).

<sup>9</sup> See *id.*

<sup>10</sup> Qualcomm, for example, acknowledged that, as the Commission observed, its service is designed for 6 MHz channelization. Comments of Qualcomm Inc., WT Docket No. 06-150, at 17 (filed Sep. 29, 2006) (“Qualcomm Comments”) (observing that channelization of 5 MHz or less would compromise features). See also *NPRM* at ¶ 52.

that is compatible with existing broadcast operations would allow for the continued development of new technologies to enhance broadcasters' service to viewers, using both Lower 700 MHz spectrum and digital television spectrum.

## **II. THE COMMISSION SHOULD REAFFIRM THE INTERFERENCE PROTECTIONS TO CHANNEL 51.**

In its comments, Sprint Nextel warned that, without interference protections, commercial licensees in the 700 MHz bands will interfere with adjoining 700 MHz public safety users.<sup>11</sup> The same concern applies to the broadcast services operating at Channels 51 and below, which provide critical information to the public in times of emergency, as well as free, high-quality local and national programming daily.

In its 2002 Public Notice preceding the 2002 Lower 700 MHz auction, the Commission warned potential Lower 700 MHz bidders that Channel 51 stations “are accorded primary status as television broadcasters,” and that “new licensees are required to provide interference protection to [broadcast] licensees operating on adjacent channels.”<sup>12</sup> In order to protect the important services provided to the public by broadcasters after the transition, the Commission should reaffirm its longstanding holding that broadcast services have priority over any adjoining 700 MHz services that might interfere. Any entity acquiring a license to operate in Channel 52 should therefore continue to be on notice of its obligation to protect Channel 51 services.

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<sup>11</sup> Comments of Sprint Nextel Corp., WT Docket No. 06-150, at 2-9 (filed Sep. 29, 2006) (“Sprint Nextel Comments”).

<sup>12</sup> *Due Diligence Announcement for the Upcoming Auction of Licenses in the 698-746 MHz Band Scheduled for June 19, 2002*, Public Notice, 17 FCC Rcd. 7186, 7187 & n.6 (2002) (“2002 Public Notice”).

### III. LOWERING POWER IN THE LOWER 700 MHz BAND IS NECESSARY TO PROTECT CHANNEL 51 OPERATIONS.

Finally, MSTV and NAB agree with those commenters who acknowledge that lowering power in the Lower 700 MHz Band is necessary to protect adjacent operations, such as Channel 51 broadcasters, from harmful interference. High power levels in the Lower 700 MHz Band such as those proposed by some commenters in this proceeding are likely incompatible with neighboring broadcast operations, and have the potential to disrupt service by Channel 51 broadcasters.<sup>13</sup> Existing protections may not be adequate if, as a result of extremely high-powered operations, 700 MHz operators create harmful interference to Channel 51,<sup>14</sup> and a reduced power limit in the Lower 700 MHz Band would help to address these concerns.

Because of the increased potential for interference between Channels 51 and 52, MSTV and NAB agree that a permanent lower limit of, “*e.g.*, 20 kW, 10 kW, 5 kW [or] 1 kW ERP,”<sup>15</sup> is likely appropriate for at least the 700 MHz users operating on Channel 52. Channel 52 users should also be subject to an out-of-band emission limit, as well as an adjacent channel protection ratio. Such a ratio would impose a separation distance between a 700 MHz user and a Channel 51 broadcaster, reducing the likelihood of interference because of the close proximity between users, which is likely even at power levels lower than 50 kW ERP.

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<sup>13</sup> Cf. Motorola Comments at 11 (“Motorola is concerned that the high power levels permitted may result in incompatibility between broadcast-type operations. . .”).

<sup>14</sup> See *NPRM* at ¶ 96 (expressing concern that power flux density limitations would not adequately protect against interference).

<sup>15</sup> *Id.*

As Sprint Nextel and the Commission have observed, that limit may also be appropriate throughout the Lower 700 MHz band, where the coexistence of both high- and low-powered users could present problems, both within the band and with respect to neighboring broadcast uses.<sup>16</sup> At a minimum, the Commission should adopt a lower power limit during the digital transition, retaining the low limit in Channel 52 permanently and increasing it for 700 MHz users at Channels 53 or above only after the transition is completed.

Although most commenters agree that prevention of interference, both within and without the 700 MHz bands, is of critical importance, certain commenters oppose reductions in power levels or other steps to protect other users from interference.<sup>17</sup> The Commission has properly held that broadcasters have “primary status” as compared to 700 MHz users for interference purposes.<sup>18</sup> Despite the arguments of certain commenters, it is fully appropriate for the Commission to reduce power levels or impose other interference protections where, as here, knowledge developed after initial rules were adopted teaches that such steps are necessary to prevent harmful interference. Nor may the prior investments of potential 700 MHz users dissuade the Commission from taking steps to ensure that the public’s interest in the transition and the digital television service is protected. 700 MHz bidders have long been on notice of the

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<sup>16</sup> See Sprint Nextel Comments at 10-13; *NPRM* at ¶ 97 (favoring “providing uniform treatment across the band” with respect to power levels).

<sup>17</sup> See, e.g., Comments of Corr Wireless Comms., LLC, WT Docket No. 06-150, at 8-10 (filed Sep. 29, 2006); Comments of CTIA - The Wireless Ass’n, WT Docket No. 06-150, at 8-10 (filed Sep. 29, 2006); Qualcomm Comments at 21-23.

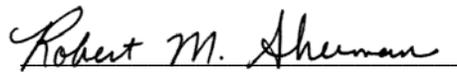
<sup>18</sup> 2002 *Public Notice*, *supra* n.12.

Commission's policy of protecting the broadcast service from interference, and they have bid, or will bid, on this spectrum with full knowledge of that policy.

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The establishment of rules for the 700 MHz Band is unquestionably an important step in ensuring the efficient use of this spectrum after the close of the digital transition. In this rulemaking, MSTV and NAB encourage the Commission to be mindful of the ongoing need to ensure that, notwithstanding changes in adjoining bands, digital broadcasters will continue to be able to serve the American public without disruption, as well as to bring new and innovative services to viewers through the use of digital technology.

Respectfully submitted,



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October 20, 2006