

**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: Office of the Secretary,
ATTN: The Commission

COMMENTS OF MEDIA GENERAL, INC.

Media General, Inc. (“Media General”), by its attorneys, submits these comments in response to the Commission’s *Further Notice* in the above-captioned proceeding.¹ Through subsidiaries, Media General owns 23 commercial television stations and 17 LPTV and television translator stations licensed to various-sized communities throughout the United States and broadcasts on the spectrum that would be shared with new “TV band devices.” Media General appreciates the *Further Notice*’s acknowledgement of the importance of protecting viewers of free, over-the-air broadcast television service from harmful interference and urges the Commission to continue to take deliberate and careful steps if it determines to introduce TV band devices.

Media General fully supports the comments filed by the Association for Maximum Service Television, Inc. (MSTV) and the National Association of Broadcasters (NAB). Media

¹ Unlicensed Operation in the TV Broadcast Bands, ET Docket Nos. 04-186, 02-380, *First Report and Order and Further Notice of Proposed Rule Making*, FCC 06-156 (rel. Oct. 18, 2006) (“*Further Notice*”).

General provides these additional comments to emphasize issues that are vitally important for the continued protection of broadcast television viewers.

I. THE COMMISSION'S HIGHEST PRIORITY MUST BE THE PROTECTION OF BROADCAST TELEVISION VIEWERS FROM HARMFUL INTERFERENCE.

The Commission must test TV band devices thoroughly before any introduction of the devices, even if it means rescheduling the February 2009 implementation. Under no condition should the Commission allow the marketing of TV band devices if they could cause harmful interference to television viewers. Media General thus supports the Commission's announced testing process,² and it encourages the Commission to expand testing further if results so dictate. The Commission should be open to scientific review and verification of test results, and it accordingly should publicize test results as soon as reasonably possible. Verification of testing will allow interested parties to draw reasonable conclusions about the prospects for harm to the public rather than guess about the sufficiency of proposed standards. Media General moreover supports the Commission's decision not to permit the marketing of TV band devices until February 2009 at the earliest. The protection of broadcast television viewers from harmful interference must be the Commission's highest priority in this proceeding.

If the Commission decides to allow the introduction of fixed TV band devices, then it should follow the recommendations of the IEEE Working Group 802.22 and prohibit co- and adjacent-channel operation inside a television station's protected contour and require reliance upon a geolocation system (and not frequency sensing) to ensure that devices are not operating

² Office of Engineering and Technology Announces Projected Schedule for Proceeding on Unlicensed Operation in the TV Broadcast Bands, *Public Notice*, DA 06-1813 (rel. Sept. 11, 2006).

on prohibited channels.³ The Commission absolutely should not allow the marketing of personal/portable devices at this time, consistent with the recognition that “it is easier to protect incumbent operations in the TV bands...when devices are limited to fixed operations,”⁴ especially given the “complex and novel sharing issues presented here.”⁵

Media General opposes those who demand the introduction of TV band devices without adequate testing and urges the Commission to continue to resist efforts to dilute or degrade its testing of TV band devices. TV band devices, as the Commission notes, have the potential for “ubiquitous and uncontrolled deployment,”⁶ so, if problems arise, interference would be pervasive. Accordingly, even if the Commission must postpone the proposed implementation date beyond February 2009, it should prohibit the marketing of TV band devices until it absolutely has ensured that “devices will protect incumbent radio services from harmful interference.”⁷

II. UNLICENSED OPERATION OFFERS FEW MEANINGFUL BENEFITS TO OFFSET THE SIGNIFICANT INTERFERENCE RISK OF NOVEL BAND-SHARING ARRANGEMENTS.

Media General believes that regulation of TV band devices under a licensed regime would be better suited for resolving the interference problems that inevitably would arise from

³ See *Ex Parte* Presentation of IEEE 802.22, ET Docket No. 04-186 (filed Oct. 3, 2005).

⁴ *Further Notice*, ¶ 17.

⁵ *Id.*, ¶ 15. As the Commission further notes, IEEE Working Group 802.22 – with expert participation from a variety of industries – is developing international standards for fixed TV band devices. *Id.*, ¶ 18.

⁶ *Notice of Proposed Rule Making* in ET Docket Nos. 02-380 and 04-186, 19 FCC Rcd 10018, ¶ 21 (2004).

⁷ *Further Notice*, ¶ 15.

the “complex and novel sharing issues”⁸ that their operation presents. The Commission noted that under a licensing regime parties may more easily and quickly resolve interference problems and balance competing uses.⁹ With less ability to externalize problems, new licensees would have a much stronger incentive to ensure that their devices protect viewers.

Operating TV band devices on an unlicensed basis poses serious problems. No party, not even the Commission, could prevent overcrowding from unlicensed devices.¹⁰ Not only would this overcrowding exacerbate the threat of harmful interference to viewers, but the incentive and ability to innovate in the band would diminish rapidly. Once the band is dedicated to unlicensed operation and the band is filled with devices, it would be practically impossible ever to reverse course and offer services on a licensed basis. Unlicensed operation of the likely popular devices would be consumer-based and widely dispersed, making it extremely difficult for the FCC to enforce its regulations, resolve interference problems, or extricate non-compliant devices. Moreover, in all likelihood the alleged benefits that unlicensed operations supposedly would offer (*e.g.*, superior performance, reduced cost, better suited to rural service) could be achieved more easily under a licensed regime. With so much to be lost and so little to be gained, it would be exceedingly unreasonable for the Commission to impose unlicensed band-sharing on incumbent and indisputably critical broadcast television service.

CONCLUSION

If the Commission by its actions in this proceeding unintentionally permits the introduction of interference-causing unlicensed devices on a widespread basis, there are no

⁸ *Id.*, ¶ 15.

⁹ *Id.*, ¶ 30.

¹⁰ *See generally*, Garrett Hardin, *The Tragedy of the Commons*, *SCIENCE* 162, 1243-1248 (1968).

measures available to it that could restore the provision of free, over-the-air broadcast service. Accordingly, the Commission must continue to take careful and deliberate steps if it wishes to permit “complex and novel” band-sharing. Before any marketing of the TV band devices is allowed, the Commission must conduct extensive, thorough, and verifiable tests to ensure that television viewers are protected. In addition, with so much to be lost and so little to be gained by unlicensed use, the Commission should regulate TV band devices on a licensed basis. Media General strongly believes that the Commission in this proceeding must rely on a cautious approach to ensure that incumbent broadcast service is protected now and in the future.

Respectfully submitted,
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/s/
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