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October 27, 2008

* NOT ADMITTED IN VIRGINIA

Via electronic filing

Honorable Kevin J. Martin, Chairman
Federal Communications Commission
Washington, DC 20554

Re: Unlicensed Operation in the TV Broadcast Bands;
Additional Spectrum for Unlicensed Devices
Below 900 MHz and in the 3 GHz Band.
ET Docket Nos. 04-186 and 02-380

Dear Chairman Martin:

I am writing on behalf of the Community Broadcasters Association (CBA), the trade association of the nation's Class A and Low Power Television (LPTV) stations, to urge that you withdraw the "White Spaces" item from consideration at the Commission's meeting scheduled for November 4, 2008, and that prior to any vote, the public be given an opportunity to comment formally on OET's report, *Evaluation of the Performance of Prototype TV-Band White Space Devices*, released October 15, 2008.

CBA much appreciates the great effort you have made recently to assist Class A and LPTV stations in obtaining wider distribution of their signals and transitioning to the digital age. However, in light of the fact that most Class A and LPTV stations depend on over-the-air reception, are still seeking companion digital channels, and unlike full power stations, do not enjoy mandatory MVPD carriage rights, the prospect of invasion of the television broadcast band by unlicensed non-broadcast devices is especially frightening.

Five Class A and LPTV stations were taken into account in the OET Report. As the attached spreadsheet shows, in approximately 17% of the observations, the Class A or LPTV signal was *actually viewable* at the location in question, but the White Spaces signal detectors

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declared that the channel was available. In other words, leaving aside a station's predicted service area, signals were not detected 17% of the time at places where the station could actually be viewed. The signals that were not detected were co-channel, not adjacent-channel, making the problem all the worse if White Spaces devices transmitted on those channels.

The whole concept behind unlicensed White Spaces devices is that they will be secondary and will use only spectrum that is not occupied. The devices that have been tested so far do not meet that standard -- they will permit transmissions that will interfere with Class A and LPTV viewing one time in six.

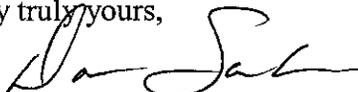
CBA hopes you can see that these results are astonishing and threaten to deprive many viewers of TV broadcast service that is now available to them, including significant sources of minority and ethnic programming. They also suggest strongly that implementation of unlicensed White Spaces operation will interfere with the transition of Class A and LPTV stations to digital operation, because many of these stations will not be able find companion channels if non-broadcast devices in operation.

CBA believes that any new uses of the TV spectrum should be licensed, controlled, and kept firmly secondary to broadcast service. The recent public remark by an official of Google that over-the-air broadcasting ultimately faces extinction makes it clear that unlicensed White Spaces proponents have no intention of remaining secondary or using only spectrum that TV broadcasters do not need.

The recent spate of e-mails from members of the public urging that White Spaces be opened up proves nothing, as anyone who does not have an inexpensive and reliable high-speed Internet connection will obviously say that he or she would like a better connection at a lower price. If someone wants to survey the public, the fair way to do it would be to ask a person how many TV stations he or she would be willing to give up in return for that connection.

As you know, CBA does not purport to be able to match the lobbying resources of the likes of Microsoft, Google, Motorola, and Intel. However, we do hope that you will see how disastrous unlicensed White Spaces operation would be to our stations, using the technology that is available today. If this kind of operation is to be permitted, then CBA suggests that if Class A and LPTV stations remain without MVPD carriage rights and are going to suffer interference to the over-the-air delivery on which they depend, the Commission must include a provision in any new rules that allows these stations to join what they cannot beat, by offering two-way broadband services on their own licensed TV channels.

Very truly yours,


for Peter Tannenwald

Counsel for the Community Broadcasters Assn.

| Test Site | Channel | Station Call Sign | Station Location | Signal Type | Separation Distance (km) | Service Contour? (Y/N) | Viewable (Y/N) | | ADAPTRUM | | | | I2R | | | | MOTOROLA (Test Mode) | | | | Motorola (Normal Mode) | | | | Philips | | | | Philips w/10-db attenuator |
|-----------|---------|-------------------|------------------|-------------|--------------------------|------------------------|----------------|----|---|-------|-------|-------|---|-------|-------|-------|---|-------|-------|-------|---|-------|-------|-------|---|-------|-------|-------|----------------------------|
| | | | | | | | L1 | L2 | Occupied and Available Channels reported to WSD | | | | Occupied and Available Channels reported to WSD | | | | Occupied and Available Channels reported to WSD | | | | Occupied and Available Channels reported to WSD | | | | Occupied and Available Channels reported to WSD | | | | |
| | | | | | | | | | L1/S1 | L1/S2 | L2/S1 | L2/S2 | |
| 1 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 37.68 | N | N | | 0 | 0 | 0 | - | - | - | - | - | - | - | - | - | A | | A | | 0 | 0 | 0 | A | |
| 2 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 38.57 | N | N | | A | A | | | - | - | - | - | A | A | A | A | A | | A | | 0 | 0 | 0 | 0 | |
| 3 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 36.03 | N | N | | 0 | 0 | | | A | A | A | 0 | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | |
| 4 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 12.43 | Y | Y | | 0 | 0 | | | A | A | A | A | - | - | - | - | 0 | | 0 | | 0 | 0 | 0 | 0 | |
| 5 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 13.22 | Y | N | Y | A | A | 0 | 0 | A | A | A | A | - | - | - | - | 0 | | 0 | | 0 | 0 | 0 | 0 | 0 |
| 6 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 47.76 | N | Y | | A | A | | | A | A | A | A | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | |
| 7 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 71.27 | N | Y | | A | A | | | A | A | 0 | 0 | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | 0 |
| 8 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 74.42 | N | N | | A | - | A | - | A | A | 0 | 0 | A | A | A | A | A | | A | | 0 | 0 | 0 | 0 | A |
| 9 | 23 | WDDN-LP | WASHINGTON, DC | NTSC | 72.8 | N | N | | | | A | - | A | A | A | A | A | A | A | A | A | | A | | 0 | A | 0 | 0 | |
| 7 | 47 | WMDO-CA | WASHINGTON, DC | NTSC | 75.49 | N | Y | | A | A | | | A | A | A | A | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | 0 |
| 1 | 31 | WRZB-LP | ANNAPOLIS, MD | NTSC | 33.02 | N | N | | 0 | - | A | - | - | - | - | - | - | - | - | A | | A | | A | A | 0 | A | | |
| 2 | 31 | WRZB-LP | ANNAPOLIS, MD | NTSC | 21.65 | N | N | | 0 | A | | | - | 0 | - | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | | |
| 3 | 31 | WRZB-LP | ANNAPOLIS, MD | NTSC | 33.57 | N | Y | | 0 | A | | | 0 | 0 | A | A | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | |
| 4 | 31 | WRZB-LP | ANNAPOLIS, MD | NTSC | 31.39 | N | N | | A | - | | | A | A | A | A | - | - | - | - | A | | A | | 0 | 0 | 0 | A | |
| 5 | 31 | WRZB-LP | ANNAPOLIS, MD | NTSC | 42.79 | N | N | N | A | - | A | - | A | A | A | A | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | A |
| 6 | 31 | WRZB-LP | ANNAPOLIS, MD | NTSC | 15.75 | N | N | | A | - | | | 0 | 0 | A | A | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | |
| 4 | 49 | WWTD-LP | WASHINGTON, DC | NTSC | 15.15 | Y | Y | | 0 | 0 | | | A | A | A | A | - | - | - | - | 0 | | 0 | | 0 | 0 | 0 | 0 | |
| 5 | 49 | WWTD-LP | WASHINGTON, DC | NTSC | 7.82 | Y | N | Y | A | A | 0 | 0 | A | A | 0 | A | - | - | - | - | 0 | | 0 | | 0 | 0 | 0 | 0 | 0 |
| 6 | 49 | WWTD-LP | WASHINGTON, DC | NTSC | 47.87 | N | Y | | A | A | | | A | A | A | A | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | |
| 1 | 25 | WZDC-LP | WASHINGTON, DC | NTSC | 44.04 | N | N | | A | - | A | - | - | - | - | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | | |
| 2 | 25 | WZDC-LP | WASHINGTON, DC | NTSC | 43.85 | N | N | | A | A | | | A | A | A | A | - | - | - | - | 0 | | 0 | | 0 | 0 | 0 | 0 | |
| 3 | 25 | WZDC-LP | WASHINGTON, DC | NTSC | 42.46 | N | N | | 0 | 0 | | | 0 | 0 | 0 | A | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | |
| 4 | 25 | WZDC-LP | WASHINGTON, DC | NTSC | 15.16 | Y | Y | | 0 | 0 | | | A | A | A | A | - | - | - | - | 0 | | 0 | | 0 | 0 | 0 | 0 | |
| 5 | 25 | WZDC-LP | WASHINGTON, DC | NTSC | 7.81 | Y | N | Y | 0 | A | 0 | 0 | A | A | A | A | - | - | - | - | 0 | | 0 | | 0 | 0 | 0 | 0 | 0 |
| 6 | 25 | WZDC-LP | WASHINGTON, DC | NTSC | 47.87 | N | Y | | A | A | | | A | A | A | A | - | - | - | - | A | | A | | 0 | 0 | 0 | 0 | |

| VGA/LI | NR | Amt | Error | Err % | VGA/LI&Z | Amt | NR | AMT | Error | Err % | |
|----------------------------------|-----|-----|-------|-------|----------|----------------------------------|-----|-----|-------|-------|--------|
| Total Available responses (18) = | 450 | 153 | 297 | 51 | 17.17% | Total Available responses (18) = | 522 | 153 | 369 | 67 | 18.16% |
| Total Available responses (19) = | 475 | 171 | 304 | 51 | 16.78% | Total Available responses (19) = | 551 | 171 | 380 | 67 | 17.63% |

NR is No Response
VGA is Viewable & Available