

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

In the Matter of )  
 )  
Unlicensed Operation in the TV Broadcast ) ET Docket No. 04-186  
Bands )  
 ) ET Docket No. 02-380  
Additional Spectrum for Unlicensed Devices )  
Below 900 MHz and in the 3 GHz Band )

To: The Commission

**PETITION FOR RECONSIDERATION**

1. The Community Broadcasters Association (“CBA”) hereby petitions for reconsideration of one aspect of the *Report and Order* (“R&O”) in the above-captioned proceeding.<sup>1</sup> That aspect involves the protection given to Class A and Low Power Television (together “LPTV”) stations from unlicensed devices operating on first-adjacent channels. The protections adopted by the Commission appear to be based on assumed reception of LPTV stations by only digital receivers, when in fact the vast majority of those stations continue to transmit analog signals, are under no deadline to transition to digital operation,<sup>2</sup> and will continued to be viewed on analog receivers which have different interference-rejection characteristics. More protection is needed for LPTV stations viewed on analog receivers.

2. The Commission recognizes that LPTV stations “may be either analog or digital after the end of the transition because there is as yet no requirement for analog low power TV

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<sup>1</sup> *In the Matter of Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, FCC 08-260, 23 FCC Rcd. 16807 (2008), 74 FR 7314 (Feb. 17, 2009).

<sup>2</sup> The same considerations discussed in this Petition for Reconsideration for Class A and LPTV stations apply equally to TV translators and boosters.

stations to convert to digital by a specific date.”<sup>3</sup> Recognizing that analog and digital TV receivers have different immunity characteristics with respect to interfering signals, the Commission notes that it proposed different desired-to-undesired (“D/U”) signal ratios to protect analog LPTV stations as opposed to digital LPTV stations, by 9 dB for the upper adjacent channel and by 14 dB for the lower adjacent channel.<sup>4</sup>

3. The Commission then goes on to state that LPTV stations will be protected to their 41 dBuV/m contour.<sup>5</sup> Presumably this figure is for only UHF digital LPTV stations, as the adopted rules correctly specify separate analog and digital protected contours for low band VHF, high band VHF, and UHF stations.<sup>6</sup>

4. However, in the subsequent discussion, where the Commission sets power limits for unlicensed devices, it assumes TV receiver rejection of undesired signals on first-adjacent channels based on ATSC Standard A/74, which specifies a ratio of -33 dB.<sup>7</sup> “ATSC” is, of course, the digital television standard. No mention is made of any analog receiver standard or the performance characteristics of analog receivers, even though the Commission clearly understands that viewers will be watching analog LPTV stations on analog receivers for some years to come. The Commission also refers to laboratory studies of only DTV receivers, not analog receivers.<sup>8</sup>

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<sup>3</sup> R&O at ¶56.

<sup>4</sup> *Id.* at ¶161.

<sup>5</sup> *Id.* at ¶165.

<sup>6</sup> *See* §15.712(a)(1), R&O at p. 105; *see also* R&O at ¶168.

<sup>7</sup> R&O at ¶¶169 and 171.

<sup>8</sup> *Id.* at ¶177.

5. The result of using only one receiver standard is a uniform power limit of 40 mW for portable unlicensed devices that do not meet minimum distance separation requirements from first-adjacent channel LPTV stations,<sup>9</sup> regardless of whether the protected broadcast station is analog or digital. The required distance separation from the protected contour is also the same for both types of station.<sup>10</sup>

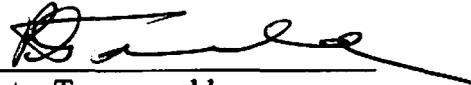
6. Given the acknowledged fact that the undesired signal must be 9 or 14 dB weaker if a protected first-adjacent channel LPTV station is analog, it is apparent that a uniform maximum power level for unlicensed devices is arbitrary and irrational.

7. CBA thus requests that the Commission reduce the maximum power level by 9 dB for unlicensed portable devices operating on an upper first adjacent-channel and by 14 dB for operation on a lower first-adjacent channel, where minimum mileage separations are not met. The Commission must also increase the minimum mileage separation where the protected station is analog and make such other adjustments as are appropriate to take into account the characteristics of analog TV broadcast receivers.

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<sup>9</sup> *Id.* at ¶176, and §15.709(a)(2) of the Rules.

<sup>10</sup> §15.712(a)(2) of the Rules.