

Before the
Federal Communications Commission
Washington, DC 20554

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

REPLY TO OPPOSITION
COHEN, DIPPELL AND EVERIST, P.C.

The following reply comments to the opposition are respectfully submitted by the consulting engineering firm of Cohen, Dippell and Everist, P.C. (“CDE”).

This firm has reviewed many of the oppositions to the petitions for reconsideration in the matter of ET Docket No. 04-186 and ET Docket 02-380. The firm applauds the Commission in its endeavor to find a solution to these very complicated issues brought forward by the various parties. CDE, in specific, makes reference to the filing by Wireless Internet Service Providers Association (“WISPA”) consolidated opposition. WISPA, among other commenters, objects to the filing made by National Cable & Telecommunications Association (“NCTA”) and takes issue with NCTA’s methodology beginning with Page 12, under Section IV, A through D¹. The thrust of NCTA’s filing is that interference can and will be present when certain “non-perfect” conditions are present at a consumer’s cable home. This could be for many reasons including improper installation and deterioration of the drop cable by sunlight or other environmental conditions.

¹Consolidated Opposition to Petitions for Reconsideration by the Wireless Internet Service Providers Association dated May 8, 2009.

The Commission is urged to address how, if interference occurs in a cable consumer's home, will the FCC be able to resolve this issue in an efficient manner? For example, in a case involving this firm several years ago, a licensed low-power television ("LPTV") operation on a low band VHF channel disrupted many cable homes in the vicinity of its low power transmitter site. The cable community was densely populated and it appeared that the cable drops attached to the homes were the main cause for interference to the cable system. This belief was supported by the fact that this cable community was in close proximity to the Gulf of Mexico and is exposed to continued westerly saltwater-laden breezes.

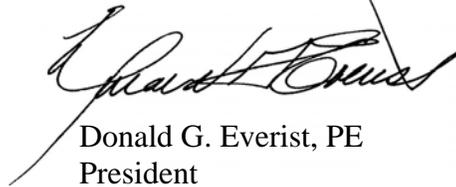
The Commission need only look at the disruption to TV Channel 6 by Citizen's Band ("CB") operations in the 1970s and 1980s. This disruption of service to consumers was widespread and involved many valuable hours of Commission resources and only marginally reduced the interference to TV Channel 6 service. The Commission should anticipate that widespread interference could occur when unlicensed devices are operated near one of these non-perfect communities. It is doubtful that the average consumer will be able to ascertain the type of the interference, much less identify its source. In the case of the CB radio, voices could be often heard as a part of the interference mechanism, thereby reassuring the consumer that the problem was not necessarily their set. This will not be the case of digital interference to received digital television ("DTV") signals, with consumers experiencing a blank or pixilated screen and no obvious indication of external interference causing the reception flaw.

This firm urges that the Commission make its own evaluation of the various filings but be

mindful that interference may result at many locations due to numerous factors that may be present in widespread installations. This also includes the very fragile implementation of the DTV transition whereby many consumers have already reported that replication is not being achieved particularly on VHF. This suggests in part, although further investigation needs to be made, that DTV stations may have to reconfigure their operations beyond that envisioned by OET Bulletin 69.

Therefore, this firm urges the Commission to take careful consideration of how it implements unlicensed operations in the TV broadcast band.

Respectfully Submitted,



Donald G. Everist, PE
President

Date: May 18, 2009