

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Petition for Rulemaking to Amend the) RM-11527
Land Mobile-TV Sharing Rules in the)
470-512 MHz Band)

To: The Commission

REPLY

The Association for Maximum Service Television, Inc. (“MSTV”)¹ and the National Association of Broadcasters (“NAB”)² hereby reply to the comments filed regarding the National Public Safety Telecommunications Council (“NPSTC”)'s Petition for Rulemaking (“Petition”).³ As noted in their comments, MSTV and NAB believe that the transition of full-power television stations to digital-only broadcasting on June 12, 2009 may present an opportunity to discuss proposed rule changes that seek to modify land mobile/television sharing in the 470-512 MHz band (television channels 14-20). Any proposed changes, however, should be limited to public safety users, and should protect the public’s digital television service; Class A, low power, and translator stations; and wireless microphones.

¹ MSTV is a nonprofit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality of the local broadcast system.

² 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, the Courts, and other federal agencies.

³ See Petition for Rulemaking by the NPSTC (filed Feb. 18, 2009), RM-11527.

I. ANY PROPOSED RULES MUST PROTECT TELEVISION OPERATIONS RELIED UPON BY CONSUMERS.

MSTV and NAB cannot agree with Telecommunications Industry Association (“TIA”)’s blanket statement that because “DTV receivers are less susceptible to interference than analog receivers, NPSTC’s recommendations will not harm television viewing.”⁴ For several reasons, any new land mobile/television sharing rules must be carefully crafted to avoid harmful interference to television operations relied upon by consumers. Such care is particularly warranted in light of the millions of dollars recently spent by consumers on new digital television sets and digital-to-analog converter boxes.

First, digital television is susceptible to the “cliff effect.” When a digital receiver’s interference rejection threshold is crossed, it entirely loses picture and sound. Thus, instead of being able to receive a “snowy” or degraded picture, as with analog television, the viewer completely loses the digital picture, which becomes pixilated and freezes.⁵ An Office of Engineering and Technology study notes that for digital television, increasing interference levels by about 1 dB causes “complete loss of picture,” whereas for analog television interference effects occur much more gradually. For example, an 8 dB increase in interference may only cause interference to grow to the “slightly-annoying” level and “a total increase of 20 to 30 dB may be required to make the analog picture unusable.”⁶ The importance of preserving robust

⁴ See Comments of TIA at 3. See also Comments of the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) at 2 (stating that digital television is less susceptible than analog television to interference); Comments of the Los Angeles County Sheriff’s Department at 2.

⁵ See Stephen R. Martin, Office of Engineering and Technology, *Interference Rejection Thresholds of Consumer Digital Television Receivers Available in 2005 and 2006*, FCC/OET 07-TR-1003, at 15-2 and 15-3 (March 30, 2007).

⁶ *Id.*

digital television service for all viewers – including those receiving a weak but otherwise viable digital signal, or those with less expensive digital television receivers – supports the conclusion that any modification of the land mobile/television sharing rules must be cautious and protect the public’s free, over-the-air digital television service from harmful interference.

Second, arguments in support of the NPSTC’s Petition that point solely to the robustness of digital television service ignore the other critical services that use channels 14-20. For example, television stations operate wireless microphones on these channels. As noted in MSTV and NAB’s comments, “[w]ireless microphones are critical in supporting newsroom operations and electronic newsgathering (mobile operations that enable on-the-scene reporting, including coverage of breaking news and public safety emergencies).”⁷ Moreover, only full-power television stations are required to cease analog broadcasting on June 12, 2009. The public will continue to rely on analog broadcasting service, such as that provided by analog translators, LPTV stations, and Class A stations, and the Commission consequently should protect it.

II. THE COMMISSION SHOULD LIMIT ANY PROPOSED EXPANSION OF LAND MOBILE OPERATIONS TO PUBLIC SAFETY USERS.

While MSTV and NAB support exploration of NPSTC’s proposals, they note that television stations provide the public with timely, important information about emergencies and other events that implicate public safety, including weather emergencies such as hurricanes, floods, wildfires, snowstorms, and heat waves; serious crimes and terrorist attacks; and other events such as hazardous materials spills and bridge collapses. MSTV and NAB are sympathetic to the commenters supporting greater flexibility for public safety operations, such as APCO and the Los Angeles County Sheriff’s Department. But it is important to bear in mind that there is a

⁷ Comments of MSTV and NAB at 4.

trade-off between expanding land mobile operations (by relaxing the Part 90, Subpart L rules) and threatening broadcasters' operations on channels 14-20. Put simply, the public interest calculus is different for public safety land mobile operators versus other land mobile operators such as taxicab operators and manufacturing/industrial concerns.⁸

These concerns are particularly salient in light of increased demand for spectrum in the 470-512 MHz band. Wireless microphones must vacate channels 52-69 — a total of 108 MHz — to make way for the new commercial and public safety services entering the 700 MHz band, and therefore will make increasing use of channels 14-20. At the same time, unlicensed, high-power fixed devices will be using these channels under the Commission's "white spaces" rules, and NTIA may be expanding shared use of this band under the "test-bed" program. Finally, broadcasters may still be making important adjustments to their service areas in connection with the digital transition, including by the use of new "fill in" translators and by maximization. Further expanding land mobile operations on these same channels beyond public safety users will exacerbate interference concerns in this increasingly crowded band.

MSTV and NAB also note that we do not support expanding the list of markets subject to sharing to include Hartford, Connecticut, as suggested by RadioSoft.⁹ The Hartford, market presents local digital television stations with unique reception and terrain problems. Given the congestion in this area, it was extremely difficult to find sufficient channels for providing the citizens of Hartford with digital television services. Thus, while we understand the desires of the public safety community, we do not believe it is appropriate to expand the markets that would be subject to sharing at this time. Such an issue is properly addressed in a separate

⁸ See 47 C.F.R. § 90.311.

⁹ Comments of RadioSoft at 1.

proceeding after the conclusion of a more general rulemaking, which will allow the Commission to focus specifically on the unique sharing challenges in the Hartford market.

* * *

CONCLUSION

MSTV and NAB agree with NPSTC that the digital transition presents an opportunity to revisit some of the land mobile-television sharing rules set forth at Part 90, Subpart L. However, any proposed modification of the Subpart L rules must be limited to public safety users and must protect other critical services, including the public’s free, over-the-air broadcast service and the wireless microphone operations that support such service.

Respectfully submitted,

/s/ _____
Jane E. Mago
Jerianne Timmerman
Larry Walke
NATIONAL ASSOCIATION OF
BROADCASTERS
1771 N Street, NW
Washington, D.C. 20036
(202) 449-5430

/s/ _____
David L. Donovan
Victor Tawil
ASSOCIATION FOR MAXIMUM
SERVICE TELEVISION, INC.
4100 Wisconsin Avenue, NW
Washington, D.C. 20016
(202) 966-1956



Jennifer A. Johnson
Eve R. Pogoriler
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401
(202) 662-6000
*Counsel for the Association of Maximum
Service Television, Inc.*

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CERTIFICATE OF SERVICE

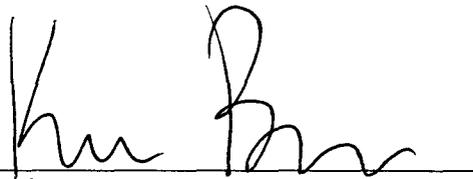
I, Kathryn Bowers, a secretary at the law firm of Covington & Burling LLP, do hereby certify that on this 22nd day of May, 2009, I caused a copy of the foregoing "Reply" to be sent via first-class U.S. Mail, postage prepaid, to the following:

Ralph A. Haller, Chair
The National Public Safety Telecommunications Council
8191 Southpark Lane, Number 205
Littleton, CO 80120-4641

Danielle Coffey
Patrick Sullivan
Telecommunications Industry Association
10 G Street N.W.
Suite 550
Washington, DC 20002

Robert M. Gurs
APCO International
1426 Prince Street
Alexandria, VA 22314

Commander Richard A. Adams
Los Angeles County Sheriff's Department
4700 Ramona Blvd.
Monterey Park, CA 91754


Kathryn Bowers