



National Cable & Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001
(202) 222-2300
www.ncta.com

William A. Check, Ph.D.
Senior Vice President
Science & Technology

(202) 222-2475
(202) 222-2478 Fax

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Ex Parte

Mr. Julius Knapp
Chief
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04-186 and Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Docket No. 02-380

Dear Mr. Knapp:

On behalf of the National Cable & Telecommunications Association (“NCTA”), I submit the following proposed changes to the Commission’s rules concerning protection of cable headend facilities from interference from TV band devices (“TVBDs”). This proposed rule change is in follow-up to NCTA’s Petition for Reconsideration and Clarification (“Petition”) filed on March 19, 2009.

In its Petition, NCTA seeks clarification of discrepancies between the text of the Second Report and Order and the Commission’s rules to make clear that the relevant reference point for determining the cable headend protection zone is the receive site, or the headend receiving antenna, and not the TV station contour boundary.¹ Under the Commission’s rules, certain cable operators are permitted to register their headends in the geo-location database system and in return are allocated a keyhole-shaped protection area for each channel received, and a smaller protection area for channels adjacent to the main received channel. However, as shown below, the rule language and the text of the Order, and an Erratum (released on January 9, 2009), are contradictory on this point and need clarification:

- Paragraph 186 of the Order describes the protected zone as “limited in distance to 80 kilometers from the [station’s] protected contour for co-channel operation and to 20 kilometers for adjacent channel operation.”

¹ See *In the Matter of Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, *Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket No. 02-380, NCTA Petition for Reconsideration and Clarification, March 19, 2009 at 5-6, 14-18.

- On the other hand, section 15.712(b) of the rules appropriately references the protection distances from the receive site, *i.e.* the cable headend.
- Paragraph 20 of the Erratum states that “[T]he first sentence of Section 15.712(b) is corrected by changing the phrase “receive site” to “protected contour” in the fourth line and adding the phrase “...from the protected contour...” after “20 km.”
- Finally, paragraph 187 of the Order contains language that denies protection to cable headends (or TV translators) located more than 80 km outside a station’s protected contour, whereas section 15.713(c) of the rules regarding database registration does not restrict such protection.

As discussed in NCTA’s Petition and during our August 6th meeting with OET, the rules and the text of the Order should be modified to make clear that the protection boundary for both co-channel and adjacent channel interference protection should be measured from the cable headend’s location rather than from the edge of the TV station’s contour. This modification also will clarify that protection is accorded to headends that may be located more than 80 km outside protected contour boundaries. We ask the Commission to correct the language in paragraphs 186 and 187 of the Order and amend section 15.712(b) of its rules as follows:

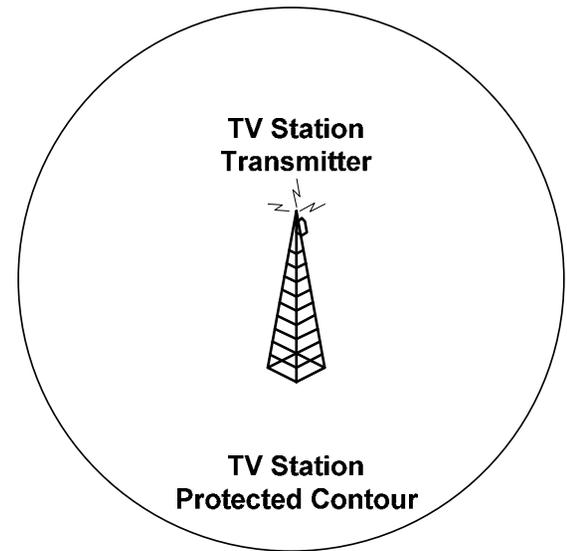
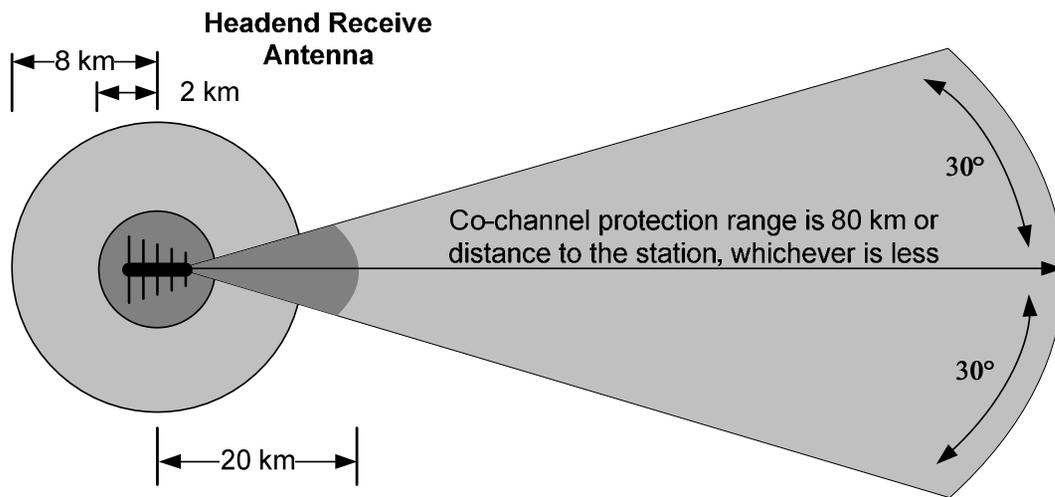
15.712(b) Translator receive sites and cable headends: For translator and cable headend receive sites registered in the TV bands database, TVBDs may not operate co-channel within an arc whose center is the receive site, whose radius is 80 km or the distance from the receive site to the TV station transmitter, whichever is less, and which extends +/-30 degrees from a line between the receive site and the TV station transmitter. TVBDs may not operate on adjacent channels within this same arc within 20 km of the receive site, unless the TVBD is a Mode II personal/portable device operating within the station’s protected contour, in which case Sections 15.712(a)(2) and 15.709(a)(2) shall apply. In addition to the above provisions, TVBDs may not operate within 8 km from the receive site for co-channel operation or within 2 km from the receive site for adjacent channel operation in any direction.

This clarification will ensure that the Commission achieves its goal of mitigating potential harmful interference to cable headend facilities that bring valuable distant broadcast television signals to communities, particularly in rural areas.

Sincerely,

/s/ William A. Check, Ph.D.

William A. Check, Ph.D.



- Adjacent and Co-channel Protection**
- Co-channel Protection**