SINCLAIR BROADCAST GROUP
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June 4, 2010

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW,
Room TW-A325
Washington, DC 20554

Re: MB Docket No. 10-111, Requests for Waiver of Certain TV Tuner Requirements in Order to Import and Distribute Mobile DTV Receivers Without Analog Tuners as Interpreted Within Part 15

Dear Ms. Dortch:

Sinclair Broadcast Group ("Sinclair") offers its comments in response to the Media Bureau's Public Notice in this docket,[1] seeking comment on petitions for waiver filed by Dell Inc., LG Electronics USA, Inc., and Hauppauge Computer Works, Inc. Each of the petitioners seeks limited wavier of Section 15.117 of the Commission's rules to the extent necessary to manufacture, import, market, and sell mobile television receivers that do not include analog (NTSC) television tuners.

SINCLAIR HAS PLAYED AN IMPORTANT ROLE IN BRINGING MOBILE DIGITAL TO THE BROADCAST INDUSTRY

Since the 1990s, Sinclair has been deeply involved in efforts to make Mobile Digital Television (Mobile DTV) a reality. Mobile DTV has grown out of the promise of digital TV to meet the needs of television broadcasters and the public, and the goals of policymakers. The public record amply demonstrates that Mobile DTV is an essential instrument by which broadcasters can vastly increase the utility of their signals within a licensed market area to better serve the American public. Perhaps most importantly, Mobile DTV extends the critical role local broadcasters play in the dissemination of entertainment,

[1] Public Notice, MEDIA BUREAU ACTION EXPEDITED COMMENT DATES ESTABLISHED FOR REQUESTS FOR WAIVER OF CERTAIN TV TUNER REQUIREMENTS IN ORDER TO IMPORT AND DISTRIBUTE MOBILE DTV RECEIVERS WITHOUT ANALOG TUNERS, MB Docket No. 10-111, DA 10-873 (released May 20, 2010).

news, community announcements, the advertising of local products and services, and vital emergency services information.

Developments in the marketplace and dramatic changes in viewing habits underscore the value of Mobile DTV and validate the relevance of today's local broadcasters. This is not an insignificant point as other wireless information providers have neither the mandate nor the demonstrated commitment to serve the local public interest as do broadcasters.

Mobile DTV is a new and innovative method in which broadcasters can greatly expand their service to local audiences. This is accomplished by providing additional program streams in the spectrum already licensed to existing television stations and fully used in the transmission of FCC-mandated ATSC broadcasts. One only has to witness Mobile DTV a single time to appreciate the wealth of possibilities that can – and will be – be delivered to local television markets. No doubt mobile DTV should become a cornerstone of public policy debates regarding the best use of spectrum.

The television broadcast industry, and its partners in the professional equipment and consumer electronics industries, have made amazing advancements in three short years to make Mobile DTV technologies and products a reality.

As mandated by the FCC, we have been obliged to make use of the ATSC standard as the means of transitioning the entire country to make efficient use of spectrum through the use of digital technologies. While it can be argued that better means to support Mobile DTV were and are available, such opportunity is not possible for television broadcasters outside of the ATSC A/53 compatibility of ATSC A/153 Mobile DTV standard that was adopted by the ATSC membership in October of last year without significant changes in the regulatory environment established by the FCC.

FCC RULES CALL FOR FULL SERVICE TELEVISION BROADCASTERS TO PROVIDE SERVICE USING ATSC DIGITAL TELEVISION STANDARDS

In the FCC's interpretation of its own rules, the FCC must quickly come to terms regarding the meaning of specific language in Section 15.117 which has been interpreted by some to mean requiring digital TV broadcast receivers to continue to include legacy analog tuning capabilities. In question is interpretation based on the rule's requirement that TV broadcast receivers "be capable of adequately receiving all channels allocated by the Commission to the television broadcast service."[2] Full power television broadcasters view

[2] *See* 47 C.F.R. § 15.117(b).

digital television to be "law of the land", and continue to explore newer and better ways to provide value to their viewers.

It seems only natural to view this section of the Commissions' rules in the context of the industry as it stands today, an industry which serves almost every American via the ATSC Digital Television Standard. To imply that there are other means (analog for example) by which the FCC would wish Broadcasters to transmit their free 'over-the-air' (OTA) signal would open the industry to a variety of confusing understandings regards the FCC's rules and reasons for rulemaking.

Mobile DTV products and devices are typically battery powered and designed for nomadic and transient use, and are supported by the ATSC A/153 Mobile DTV standard, designed fully around the need to be compliant within and inside of the broadly deployed A/53 digital television standard. Including an analog tuner in digital TV broadcast receivers specifically designed for nomadic and/or mobile viewing of DTV services delivered utilizing the A/53 and/or A/153 standards results in a host of unnecessary design complexities, manufacturing costs, and increased device size and weight. It does so without providing any meaningful benefit to most every consumer and, perhaps most importantly, is misleading in trying to equate NTSC analog service as being "mobile".

Mobile DTV products can be easily identified through means identified in the ATSC "Mobile DTV" self certification process.[3] This process provides defined compliant companies access to the MDTV (Mobile DTV) logo. There should be little confusion by a consuming public when buying such products that MDTV products rely on the digital television spectrum. As a result of the joint industry activities which led the American population through the "digital transition", consumers would be confused at this time buy the availability of products and devices that support analog (or other) broadcast services. To quote the ATSC in remarks related to its Certification Program:[4]

> *"The Mobile DTV Certification Mark is expected to be used in association with a wide array of wireless receiving products including mobile phones, small handheld DTVs, laptop computers, "dongles" and in-vehicle entertainment systems, as well as professional broadcast equipment. Other items that may utilize the mark include mobile DTV-related software, applications and accessories that comply with the standard."*

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[3] http://www.atsc.org/cms/index.php/communications/press-releases/170-atsc-launches-certification-program-for-mobile-digital-tv-equipment

[4] http://www.atsc.org/cms/index.php/policies/details/192-atsc-standard-a153-mobile-digital-television-certification-mark

THE EFFICIENT NATURE OF BROADCASTING MAKES GRANTING A LIMITED WAIVER IN THE PUBLIC INTEREST AND IN KEEPING WITH THE FCC's NATIONAL BROADBAND PLAN

"The United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation." This is Goal No. 2 of the National Broadband Plan.[5] Sinclair believes that Mobile DTV is a necessary element of a robust mobile services ecosystem. It is widely recognized that the majority of growth in demand for broadband capacity, including mobile broadband, is fast growing consumption of video services over broadband IP networks. While consumers' appetites for mobile video are growing daily, all of the resources needed to feed that appetite are limited. Simply put, attempts to meet the rapid growth in demand for mobile video with unicast links will come with unacceptable tradeoffs. Costs will be too high, service quality will be too poor, availability will be too limited, and non-video uses (most of which are vastly more efficient ways to convey information in a one-to-one link) will be too adversely impacted.

Unicast video is an inherently inefficient use of spectrum. The FCC should do everything in its power to encourage and facilitate rapid deployment and adoption of Mobile DTV services. As the National Broadband Plan recognizes, "broadcasting popular video content to mobile devices may help offload growing video streaming traffic from mobile point-to-point broadband networks."[6] At the same time, Mobile DTV "could serve as a potential evolution path for broadcasters to fixed/mobile and broadcast/broadband convergence."[7]

The FCC should move promptly to approve appropriately drawn waivers that would facilitate the rapid deployment of low cost, high-performance Mobile DTV receivers.

Respectfully submitted,

/s/

Mark A. Aitken
Director, Advanced Technology

cc: Lyle Elder, Media Bureau (via email)

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[5] *Connecting America: The National Broadband Plan* at page xiv.
[6] *Id.* at 91.
[7] *Id.*