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BY HAND DELIVERY AND ELECTRONIC FILING

Julius Genachowski
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: White Spaces/Sensing/Geolocation Database
ET Docket Nos. 04-186 and 02-380**

Dear Chairman Genachowski:

In response to requests from various Commission officials, the Association for Maximum Service Television, Inc. (MSTV) and the National Association of Broadcasters (NAB) respectfully submit suggestions with respect to the Commission's rules for unlicensed devices in the TV Band. To assist the Commission, we here attach proposed revisions to these rules to safeguard against harmful interference to incumbents by retaining the requirements for both spectrum sensing and a robust geolocation/database.¹

The proposed revisions set forth in the attachment are chiefly designed to address ambiguities and omissions that appear in the Commission's rules for TV Band Devices (TVBDs).² MSTV and NAB representatives would be pleased to meet with Commission

¹ See *Unlicensed Operation in the TV Broadcast Bands*, Second Report and Order and Memorandum Opinion and Order, ET Docket Nos. 04-186 and 02-380, 23 FCC Rcd 16807, at para. 1 ("The actions we take here are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services") ("White Spaces Order").

² For example, many of the changes clarify the definitions contained in § 15.703. A small number of "substantive" refinements are proposed in order to help achieve the goal of avoiding interference to protected operations, including specification of a minimum bandwidth for TVBD transmissions, more rigorous database checking requirements, and clarification that the database cannot override a TVBD that has detected an incumbent signal sensed at the -90 dBm level (a (continued...))

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officials to explain the purpose and effect of the proposed revisions. To be clear, these proposed changes do not reflect the fundamental concerns already raised by the broadcast industry.³ Moreover, these changes are based on the assumption that the FCC will retain both spectrum sensing and geolocation/database protections.

We are aware that certain device manufacturers want the Commission to eliminate spectrum sensing protections. We urge the Commission to adhere to its decision that spectrum sensing is a necessary companion to the geolocation/database requirement.⁴ The two together are essential to achieving the Commission's stated goal of avoiding harmful interference to the public's television service.⁵ This is so because (1) sensing serves as an important backstop to compensate for the inevitable database errors and security breaches in the geolocation/database process; (2) sensing at least limits interfering TVBD operations to a short period of time; and (3), in the case of licensed microphones used for newsgathering and other valued mobile uses, geolocation protection is not even possible. The Commission's recent experience with 5 GHz unlicensed devices illustrates the need to avoid eliminating necessary protections.⁶

Further, elimination of the Commission's sensing requirement would require substantially more complex and robust requirements concerning both geolocation/database and

level high enough to avoid "false positives" while offering some protection from device/database mistakes or security breaches).

³ See, e.g., Society of Broadcast Engineers Petition for Reconsideration (March 19, 2009); Opposition and Comments of MSTV and NAB to Petitions for Reconsideration and Clarification (May 8, 2009); Reply of MSTV and NAB to Oppositions (May 18, 2009). In particular, MSTV and NAB continue to believe that the Commission should make two important changes in its white spaces rules: It should (1) reduce the 40 mW power limit for adjacent-channel operations by personal/portable TVBDs and (2) it should make the sensing levels more sensitive.

⁴ MSTV, NAB, Shure, Shared Spectrum, Philips, and others have supported retaining the sensing requirement. See, e.g., Ex Parte Comments of MSTV, ET Docket Nos. 04-186 and 02-380 (July 16, 2010).

⁵ Eliminating the sensing requirement, and simply allowing existing equipment and technologies to "retune" to the TV band, runs counter to this objective. Supporters of eliminating sensing have offered no evidence or support for their position except to state that such devices would be cheaper to produce.

⁶ For example, a number of 5 GHz base station operations have caused widespread harmful interference to aeronautical radar systems, and the FCC required these stations to shut down or be modified and temporarily suspended processing all new 5 GHz equipment authorizations. If this problem had occurred with hundreds of thousands of consumer devices (as is a possibility in the case of TVBDs), it would have been impossible to enforce interference protection rules to solve the problem.

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TVBD operations in order to mitigate risks of interference to the public's television service. The Commission has not previously solicited comments on or established a record regarding the changes in its geolocation/database rules that would be needed as a pre-requisite to eliminating the sensing requirement. At this juncture, it is difficult to pinpoint the exact rule changes that would be necessary. Nonetheless, an illustrative, but incomplete, list of the kinds of changes that would be necessary should include: (1) elimination of Mode I devices; (2) a requirement that all TVBDs check the database more frequently, on a near real-time basis (*e.g.*, every 60 seconds); (3) a requirement that the database have more direct control over TVBDs (including the ability to cause forced shut-downs if a protected television operation commences or moves into the area, such as could occur with licensed wireless newsgathering microphones, and also including a requirement to comply with other proposed enhancements suggested by Spectrum Bridge);⁷ (4) additional requirements regarding the security of TVBDs and the database; (5) enhancement of FCC oversight and control over the database administrator; and (6) designation of a single administrator in order to improve accountability.

We also point out that additional, more complex geolocation/database requirements would be necessary if the Commission were to eliminate its current sensing requirement. Now is not the time to water down the Commission's white spaces rules and procedures and abandon the prudent approach previously adopted by the Commission. Accordingly, we urge the Commission to adopt these proposed revisions to the white spaces rules.

⁷ See Ex Parte filing of Spectrum Bridge, ET Docket No. 04-186 (June 24, 2010).

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Respectfully submitted,

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