

Cohen, Dippell and Everist, P.C.

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Establishment of a Model for Predicting Digital) ET Docket No. 10-152
Broadcast Television Field Strength Received at)
Individual Locations)

**Comments of
Cohen, Dippell and Everist, P.C.**

The following comments are submitted on behalf of Cohen, Dippell and Everist, P.C. (“CDE”) and is in response to the Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, ET Docket No. 10-152, released July 28, 2010. ET Docket No. 10-152 addresses the new statutory requirement and provision contained in the *Satellite Television Extension and Localism Act of 2010* (“STELA”). CDE and its predecessors have practiced before the FCC for over 70 years in broadcast and telecommunications matters. The firm or its predecessors have been located in Washington, DC since 1937 and performed professional consulting engineering services to the communications industry.

Several issues arise due to the unique transitional nature occurring in the off-the-air DTV reception and the establishment of this proposed model. The Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”) was implemented at a time that found the analog off-the-air viewing habits well established and stable. In other words, almost all analog stations had been operating for many years whereby potential viewers had acclimated their reception methods and viewing habits. However, today the situation for many of DTV facilities is still a state of transition. Many stations are either changing channel, increasing effective radiated

power, planning to add vertical polarization, and have or will be filing for change to their digital television facilities.

Therefore, the potential situation arises for many stations still in transition, that a lack-of-service determination under STELA may be rendered moot at a later date by an upgrade in television facilities and improved in off-the-air service. Also, the Federal Communications Commission (“Commission”) in the National Broadband Plan, GN Docket Numbers 09-47, 09-51 and 09-137 has proposed reallocating 120 MHz from the UHF spectrum currently utilized by television broadcasting. The Commission proposed to move certain television allocations in order to obtain sufficient spectrum.¹ The Commission believes that for those stations voluntarily participating, there is the prospect of a larger DTV service area. A question arises, if indeed that results, how will STELA be administered to those viewers who opted at one juncture to choose satellite service due to lack of perceived off-the-air service who may later receive predicted off-the-air service due to the actions in the National Broadband Plan.

Therefore based on current knowledge, off-the-air service may be in transition for many years and this area needs to be addressed.

The Commission is also urged to develop the computer software necessary to implement STELA. The reason is that the Commission will be the final arbiter of a dispute and developing the software and making it available to the public will reduce any conflicts. Further, while the

¹See OBI Technical Paper No. 3 entitled, “*Spectrum Analysis Options for Broadcast Spectrum, OBI Technical Paper No. 3, June 2010*”.

publication of OET Bulletin 73 will be useful if the actual source code is provided, the public can then review the software and ascertain if it conforms to the intent of STELA.

In addition to promoting a better understanding of the intent and computational methodology, any deviations can be then addressed to the Commission. For example, in the Comments of Cohen, Dippell and Everist, P.C. in the Seventh Further Notice of Proposed Rulemaking, MB Docket No. 87-268,² this firm determined that the methodology for the reference antenna patterns in Appendix B actually coded in the software was not as described in the Bulletin. In fact, rather than the reference ERP being determined at one degree intervals beginning at true north, the Commission software released to public on the Commission website calculated on 8 (as opposed to 360) uniformly spaced radials. CDE identified the problem in the FCC source code. While the Commission has never formally recognized this problem; it was acknowledged in subsequent informal meetings with Commission staff.

Therefore, the Commission needs to originate source code together with the appropriate documentation so that a full and comprehensive public understanding can be developed.

Respectfully submitted,



Donald G. Everist

August 24, 2010

²In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service”, MB Docket No. 87-268, Comments dated January 26, 2007.