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September 17, 2010

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Unlicensed Operation in the TV Broadcast Bands
ET Docket Nos. 04-186 and 02-380**

Dear Ms. Dortch:

On September 16, 2010, the undersigned met separately with John Giusti, Chief of Staff and Legal Advisor, and Jennifer Schneider, Senior Policy Advisor and Legal Advisor, in Commissioner Capps' office; Louis Peraertz, Acting Legal Advisor, and Eloise Gore, Acting Legal Advisor in Commissioner Clyburn's office; and Charles Mathias, Legal Advisor, and Brad Gillen, Legal Advisor, in Commissioner Baker's office, regarding the above-captioned proceeding.

During the meetings, we discussed the issues raised in NCTA's Petition for Reconsideration and Clarification, *ex partes* and other filings in the above-captioned proceeding. In particular, we discussed proposed changes to the Commission's rules concerning protection of cable headend facilities from harmful interference from TV band devices ("TVBDs"). As set forth in NCTA's December 22, 2009 *ex parte*, attached hereto, the rules should provide that the protection boundary for both co-channel and adjacent channel interference protection is measured from the cable headend location rather than from the edge of the TV station's protected contour. This rule change would clarify that protection is accorded to headends that may receive a broadcast station's over-the-air signal more than 80 km outside the station's protected service contour and ensure that the 20 km protection zone is maintained for adjacent channel interference.

In the alternative, we discussed the possibility of a process by which cable systems that are receiving over-the-air broadcast stations at headends located beyond the protected zones for co-channel and/or adjacent channel operation may make a showing with the Commission that they are, in fact, receiving such stations and retransmitting them to their local communities. Upon such a showing, the cable headends would be added to the database and receive comparable co-channel and adjacent channel protection accorded to other protected headends.

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With respect to direct pickup interference in cable households, we discussed field studies conducted by Carl T. Jones Corp., which, as set forth in NCTA's Petition for Reconsideration, demonstrated that cable services will be subjected to harmful interference from TVBDs operating with an output power of 100 mW for personal/portable devices and 4 W for fixed devices at a distance of 80 feet and 1000 feet, respectively. NCTA pointed out that these studies were not refuted by any parties in the record and restated its request that the Commission lower the power level of TVBDs. In the event that the Commission chooses not to revise the output power limits at this time, NCTA requested that, at a minimum, the Commission indicate that if personal/portable or fixed TVBDs cause undue direct pickup interference to cable services, it will take appropriate action, including reconsidering the power levels at which TVBDs are allowed to operate.

Finally, the undersigned discussed protection of wireless microphones under the rules. In particular, if TVBDs are not required to incorporate sensing capability, devices should contact the database more frequently than under the existing rules, *i.e.* on as close to a real-time basis as possible.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

Attachment

cc: John Guisti
Jennifer Schneider
Louis Peraertz
Eloise Gore
Charles Mathias
Brad Gillen



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December 22, 2009

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:

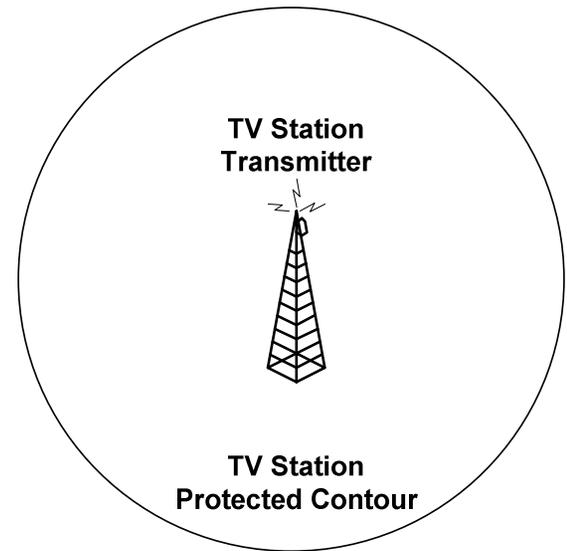
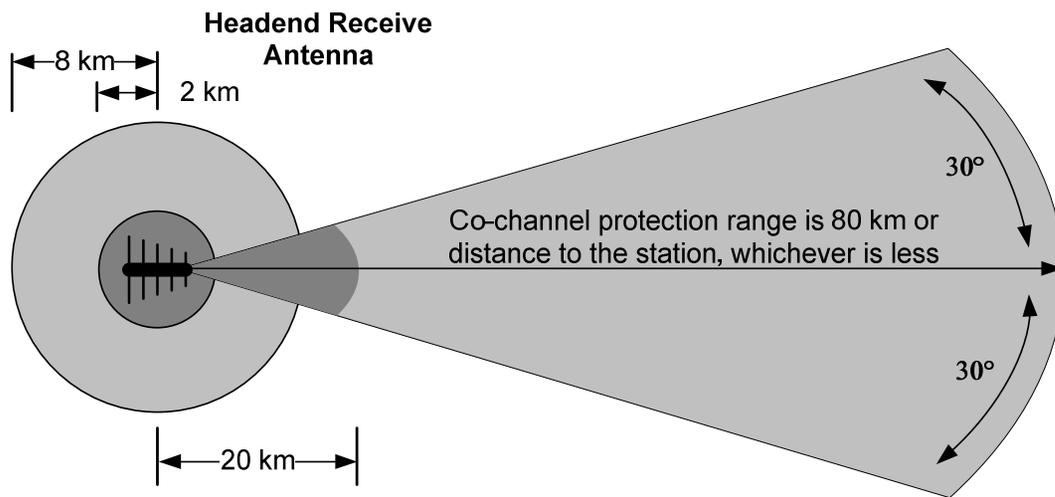
15.712(b) Translator receive sites and cable headends: For translator and cable headend receive sites registered in the TV bands database, TVBDs may not operate co-channel within an arc whose center is the receive site, whose radius is 80 km or the distance from the receive site to the TV station transmitter, 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**