

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Expanded Opportunities for Radio)	ET Docket No. 10-236
Experimentation and Market Trials under Part 5 of)	
the Commission’s Rules and Streamlining Other)	
Related Rules)	
)	
2006 Biennial Review of Telecommunications)	ET Docket No. 06-105
Regulations – Part 2 Administered by the)	
Office Of Engineering and Technology (OET))	

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ submits these reply comments in response to the Federal Communications Commission’s (FCC or Commission) *Notice of Proposed Rulemaking* on expanded opportunities for radio experimentation and market trials under Part 5.² NAB and broadcasters encourage efforts to experiment in the wireless space, and broadcasters use experimental licenses to innovate within their service.

We comment to ensure that this proceeding strikes the proper balance between providing incentive and flexibility to researchers and others who would experiment in the

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² See *Promoting Expanded Opportunities for Radio Experimentation and Market Trials under Part 5 of the Commission’s Rules and Streamlining Other Related Rules; 2006 Biennial Review of Telecommunications Regulations – Part 2 Administered by the Office of Engineering and Technology (OET)*, Notice of Proposed Rulemaking, in ET Docket No. 10-236, ET Docket No. 06-105 (rel. Nov. 30, 2010) (“*Notice*”).

wireless space and the need to prevent unnecessary harmful interference to the services of incumbent licensees. To achieve these twin goals, the Commission should adopt clear rules that: (1) require experimental licensees to provide notice to all potentially affected licensees *before* experimentation begins; (2) provide existing licensees an effective way to identify the source of potentially harmful interference; (3) establish “stop-buzzer” methods for immediate cessation of harmful experimentation; and (4) shift the burden of proof to experimental licensees if and when a licensee complains of interference or potential interference.

Specifically, in Section III.A. of the *Notice*, the Commission makes proposals to streamline rules that would provide research institutions greater opportunities to conduct radio frequency experiments. See *Notice* at ¶ 23. We support this goal, and believe it can be accomplished without risking harmful interference to a variety of important services, including television and radio broadcasting, by the FCC’s establishment of clear and effective interference-avoidance requirements for experimental licensees.

The Commission expressly recognizes that “[t]elevision and radio broadcast bands” provide “vital” service, including “support of the Emergency Alert System (EAS),” which should be protected. *Notice* at ¶ 31. To that end, the *Notice* proposes to require experimental licensees to draft and submit to the FCC a specific plan to avoid interference to potentially affected incumbent licensees. That plan would: “1) provide notice to those who might be affected by the test; 2) allow for the quick identification and elimination of any harm the experiment is causing users, and 3) in the case of vital public safety functions, provide an alternate means for accomplishing such tasks during the duration of the experiment.” *Id.* We agree with the basic principles of this proposal

and ask the Commission to provide more detail to ensure that existing licensees will be able to identify and promptly halt, if necessary, radio frequency experimentation that is causing harmful interference.

First, NAB suggests that the experimental license plan be required to include specific, critical information, such as prime contact and backup contact information for the experimental licensee; precise location of the test; planned testing dates and times; the frequencies used; the nature of the signals being transmitted; and the environment in which the testing will take place.

Second, NAB believes that these required plans should be shared with existing licensees who may be affected *before* the testing is set to begin. The *Notice* proposes that the “holder of the research program experimental radio license submit this plan *to the Commission* in conjunction with the registration it submits at least seven days prior to commencement of any test or experiment.” *Id.* at ¶ 31 (emphasis added).³ NAB does not believe that seven days is sufficient time for licensees to become aware of and to properly analyze such plans and to determine whether they would cause, or be likely to cause, harmful interference.⁴ NAB therefore suggests that plans should be submitted to both the Commission and affected licensees, including broadcasters, at least 30 days before any experiment is set to begin.

³ See also *Notice* at ¶ 31 (inquiring whether experimental licensees also should be required to notify the affected existing licensees, at least in some situations).

⁴ This is particularly true, given that in some areas of the country, a broadcaster’s coverage area may include several universities, colleges and research institutions. A station’s engineering staff could need to examine multiple experimental requests in limited time frames.

Third, NAB agrees with commenters such as CTIA and AT&T who suggest that any plan should include clear “stop buzzer” requirements.⁵ Those requirements should include information on a single point of contact that has authority to stop the experiment, whether the experiment can be halted remotely, and a mandate that failure to respond expeditiously to a “stop buzzer” request results in the immediate suspension or revocation of the license.⁶

Finally, NAB agrees with multiple commenters who argue that the burden of proof to show that an experiment is not causing interference should rest with the holder of the experimental license.⁷ This would better ensure that significant and harmful interference does not disrupt an array of existing services.

In sum, NAB agrees with the Commission’s efforts to streamline rules for experimental licensees and supports these efforts to improve research and innovation in the wireless space. NAB believes that the Commission can strike the proper balance

⁵ See Comments of CTIA – The Wireless Association in ET Docket Nos. 10-236 and 06-105 at 4 (filed March 10, 2011).

⁶ See *also* Comments of AT&T in ET Docket Nos. 10-236 and 06-105 at 6 (filed March 10, 2011).

⁷ *Id.* (“A party that proposes to experiment in licensed bands used by hundreds of millions of consumers and which support emergency services and first responders clearly should bear the burden to demonstrate that the experimental use they propose would not result in harmful interference.”). See *also* Comments of CTIA – The Wireless Association in ET Docket Nos. 10-236 and 06-105 at 5 (filed March 10, 2011) (experimental licensees should have to provide a “demonstration that the proposed testing will not interfere with CMRS operations, along with an explanation of all steps taken to avoid such interference”).

between promoting research and preventing disruption to existing services, upon which consumers nationwide rely.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Scott Goodwin". The signature is stylized with a large, sweeping initial "S" and a long horizontal stroke extending to the right.

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April 11, 2011