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April 5, 2011

By courier

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

ET Doc. 04-186

FILED/ACCEPTED

APR -5 2011

Federal Communications Commission
Office of the Secretary

Re: San Carlos Apache Telecommunications Utility,
Inc., d/b/a SCATUI Cable Vision
Request for Waiver of 47 C.F.R. 15.712(b)

Dear Ms. Dortch:

Enclosed for filing are an original and four copies of the Request for Waiver of 47 C.F.R. 15.712(b) of San Carlos Apache Telecommunications Utility, Inc., d/b/a SCATUI Cable Vision. SCATUI Cable Vision files this request for protection of cable headends from interference from unlicensed Television Band Devices for SCATUI's San Carlos Mesa headend receive site.

Please direct any questions in this matter to me.

Sincerely yours


David Cosson

Attorney for San Carlos Apache Telecommunications
Utility, Inc.

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

ORIGINAL

In the Matter of)
)
San Carlos Apache Telecommunications Utility, Inc.)
d/b/a SCATUI Cable Vision)
)
Request for Waiver of 47 C.F.R. § 15.712(b))

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REQUEST FOR WAIVER

San Carlos Apache Telecommunications Utility, Inc. d/b/a SCATUI Cable Vision ("SCATUI") respectfully requests a waiver of the Commission's distance requirement under 47 C.F.R. § 15.712(b) for the protection of cable headends from interference from unlicensed Television Band Devices ("TVBDs") for SCATUI's San Carlos Mesa headend receive site.

I. Company Background.

On March 8, 1994, the San Carlos Apache Tribe established SCATUI by tribal resolution. The tribe's main objective was to develop, own, finance, construct, and operate a telecommunications company to provide quality services to its members. SCATUI maintains over 207 miles of copper and fiber optic facilities throughout the reservation, and has provided residents with cable television services for over six years. SCATUI also provides reservation residents with the following services: (i) voice telephony, (ii) dial-up Internet access, (iii) Digital Subscriber Line (DSL) Internet access, and (iv) computer network administration. Finally, SCATUI plans to roll-out IPTV services by the end of April 2011. SCATUI is committed to the betterment of the San Carlos Apache community through the provision of quality telecommunications services to its members.

II. Discussion.

On September 23, 2010, the Commission adopted final rules for the introduction of unlicensed TVBDs for operation in the unused spectrum in the TV bands (or "white spaces").¹

¹ *In the Matter of Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, Second Memorandum Opinion and Order, 25 FCC Rcd. 18661 (2010) ("White Spaces Order").

Section 15.712(b) provides, in part, that multichannel video programming distributor ("MVPD") receive sites (e.g., cable headends) "located outside the protected contour of the TV station(s) being received may be registered in the TV bands database if they are no farther than 80 km outside the nearest edge of the relevant contour(s)." 47 C.F.R. § 15.712(b). The White Spaces Order adopting the final rules recognized: (i) "there are cable headends that receive TV station signals located at distances beyond 80 km from the edge of the television station's protected service contour"; and (ii) concerns regarding "possible disruption of service to cable subscribers" in those areas from unlicensed TVBDs.²

Consequently, the White Spaces Order allows current MVPDs with receive sites located beyond the 80 km protected zone to apply for a waiver of that distance within 90 days after the effective date of the rules.³ According to the White Spaces Order, such waiver requests also involve shifting the 20 km adjacent channel protection distance so that it is measured from the actual headend receive site rather than from the station's contour.

SCATUI provides cable service to approximately 1,200 customers in the San Carlos Apache Reservation. This includes the communities of San Carlos, Beverly Hills, Cutter, Skill Center, Peridot, and Bylas. Given the distance between the broadcast stations and the San Carlos Apache Reservation, its residents would be unable to receive the Phoenix broadcast stations over-the-air with roof-top antennae. As the sole provider of cable television services, these communities rely on SCATUI for access to broadcast programming.

SCATUI imports the broadcast signals of KTVK-Phx (Channel 3), KPHO/CBS-Phx (Channel 5), KAET/PBS-Phx (Channel 8), KSAZ/FOX 10-Phx (Channel 10), KPNX/NBC-Phx (Channel 12), KUTP-/UPN-Phx (Channel 14), and KNXV/ABC-Phx (Channel 15). To provide these broadcast stations to its customers, SCATUI installed a 37-foot high 470 – 890 MHz Blonder Tong Broadband UHF Yagi antenna tower on a mesa facing west toward Phoenix,

² *Id.*, ¶ 42.

³ *Id.* The rules went into effect January 5, 2011, so the deadline to file waiver petitions is April 5, 2011.

Arizona. SCATUI receives the stations' signals from a translator transmitter located approximately 25 miles from the San Carlos Apache Reservation receive site, and then re-transmits the signals to SCATUI's subscribers.

The SCATUI headend receive site is located well beyond the 80 km protected service contour for each of the seven broadcast stations.⁴ SCATUI's headend receive site is located between 67.7319 and 67.9019 km beyond the 80 km service contour for each broadcast station, as follows:

- KTVK-Phx (67.8522 km)
- KPHO/CBS-Phx (67.7933 km)
- KAET/PBS-Phx (67.9019 km)
- KSAZ/FOX 10-Phx (67.7319 km)
- KPNX/NBC-Phx (67.8926 km)
- KUTP-/UPN-Phx (67.7319 km)
- KNXV/ABC-Phx (67.8741 km).

SCATUI used the Commission's full-service digital television stations maps⁵ and TV service contour data⁶ as the basis for these distance calculations. Absent a waiver, SCATUI's reception of the foregoing broadcast stations could be seriously disrupted by unlicensed TVBDs operating within the beamwidth of the stations' signals. As a result, each station's programming could be lost in the San Carlos, Beverly Hills, Cutter, Skill Center, Peridot, and Bylas communities served by SCATUI.

Consequently, SCATUI respectfully requests that the Commission: (i) grant SCATUI's waiver request of 47 C.F. R. § 15.712(b); (ii) permit SCATUI to register its San Carlos Mesa headend receive site in the TV bands database to protect it from harmful interference from TVBDs; and (iii) provide that the 20 km adjacent channel protection zone be measured from the

⁴ SCATUI's San Carlos Mesa headend receive site is located at 33.3420 N, 110.454849 W.

⁵ See <http://www.fcc.gov/dtv/markets/>.

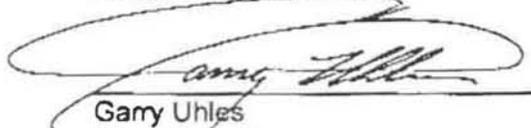
⁶ See http://www.fcc.gov/ftp/Bureaus/MB/Databases/tv_service_contour_data/readme.html.

headend receive site. This waiver will ensure that valuable broadcast television programming continues to be available to SCATUI's customers without disruption.

III. Conclusion

SCATUI's waiver request of the Commission's distance rules satisfies the White Spaces Order's grounds for waiver requests and will serve the public interest, and meets the Commission's general waiver standard under 47 C.F.R. § 1.3.⁷ For these reasons, and those stated above, SCATUI respectfully requests that the Commission grant its waiver request.

Respectfully submitted,



Gary Uhles
Operations Manager
San Carlos Apache Telecommunications
Utility, Inc.

April 5, 2011

⁷ 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown.")