

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Petition for Rulemaking and Request for) RM-11626
Licensing Freezes)
)

**COMMENTS OF VULCAN WIRELESS LLC AND
THE RURAL TELECOMMUNICATIONS GROUP, INC.**

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION AND SUMMARY.....	- 1 -
II. THE FCC SHOULD IMPLEMENT AN IMMEDIATE FREEZE ON THE ACCEPTANCE, PROCESSING, AND GRANT OF APPLICATIONS FOR NEW OR MODIFIED BROADCAST LICENSES AND FACILITIES ON CHANNEL 51	- 2 -
A. Following Auction 73, A Series of Events Related to Channel 51 Concerns Have Collectively Impeded A Block Deployment.	- 3 -
1. The FCC has issued additional construction permits and STAs for Channel 51 and granted numerous other license applications in the band, exacerbating the existing interference risks to A Block operations and impeding network planning and design.....	- 3 -
2. New regulatory arbitrage opportunities have created misaligned incentives for Channel 51 broadcasters, significantly hindering their relocation and delaying broadband deployment.....	- 7 -
B. A Freeze Would Provide Much-Needed Regulatory Certainty to Lower 700 MHz A Block Licensees and Would Contain the Interference Risks.....	- 10 -
C. A Freeze Would Also Advance the Commission’s Spectrum Policy and Broadband Deployment Goals.....	- 12 -
III. THE FCC SHOULD CLEAR BROADCAST OPERATIONS FROM CHANNEL 51 NO LATER THAN JUNE 13, 2013.....	- 14 -
IV. CONCLUSION.....	- 16 -

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I. INTRODUCTION AND SUMMARY

Vulcan Wireless LLC (“Vulcan”)¹ and the Rural Telecommunications Group, Inc. (“RTG”),² through their attorneys, submit the following Comments in support of the Petition for Rulemaking and Request for Licensing Freezes (“Petition”) filed by CTIA – The Wireless Association® and Rural Cellular Association in the above-captioned proceeding.³

¹ Vulcan is the Lower 700 MHz A Block licensee for the Seattle-Tacoma-Bremerton, WA and Portland-Salem, OR-WA Economic Areas. *See Auction of 700 MHz Band Closes*, Public Notice, DA 08-595 (rel. Mar. 20, 2008). Vulcan acquired its licenses for approximately \$113 million in Auction 73, the sixth highest amount spent on A Block licenses and the tenth highest amount among all Auction 73 bidders. Vulcan purchased the spectrum recognizing that the 700 MHz band’s superior propagation characteristics would enable efficient and affordable service to consumers residing in and traveling through the urban and rural communities that comprise its markets.

² RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education. RTG’s members have joined together to speed delivery of new, efficient, and innovative communications technologies to the populations of remote and underserved sections of the country. Each of RTG’s members serves less than 100,000 subscribers.

³ *See* Petition for Rulemaking and Request for Licensing Freezes by CTIA – The Wireless Association® and Rural Cellular Association, RM-11626 (filed Mar. 15, 2011) (“Petition”); *Media Bureau Seeks Comment on a Petition for Rulemaking and Request for Licensing Freezes*, RM-11626, Public Notice, DA 11-562 (rel. Mar. 28, 2011).

Vulcan and RTG support the Petition and encourage the Commission to:

- Prohibit future licensing of all TV broadcast stations on Channel 51 (full power DTV, Class A, and LPTV⁴);
- Immediately remove all Channel 51 slots from the Table of Allotments in any and all markets where there are no active Channel 51 licenses; and
- Impose an immediate freeze on the acceptance, processing, and grant of applications for any current full power DTV, Class A, and LPTV broadcast facilities on Channel 51.⁵

Doing so would provide critical regulatory certainty for A Block licensees and advance the Commission's spectrum policy and broadband deployment goals, particularly in rural areas. It would also help address a number of circumstances that have collectively impeded A Block broadband deployment since 2008, including a flood of almost 500 additional Channel 51 licensing applications and the unanticipated Channel 51 relocation disincentives created by incentive auction and repacking proposals as well as the aggressive A Block build-out deadlines.

In addition to imposing an application and licensing freeze, the FCC should accelerate the clearance of existing Channel 51 broadcast operations by:

- Requiring all non-protected class broadcasters (*i.e.*, all but full-power stations) to clear from Channel 51 or begin protecting A Block licensees against interference no later than June 13, 2013, the interim performance requirement deadline applicable to A Block licenses; and
- Continuing to encourage and facilitate the voluntary clearance of full-power Channel 51 broadcast operations, as requested in the Petition.⁶

II. THE FCC SHOULD IMPLEMENT AN IMMEDIATE FREEZE ON THE ACCEPTANCE, PROCESSING, AND GRANT OF APPLICATIONS FOR NEW OR MODIFIED BROADCAST LICENSES AND FACILITIES ON CHANNEL 51

Vulcan and RTG support the Petition, which discusses a number of interference issues, technical challenges, and other risks faced by A Block licensees related to Channel 51 broadcast

⁴ References to LPTV throughout these Comments are intended to include translator stations.

⁵ See Petition at 12.

⁶ *Id.* at 19-23.

operations.⁷ In these comments, Vulcan and RTG specifically highlight a number of additional circumstances that occurred or became manifest after the Commission auctioned the A Block three years ago that have collectively impeded A Block broadband deployment. These include: (1) the issuance of additional Channel 51 construction permits and other licensing grants, which have further complicated interference issues and impeded network planning and design; and (2) the unanticipated Channel 51 relocation disincentives created by incentive auction and repacking proposals as well as the aggressive A Block build-out deadlines.

To overcome these challenges and promote interference-free broadband deployment in the Lower 700 MHz A Block, the Commission should promptly prohibit future licensing of all TV broadcast stations on Channel 51 (full power DTV, Class A, and LPTV) and immediately remove all Channel 51 slots from the Table of Allotments in any and all markets where there are no active Channel 51 licenses. It should also implement an immediate freeze on the acceptance, processing, and grant of applications for any current full power DTV, Class A, and LPTV broadcast facilities on Channel 51.⁸

A. Following Auction 73, A Series of Events Related to Channel 51 Concerns Have Collectively Impeded A Block Deployment.

- 1. The FCC has issued additional construction permits and STAs for Channel 51 and granted numerous other license applications in the band, exacerbating the existing interference risks to A Block operations and impeding network planning and design.**

Although A Block bidders knew that there were incumbent broadcast operations in the adjacent band, they could not have prepared for the level of new licensing activity that has occurred in Channel 51. When the Commission auctioned the Lower 700 MHz A Block in Auction 73, there was a reasonable expectation that it would limit new Channel 51 broadcast

⁷ See *id.* at 4-7.

⁸ See *id.* at 12.

operations which, as discussed below, can create significant interference and technical challenges to A Block broadband deployments, thwarting relocation discussions between A Block licensees and Channel 51 broadcasters. Instead, since Auction 73 ended, the Commission has received and has started granting a steady stream of almost 500 new Channel 51 applications and other change requests from incumbent Channel 51 broadcasters. For example, the Commission has granted 22 new construction permits (and has accepted 69 applications for permits), 15 new special temporary authority licenses and 12 extensions for STA, 3 new digital companion licenses, 51 digital flash cut conversion applications, 79 licenses to operate (license to cover), and 99 other applications related to Channel 51 broadcast operations (including applications related to antenna height, power levels, transfers, etc.), while another 148 are accepted for filing and remain pending. If not resolved promptly through an application freeze, the mounting interference and technical challenges from new operations could increase the costs and difficulty of network design, hindering significantly the deployment of new mobile wireless broadband systems on the A Block and threatening their economic viability.

The Petition highlights some of the interference challenges and other technical obstacles for Lower 700 MHz A Block licensees, including the potential for full power broadcast transmissions on TV Channel 51 to interfere with nearby A Block base station receivers.⁹ Moreover, Class A and LPTV stations operating on Channel 51 also pose serious interference risks to nearby A Block base stations because of their high power levels (relative to A Block transmitters), proximity to more densely populated areas, and the fact that they are generally

⁹ *Id.* at 4-7. In addition, under the FCC's rules, A Block licensees must protect broadcast TV transmissions on Channel 51 in a broadcaster's service contour by meeting a minimum desired-signal to undesired-signal ratio. Unfortunately, there is a possibility that mobile devices operating in close proximity to a TV receiver could exceed the desired-signal to undesired-signal protection ratio and interfere with TV reception. *See id.* at 5. There are currently 35 full power DTV stations using Channel 51, including one in Vulcan's A Block license area.

deployed low to the ground, leaving little vertical separation from relatively low A Block transmitters. Class A and LPTV stations are authorized to transmit at an average radiated power level of 36 kW and 19.6 kW respectively and regularly transmit at 0.2-150 kW levels, significantly higher than the 6 kW maximum power levels authorized for A Block mobile devices in urban areas (12 kW in rural areas). There are currently 6 Class A and 119 LPTV stations authorized to use Channel 51, including several in Vulcan's A Block license area (1 Class A, 3 LPTV). In some cases, the interference effects from the far greater number of 125 Class A and LPTV stations can be more damaging than from full power stations.

Combined, these interference issues already complicate, increase the costs for, and will likely delay, network deployment in the Lower 700 MHz A Block. The Commission's actions to authorize additional Channel 51 broadcast operations have only worsened the problem. For example, A Block licensees deploying mobile broadband services must arrange their tower deployment so as to minimize the potential for interference to high-power broadcast operations on Channel 51.¹⁰ They must also construct additional base stations to protect their users against interference due to the higher power limits afforded to Channel 51 broadcast operations (full power DTV, Class A, *and* LPTV). The A Block licensees have already created a guard band within their licensed spectrum band (using up approximately 17% of their spectrum and its value because the Commission declined to provide an external guard band between the A Block and Channel 51 and the standards body activities orphaned and delayed the development of standards

¹⁰ This often requires the construction of otherwise unnecessary base stations, increasing costs and reducing spectral efficiency.

that adequately covered the A Block licenses). A Block licensees must also include additional filtering in the mobile handsets to prevent interference to TV sets, adding further costs.¹¹

The interference problems and technical challenges discussed above and in the Petition are exacerbated by the fact that A Block licensees are required to protect both current and future as-yet-unknown full power DTV Channel 51 broadcast operations against interference – including operations licensed after the close of Auction 73. These technical issues have become all the more perplexing because of the continual series of requests to change the deployment landscape of Channel 51 stations. As mentioned above, the Commission has granted more than 350 applications related to Channel 51 broadcast operations, while another 148 remain pending, totaling almost 500 new applications since Auction 73 ended in March 2008. These changes now create a moving target with respect to the interference and technical obstacles that make it impractical to do network deployment design.¹² A Block licensees cannot plan effectively for unknown future broadcast operations that either need to be protected or that they need to be protected from, and having to accommodate such operations makes A Block mobile broadband deployments unfairly cost-prohibitive.¹³

¹¹ As discussed below, this results in effectively overprotecting, unnecessarily, Class A and LPTV Channel 51 broadcast operations.

¹² For example, A Block licensees may have to relocate already deployed base stations or engage in large-scale network deployment redesign to protect a brand-new Channel 51 broadcaster against interference.

¹³ Similarly, although Class A and LPTV stations are not entitled to the same level of interference protection from A Block operations as are full power DTV TV stations, the Commission's current rules effectively overprotect them at the expense of A Block licensees and mobile broadband consumers. Specifically, A Block systems must be designed to protect against full power DTV Channel 51 broadcast stations and, as a result, will end up being designed to provide some protection to Class A and LPTV stations operating on the same channel. Unlike full power DTV stations, however, Class A and LPTV stations are currently authorized to relocate their systems to other areas and can easily be moved (relative to full power DTV stations). These future relocations could interfere with A Block transmissions, causing A Block licensees to relocate or add base stations and redesign their network deployment. As noted above, they also transmit at relatively high power levels compared to A Block operations.

2. New regulatory arbitrage opportunities have created misaligned incentives for Channel 51 broadcasters, significantly hindering their relocation and delaying broadband deployment.

Several events occurring since the close of Auction 73 have created new opportunities and incentives for Channel 51 broadcasters and other parties to engage in regulatory arbitrage to the detriment of Lower 700 MHz A Block licensees, consumers, and potentially to the U.S. Treasury, such as seeking payments from A Block licensees or from future incentive auctions. Such activities serve only to delay Channel 51 relocation – thereby delaying equipment development and broadband deployment – and impose additional costs on A Block licensees. Auction bidders could not have anticipated these circumstances, which certainly would have affected bidders’ valuation of the A Block. To prevent arbitrage activities from delaying broadband deployment and imposing unnecessary and inappropriate costs on A Block licensees and other third parties, the Commission should impose an immediate licensing and application freeze on Channel 51.

Incentive Auctions. The National Broadband Plan (“NBP”)¹⁴ recommended that the Commission revise the Table of Allotments to ensure the most efficient allotment of broadcast TV channels, including in part through a “repacking” of the broadcast spectrum.¹⁵ It also recommended the use of incentive auctions to free up additional broadcast spectrum.¹⁶ The Commission has also encouraged Congress to pass legislation authorizing the Commission to conduct incentive auctions.¹⁷

¹⁴ See FCC, *Connecting America: The National Broadband Plan* (rel. Mar. 16, 2010), available at www.broadband.gov (“NBP”).

¹⁵ *Id.* at 89.

¹⁶ See *id.* at 89-91.

¹⁷ See, e.g., Prepared Remarks of Julius Genachowski, Chairman, FCC, at the 2011 International Consumer Electronics Show, Las Vegas, NV, 2, 6-8 (Jan. 7, 2011); Prepared Remarks of Julius Genachowski, Chairman, FCC, at the Minority Media & Telecom Council Broadband and Social Justice

Vulcan and RTG fully support the NBP and incentive auctions. Unfortunately, the prospect of incentive auctions has introduced uncertainty to the valuation of broadcast TV stations, and some parties may attempt to file spurious TV station applications in an effort to seek a possible payment from an incentive auction. As a result, authorizing additional broadcast licenses on Channel 51 could risk lowering the revenue to the U.S. Treasury obtained from incentive auctions because there would be more broadcasters to share the auction proceeds related to Channel 51.

In addition, the repacking and incentive auction proposals (including the sharing of auction revenues with broadcasters) – all of which emerged well after Auction 73 closed – have had the unintended effect of disincentivizing some Channel 51 broadcasters from relocating, even though there are potential economic benefits to moving to a lower channel. Specifically, some Channel 51 broadcasters may be concerned about forfeiting potentially lucrative revenues if they relocate prematurely from Channel 51. For example, if a broadcaster relocates now to a channel *lower* than the group of channels that might be included in an incentive auction, it may not be entitled to any auction proceeds (because the auction rules are yet to be defined and the new station channel would not likely be affected in the repacking). Furthermore, it could be hard for a Channel 51 broadcaster to fully assess the value of any incentives that an A Block licensee might offer relative to the potential revenue sharing or other incentives that an auction may yield. As a result, these new possibilities have actually made it much more difficult for A Block

Summit, Washington, D.C., 4-5 (Jan. 20, 2011); Prepared Remarks of Julius Genachowski, Chairman, FCC, at the Mobile Future Forum, Washington, D.C., 7-9 (Mar. 16, 2011) (“Mobile Future Remarks”); Prepared Remarks of Julius Genachowski, Chairman, FCC, at CTIA Wireless 2011, Orlando, FL, 8-10 (Mar. 22, 2011); Prepared Remarks of Julius Genachowski, Chairman, FCC, at the National Association of Broadcasters Show, Las Vegas, NV, 5-9 (Apr. 12, 2011).

licensees to relocate a Channel 51 broadcaster, thereby delaying broadband deployment in their license areas.

Performance Requirements. The FCC’s A Block build-out requirements have also incentivized Channel 51 broadcasters to delay relocation, paradoxically delaying A Block broadband deployment. These arbitrage concerns are particularly salient in light of the Commission’s aggressive 700 MHz performance requirements, including for the A Block. For example, A Block licensees are required to provide signal coverage and offer service to at least 35 percent of the geographic areas of the licenses within four years of the end of the DTV transition, and at least 70 percent of the geographic areas of their licenses at the end of the license term.¹⁸ If they fail to meet the interim requirement for any license, the license term is reduced to eight years.¹⁹ The licenses are also subject to a “keep-what-you-use” provision for the end-of-license-term performance requirements.²⁰

Channel 51 broadcasters are aware of the A Block performance requirements and their consequences, and it appears that the Commission has inadvertently created a potential leverage point for those broadcasters to delay relocating because they may believe that A Block licensees will become more desperate as the interim performance requirement deadline approaches. Given the aggressive performance requirements, A Block licensees will have little time or leverage to ward off any such attempts from Channel 51 broadcasters to game the system.²¹

¹⁸ See 47 C.F.R. § 27.14(g).

¹⁹ See *id.*

²⁰ See *id.*

²¹ This potential arbitrage opportunity also disadvantages A Block licensees compared to other 700 MHz licensees. Moreover, it stands in stark contrast to the Commission’s framework for relocating incumbents in the Advanced Wireless Services – 1 (“AWS-1”) band, in which AWS-1 licensees had 15 years to relocate government users and build out their systems.

Applications for New Channel 51 Operations. By granting new Channel 51 construction permits and licensing applications, the FCC is not only making the interference profile worse for A Block licensees, it may also be creating regulatory arbitrage opportunities for Channel 51 broadcasters to exploit the licensing process. Once a party has a Channel 51 construction permit, they effectively have an asset that can be used against an A Block licensee. In addition, even though A Block licensees do not have to protect Class A and LPTV operations on Channel 51 against interference, Class A and LPTV licensees or permittees could engage in similar regulatory arbitrage by threatening to relocate their transmitters either before or after an A Block licensee deploys its network.²² Applications for new or modified Channel 51 licenses filed for the purpose of such exploitation not only impose inappropriate costs on A Block licensees and delay broadband deployment, but they squander valuable Commission administrative resources needed to review the applications and related engineering studies. New station applications also complicate efforts towards incentive auctions. The Commission should adopt an application freeze to prevent such activity.

B. A Freeze Would Provide Much-Needed Regulatory Certainty to Lower 700 MHz A Block Licensees and Would Contain the Interference Risks.

A Block licensees can only deploy viable broadband systems if they have sufficient regulatory certainty that their systems will not be diminished by needing to provide additional protections to or otherwise accommodate or relocate Channel 51 broadcast operations. Having to constantly reconfigure a mobile broadband network design to accommodate shifting Channel 51 broadcast operations would increase network deployment costs significantly. Moreover, a network redesign could end up disrupting broadband service to consumers that use the A Block

²² As discussed above, such relocations could effectively require A Block licensees to relocate their base stations or even redesign their network deployment.

network, including potentially leaving them without service in areas where a tower has to be relocated to accommodate a Channel 51 broadcaster.

To provide the regulatory certainty needed for A Block licensees to address Channel 51 interference issues and bring innovative new mobile broadband services to consumers (particularly in rural areas), the Commission should immediately remove all Channel 51 slots from the Table of Allotments in any and all markets where there are no active Channel 51 licenses. It should also impose a freeze on the acceptance, processing, and grant of applications for any current full power DTV, Class A, and LPTV broadcast facilities on Channel 51. Such action would help ensure that the interference profile does not worsen for A Block licensees, and it would help prevent future harm to A Block operations from Channel 51 broadcast transmissions.²³

As the Petition notes, a freeze is consistent with numerous prior Commission actions in instances where a reallocation or other service licensing modification was being contemplated, including when the Commission adopted a freeze on certain broadcast applications leading up to the DTV channel election process and when it imposed a freeze on requests for equipment authorization of 700 MHz low power auxiliary stations devices.²⁴ In October, the Commission

²³ See Petition at 12.

²⁴ *Id.* at 13, 16, citing *Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*, Public Notice, 19 FCC Rcd 14810 (2004) and *Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band*, Notice of Proposed Rulemaking and Order, 23 FCC Rcd 13106 ¶ 3 (2008); see also, e.g., Petition at 14, citing *Petition for Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands*, Order, 11 FCC Rcd 1156 (1995) (noting that additional applications could “limit the impact” of a granted rulemaking petition when they are inconsistent with the changes sought by the petition); *Implementation of Sections 3(n) and 332 of the Communications Act*, Third Report and Order, 9 FCC Rcd 7988 ¶¶ 107-08 (1994) (suspending the acceptance of certain 800 MHz SMR applications because of changes being proposed for future licensees in that service); *Amendment of Parts 1, 21, 73, 74, and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Education, and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, Notice of Proposed Rulemaking and Memorandum Opinion and Order,

also froze the filing of applications for new digital LPTV and TV translator stations (which previously were being accepted for rural areas), stating that it would “permit the Commission to evaluate its reallocation and repacking proposals and their impact on future licensing” of LPTV.²⁵ A freeze here would achieve similar goals. In addition, it would reduce some of the arbitrage opportunities currently available to Channel 51 broadcasters.

C. A Freeze Would Also Advance the Commission’s Spectrum Policy and Broadband Deployment Goals.

Granting the Petition would also advance the Commission’s key spectrum policy and broadband deployment goals, particularly in rural areas. Mobile broadband is one of the most quickly adopted technologies in history, and the demand for mobile broadband services has skyrocketed in recent years. Moreover, the demand shows no sign of abating, and new fourth-generation (“4G”) networks utilizing the 700 MHz band – including the Lower 700 MHz A Block – will be needed to support the continued surge in mobile broadband services.

The NBP recommended the release of an additional 500 MHz of spectrum for wireless broadband over the next ten years (including, in part, through the use of incentive auctions for broadcast spectrum),²⁶ and the Commission has taken a number of actions to “unleash” spectrum for mobile broadband services.²⁷ In particular, it has commenced a proceeding to repurpose part

18 FCC Rcd 6722 ¶ 229 (2003) (freezing the filing of certain ITFS applications because the Commission was reviewing the service).

²⁵ *Freeze on the Filing of Applications for New Digital Low Power Television and TV Translator Stations*, Public Notice, DA 10-2070 (rel. Oct. 28, 2010).

²⁶ See NBP at Recommendation 5.8, 84-93.

²⁷ See, e.g., Mobile Future Remarks at 8-9 (discussing the Commission’s efforts in the white spaces and 2.3 GHz proceedings); see also *Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz*, ET Docket No. 10-142, Report and Order, FCC 11-57 (rel. Apr. 6, 2011) (taking steps to facilitate the use of fixed and mobile services in the mobile satellite service (“MSS”) bands); *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking 25 FCC Rcd 16498 (2010) (“*Broadcast TV Innovation NPRM*”).

of the UHF and VHF spectrum currently used for broadcast television to make it available for fixed and mobile broadband services.²⁸ In addition, President Obama earlier this year announced a “National Wireless Initiative” to provide 98 percent of Americans with access to wireless broadband Internet services.²⁹

Although additional spectrum for mobile broadband services is certainly needed, the Commission should ensure that spectrum already licensed for such services – such as the Lower 700 MHz A Block – is rapidly deployed and used efficiently. New A Block networks can accelerate broadband deployment (particularly in rural areas), maximize efficient spectrum use, and be used to provide innovative mobile broadband services to consumers, business, and public safety, consistent with the Commission’s goals. A Block licensees are particularly well-suited to serving rural areas, as rural and other small wireless carriers, along with new entrants, hold all of the A Block licenses below the top 25 markets. If the challenges discussed above can be resolved, A Block licensees stand to bring numerous jobs and economic opportunities to their communities.

Thus, the Commission should implement a freeze to advance its spectrum use and broadband deployment goals, and to ensure that Channel 51 broadcasters do not thwart the Commission’s ongoing efforts to achieve those goals or A Block licensees’ investments in their new systems. Granting a freeze is also consistent with the NBP’s support for using incentive auctions as a means to free up additional spectrum for mobile broadband services and encourage more intensive use of the broadcast spectrum. As noted previously, authorizing additional broadcast licenses on Channel 51 could risk lowering the revenue to the U.S. Treasury obtained

²⁸ See *Broadcast TV Innovation NPRM*.

²⁹ See Fact Sheet, *The State of the Union: President Obama’s Plan to Win the Future* (Jan. 25, 2011), at <http://www.whitehouse.gov/the-press-office/2011/01/25/fact-sheet-state-union-president-obamas-plan-win-future> (last accessed Feb. 2, 2011).

from incentive auctions because there would be more broadcasters to share the auction proceeds related to Channel 51. In addition, authorizing any new Channel 51 broadcast operations would run contrary to efforts to “repack” the broadcast television spectrum to free up spectrum for mobile broadband services.

III. THE FCC SHOULD CLEAR BROADCAST OPERATIONS FROM CHANNEL 51 NO LATER THAN JUNE 13, 2013

The FCC should accelerate the clearance of existing Channel 51 broadcast operations. Specifically, the Commission should require all non-protected class broadcasters (*i.e.*, all but full-power stations) to clear from Channel 51 or begin protecting A Block licensees against interference no later than June 13, 2013, the interim performance requirement deadline applicable to A Block licenses.³⁰ The FCC should also continue to encourage and facilitate the voluntary clearance of full-power Channel 51 broadcast operations, as requested in the Petition.³¹

Now that broadcasters have regulatory arbitrage opportunities that incentivize them to wait as long as possible before relocating, the Commission should intervene to expedite the Channel 51 clearance (even if the Commission also imposes an application freeze). Until broadcast operations are cleared out of Channel 51, A Block licensees will continue to face significant interference risks that could undermine broadband deployment. Requiring non-protected class broadcasters to relocate out of Channel 51, on the other hand, would help minimize the potential for ongoing interference to 700 MHz A Block licensees, as well as the potential for interference to certain TV sets close to A Block mobile handsets. It would also advance the Commission’s spectrum policy and broadband deployment goals discussed above, as the demand for mobile services continues to explode while DTV viewership from over-the-air

³⁰ Although this requirement should apply to all broadcasters, Vulcan and RTG are only requesting at this time that it be applied to non-protected broadcasters.

³¹ Petition at 19-23.

operations dwindle. In addition, a relocation deadline that clears Channel 51 would generate valuable experience about broadcast station repacking in advance of any larger repacking the Commission may be planning, and it would enable the relocated broadcaster to reach its audience using lower power levels, at less cost, with a larger footprint, and with increased cable carriage rights.

Vulcan and RTG also agree with the Petition that the Commission should “use all of the regulatory tools available to it to accelerate” the clearance of Channel 51. As one tool, the Commission can expedite its relocation procedures where a broadcaster has entered into a voluntary agreement with an A Block licensee (or licensees).³² The Petition explains that the Commission could, for example, establish a presumption in favor of approving voluntary relocation agreements that involve the relocation off of Channel 51.³³ Such agreements would serve the public interest because, among other potential benefits, they would reduce interference and promote broadband deployment. To further expedite the clearing process, the FCC could also consider establishing or selecting a clearinghouse for voluntary arrangements, similar to the clearinghouse used in the 2 GHz transition.

The Commission can also provide relocation incentives to broadcasters to facilitate clearing Channel 51 in advance of the June 13, 2013 deadline. For example, the FCC could grant repacking allotment priorities, expedited application processing for future post-relocation station modifications, or other licensing benefits or other service rules flexibility. In addition, it can also require that if an A Block licensee and a Channel 51 incumbent cannot reach a voluntary agreement after six months of negotiation, the broadcaster must allow the A Block

³² *See id.* at 19-21.

³³ *Id.* at 20-22.

licensee to collocate on its towers. Doing so would mitigate some interference concerns, particularly near population centers.

IV. CONCLUSION

For the foregoing reasons, the Commission should promptly grant the Petition and end the steady stream of almost 500 Channel 51 applications that have been filed since Auction 73 by: (1) prohibiting future licensing of all TV broadcast stations on Channel 51 (full power DTV, Class A, and LPTV) and immediately removing all Channel 51 slots from the Table of Allotments in any and all markets where there are no active Channel 51 licenses; and (2) implementing an immediate freeze on the acceptance, processing, and grant of applications for any current full power DTV, Class A, and LPTV broadcast facilities on Channel 51. In addition, it should accelerate the clearance of existing Channel 51 broadcast operations by requiring all non-protected class broadcasters to clear from Channel 51 or begin protecting A Block licensees against interference no later than June 13, 2013 and by promoting the voluntary clearance of full-power Channel 51 broadcast operations.

Respectfully submitted,

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