

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
)  
Request for Licensing Freezes and Petition for ) DA 11-562  
Rulemaking to Amend the Commission's DTV )  
Table of Allocations to Prohibit the Future ) RM-11626  
Licensing of Channel 51 Broadcast Stations and )  
to Promote Voluntary Agreements to Relocate )  
Broadcast Stations From Channel 51 )

**FILED/ACCEPTED**  
MAY 12 2011  
Federal Communications Commission  
Office of the Secretary

**REPLY COMMENTS OF VERIZON WIRELESS**

Verizon Wireless hereby responds to certain comments filed in response to the *Public Notice* in the above captioned matter seeking comment on CTIA – the Wireless Association’s and the Rural Cellular Association’s (jointly “CTIA/RCA”) Petition for Rule Making and Request for Licensing Freezes (“Petition”).<sup>1</sup>

In their Petition CTIA/RCA request that the Commission: (1) revise its rules to prohibit future licensing of TV broadcast stations on Channel 51 which will provide A-Block licensees with a clear picture of the interference environment; (2) implement immediate freezes of any new or modified TV broadcast facilities on Channel 51; and (3) accelerate the clearance of incumbent channel 51 broadcasters where agreement is reached to voluntarily relocate to an alternate channel. Demand for mobile data is expected to grow as much as 40 percent over the next four years.<sup>2</sup> Accordingly, in its comments Verizon Wireless supported the above requests

<sup>1</sup> Media Bureau Action, Media Bureau Seeks Comment on a Petition for Rulemaking and Request for Licensing Freezes, *Public Notice*, RM-11626, DA 11-562 (rel. March 28, 2011) (“*Public Notice*”).

<sup>2</sup> AT&T Comments at 5 *citing* Statement of Peter K. Pitsch, Associate General Counsel and Executive Director, Communications Policy, for Intel Corporation, Hearing on Using Spectrum to Advance Public Safety, Promote Broadband, Create Jobs, and Reduce the Deficit,” (April 12, 2011).

as they will promote the rapid deployment of broadband wireless services such as its 4G LTE network. Broadcasters have mischaracterized the Petition and fail to address the overriding need to promote efficient spectrum use and deployment of next-generation mobile broadband services.

**I. BROADCASTERS MISCHARACTERIZE A PETITION WHICH IS NARROWLY TAILORED.**

Broadcasters assert the Petition is seeking to force clearing of Channel 51 and that it is spectrally inefficient as it would essentially transform Channel 51 into a guard band. This is clearly not the case. Rather, the Petition seeks to balance the needs of existing broadcast uses with A Block licensees' need for certainty about potential interference issues related to Channel 51 so A-Block licenses can plan their next-generation broadband service deployments. Further, since the completion of Auction 73, nearly 500 additional Channel 51 applications, many of which may be speculative, have been filed, adding to the number of stations that can potentially interfere with A-Block operations, and further complicating the deployment of operations on the A-Block.<sup>3</sup>

First, the Petition does not request mandatory clearing of any Channel 51 licensees, rather it requests that the FCC expedite relocating a broadcast television to a new channel where a licensee on Channel 51 reaches a voluntary agreement with an A-Block licensee to relocate.<sup>4</sup> "NAB and MSTV have no objections to facilitating such voluntary agreements and relocations..."<sup>5</sup> As Verizon Wireless noted in its comments, it supports A-Block and Channel 51 licensees' ability to enter into relocation agreements, and the FCC should expedite station relocation requests in those circumstances by, for example, streamlining the construction permit process.

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<sup>3</sup> Vulcan Wireless LLC and The Rural Telecommunications Group, Inc. at 4.

<sup>4</sup> Petition at 19-21.

<sup>5</sup> NAB/MSTV Comments at 15.

Second, the Petition is not spectrally inefficient. Channel 51 would remain in use by broadcasters currently authorized on Channel 51, unless they voluntarily relocate on their own or pursuant to agreement with an A-Block licensee to relocate. Further, the change would maximize the efficient use of the A-Block, which is consistent with the Commission's policy goals of efficient spectrum use.

Claims by NAB/MSTV that a freeze would harm the public interest in free, over-the-air television by unnecessarily restricting new TV service<sup>6</sup> ignore the fact that television ownership is down 2% (now the lowest in 20 years), partially spurred by growing numbers of Americans choosing to access media via broadband services like LTE over devices ranging from Smartphones to iPads and portable computers.<sup>7</sup> Clearly, advancement of broadband services (which include a number of media sources and opinions) provided by A-Block licenses into markets currently served almost exclusively by a small number of broadcasters is preferable to the maintenance of the status quo advocated by NAB/MSTV. Moreover, NAB/MSTV fail to show why whatever need exists for additional over-the-air TV stations cannot be accommodated on the many vacant channels other than Channel 51. Verizon Wireless submits that this public interest benefits and others that will accrue from grant of the Petition will greatly outweigh any negative impacts.

## **II. IT IS UNDISPUTED THAT A FREEZE WILL PROMOTE THE POLICY GOALS CONTAINED IN THE NATIONAL BROADBAND PLAN.**

No commenters dispute that the freeze will promote the wireless broadband policy goals contained in the National Broadband Plan as well as the White House's broadband goals.<sup>8</sup> U.S. "leadership [in wireless telecommunications] will only happen if there is adequate spectrum

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<sup>6</sup> NAB/MSTV Comments at ii.

<sup>7</sup> See <http://www.nytimes.com/2011/05/03/business/media/03television.html> (visited May 11, 2011) citing a recent Nielsen Company report.

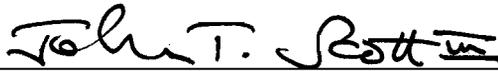
<sup>8</sup> See generally Comments of NAB/MSTV; Chambers Communications Corp.; Sinclair Broadcast Group, Inc.

available to support the forthcoming myriad of wireless devices, networks, and applications.”<sup>9</sup>  
Maximizing the use of the A-Block which is already licensed and allocated for broadband services is consistent with the Commission’s and the Administration’s broadband goals.

### III. CONCLUSION

Given the compelling public interest benefits in expanding wireless broadband services like LTE, the Commission should grant CTIA’s narrowly tailored Petition and impose an immediate freeze on the acceptance, processing and grant of applications for new or modified broadcast facilities on Channel 51.

Respectfully submitted,



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Dated: May 12, 2011

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<sup>9</sup> Petition at 8 *citing* Presidential Memorandum: Unleashing the Wireless Broadband Revolution (June 28, 2010).