

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Unlicensed Operation in the TV Broadcast Bands ) ET Docket No. 04-186  
 )

To: The Commission

**Comments of EIBASS**

Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (EIBASS) hereby respectfully submits its comments in response to the Commission's April 29, 2011, public notice, DA 11-803, *Office of Engineering and Technology Seeks Comment on Microsoft Corporation Proposal to be Designated as a TV Bands Device Database Administrator*.

**I. Microsoft Should Not Be a WSD DBA for Multiple Reasons**

1. First, this request to become a White Spaces Device (WSD) database administrator (DBA) is untimely, since the Microsoft Corporation (Microsoft) request was filed 15 months after the deadline for applying to become a WSD DBA.<sup>1</sup>
2. Second, the April 18, 2011, *Proposal by Microsoft Corporation to Serve as a White Spaces Database Administrator* managed to miss an entire category of licensed stations entitled to protection: Namely, Part 74, Subpart F, TV STL/TV Relay/TV Translator Relay stations operating on UHF TV channels.<sup>2</sup>
3. Third, and most telling in EIBASS' view, is Microsoft's performance regarding its Experimental Special Temporary Authority (STA) Station WE9XUO, obtained "to test and demonstrate white spaces technology" at the recent National Association of Broadcasters (NAB) convention in Las Vegas. That experimental STA came to EBIASS' attention because of the overly large number of UHF TV channels that had been requested: TV Channels 21–36 and 38–51. Even the most basic frequency coordination study would have revealed that TV Channels 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50 and 51 had operating, on-the-air TV, Class A TV or LPTV stations, and thus those channels

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<sup>1</sup> The Microsoft request was filed on April 18, 2011, whereas the deadline for requests to become a WSD DBA was February 3, 2010.

<sup>2</sup> See the Microsoft proposal, at page 7, section B, first paragraph, second sentence.

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should not have been requested. The fact that Microsoft asked for a far too broad venue of "Las Vegas" rather than just the Las Vegas Convention Center (LVCC) didn't help, either.

4. But it gets worse: The WE9XUO had the "SBE Clause," which required

Operation is subject to prior coordination with the Society of Broadcast Engineers, Inc. (SBE); ATTN: Executive Director; 9247 North Meridian Street, Suite 305; Indianapolis, IN 46260; telephone, (866) 632-4222; FAX, (317) 846-9120; e-mail, [executivedir@sbe.org](mailto:executivedir@sbe.org); information, [www.sbe.org](http://www.sbe.org).<sup>3</sup>

However, as best EIBASS can determine, Microsoft never contacted either the SBE Executive Director, or the Las Vegas Broadcast Auxiliary Services (BAS) frequency coordinator, Mr. Jack Smith of Station KVVU-TV, D09 (V05), Las Vegas.<sup>4</sup> It was not until the WE9XUO experimental STA was circulated on the SBE Frequency Coordinator's reflector, because of its overly broad number of authorized channels, did the Las Vegas frequency coordinator become aware of Microsoft's planned operation. This posting also alerted Larcan, Inc. (Larcan), holder of a properly-coordinated experimental STA, WE9XSY, for TV Channel 46 at the NAB convention, to the planned Microsoft operation. EIBASS was then able to put the Larcan representative in touch with the Microsoft representative (the contact information was obtained from the Microsoft WE9XUO experimental application), to ensure that Microsoft didn't operate on Channel 46 inside the LVCC, and thus cause interference with the Larcan experimental operation. As a result of this almost-missed frequency coordination, Microsoft avoided using TV Channel 46 for its LVCC operation, and thus, as far as EIBASS can determine, a frequency coordination "train wreck" was avoided.

5. Frequency coordination must not be left to happenstance, as was the case here. EIBASS submits that the WE9XUO scenario demonstrates that Microsoft should not be selected as a WSD DBA. If the Commission intends to select a WSD DBA from the ranks of WSD spectrum users, such applicants should have a track record of compliance with all the terms and conditions of FCC licenses they hold, and have done their homework about all the non-WSD licensees they will be duty-bound to protect.

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<sup>3</sup> It should be noted that the SBE address is now 9102 North Meridian Street, Suite 150, Indianapolis, IN 46260; however, the telephone number and e-mail address for the SBE Executive Director remain valid.

<sup>4</sup> A list of BAS frequency coordinators, with contact information, is available on the SBE web page, at [http://www.sbe.org/sections/freq\\_local.php](http://www.sbe.org/sections/freq_local.php).

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**II. Summary**

6. Microsoft has not demonstrated that it is qualified to administer a spectrum database. Microsoft may be known for producing some of the world's most prominent database software, but an inference to qualification as a WSD DBA cannot be drawn between designing software and a spectrum coordination mission where the requirement is to protect licensed spectrum users. EIBASS believes that Microsoft has demonstrated that it is unqualified to manage a WSD database due to its untimely filing, coupled with its inability to identify all categories of FCC licensed stations entitled to protection. This is an indication to EIBASS that due diligence was not done, despite the extra time a late filing provided to Microsoft to do its homework. In EIBASS' view, these failures demonstrate that Microsoft lacks the necessary regulatory awareness to manage a critically important database. If Microsoft assumes that its reputation alone will win them the WSD DBA mission, yet fails on these relatively simple issues, where else will it fail?

/s/ Dane E. Ericksen, P.E., CSRTE, 8-VSB, CBNT  
EIBASS Co-Chair  
Hammett & Edison, Inc., Consulting Engineers  
San Francisco, CA

/s/ Richard A. Rudman, CPBE  
EIBASS Co-Chair  
Remote Possibilities  
Santa Paula, CA

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EIBASS  
18755 Park Tree Lane  
Sonoma, CA 94128  
707/996-5200  
dericksen@h-e.com