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April 4, 2003

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Ms. Dortch:

SBE hereby files a Petition for Reconsideration of the February 10, 2003, Report and Order and Notice of Proposed Rulemaking to IB Docket 01-185 (Terrestrial MSS).

Sincerely,

/s/ Dane E. Ericksen

Dane E. Ericksen

Enclosure

cc: All SBE FCC Liaison Committee members
All SBE Officers and Directors

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

In the Matter of)
)
Flexibility for Delivery of Communications) IB Docket No. 01-185
by Mobile Satellite Service Providers)
in the 2 GHz Band, the L-Band, and the)
1.6/2.4 GHz Bands)
)

To: The Commission

Petition for Reconsideration

The Society of Broadcast Engineers, Incorporated (SBE), the national association of broadcast engineers and technical communications professionals, with more than 5,000 members world wide, hereby respectfully submits its Petition for Reconsideration of IB Docket 01-185 Report & Order, concerning an ancillary terrestrial component (“ATC”) for the Mobile Satellite Service.

I. Filing is Timely

1. The February 10, 2003, IB Docket 01-185 Report & Order (R&O) has not yet been published in the Federal Register as of the date of this filing. Therefore this Petition for Reconsideration is timely filed, because the Federal Register publication plus 30-day time limit has not even started to run.

II. Broadcasters Continue to Use Former TV BAS Channel A10 On a Regular Basis!

2. The R&O concluded that the only technical issues for Big Leo terrestrial base stations using 2,492.5–2,500 MHz would be adjacent-channel protection of TV Broadcast Auxiliary Service (BAS) operations on Channel A9 (2,467–2,483.5 MHz), and brute force overload (BFO) to TV BAS receive sites at 2 and 2.5 GHz. While the R&O acknowledged that some broadcasters are permitted “grandfathered” operation¹ on former TV BAS Channel A10 (2,483.5–2,500 MHz), the R&O stated, at Page 168, Appendix C1 (“Technical Evaluation of 2 GHz MSS ATC Proposals”) that “...our records indicate that there are no grandfathered BAS facilities licensed in the 2,483.5–2,500 MHz band.”

¹ General Docket 84-689 R&O, dated July 25, 1985.

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3. Unfortunately, this is not correct. As shown by the attached Figure 1, an SBE search of the Universal Licensing System (ULS) reveals no fewer than 87 TV BAS stations showing up in the ULS for Channel A10 operations. Seventeen are Inter City Relay stations² and seventy are TV Pickup stations³. Although ten of these stations show up as “expired” or “cancelled,” it is possible that, as a result of the newly established electronic link between the Media Bureau (“MB”) and the Wireless Telecommunications Bureau (“WTB”),⁴ one or more of these ten “expired” or “cancelled” stations will end up having their status returned to “active.”

4. While SBE is gratified that the Commission recognized the adjacent-channel interference issue to TV BAS operations on Channel A9, and further recognized the need for Big LEO base stations to ensure that they do not cause BFO interference to TV BAS operations at 2 and 2.5 GHz, SBE is aghast to learn the Commission believes that broadcasters no longer use former TV BAS Channel A10. Put another way, the R&O unfortunately missed the far more serious problem of co-channel interference to grandfathered TV BAS operations at 2,483.5–2,500 MHz.

5. Accordingly, SBE asks the Commission to reconsider its flawed decision to allow terrestrial Big LEO base stations at 2,492.5–2,500 MHz. Such operation would cause massive interference to co-equal, grandfathered TV BAS operations using 2,483.5–2,500 MHz, particularly in cases where all three 2.5 GHz TV BAS channels (Channels A8, A9 and A10) are used simultaneously or as a group, meaning that it is not possible to shift TV BAS operation from Channel A10 to Channel A9 or to Channel A8. Further, by the Report & Order to General Dockets 84-689 and 84-690, at Paragraphs 18 and 19, BAS users are entitled to continued protected use on former TV BAS Channel A10. Those paragraphs contained language grandfathering “all fixed and temporary fixed stations...on a primary basis to RDSS licensees” and “grandfathering all existing mobile licensees...also on a primary basis with one condition. If interference from these grandfathered mobiles is determined to be unacceptable, we are providing RDSS licensees the option of paying the reasonable and prudent cost of modifying an existing licensee’s operation.” The final sentence of the paragraph stated that the Commission gave both RDSS and TV BAS primary status to provide a “firm basis for negotiations among affected parties...”

6. All too often, broadcasters (especially Network Entities, when covering sporting events and major political conventions) are using Channel A10 mobile transmissions simultaneously

² ULS code “TI.”

³ ULS code “TP.”

⁴ As documented in the January 17, 2003, FCC Public Notice, DA 03-161, “New Broadcast Auxiliary Interface Between the Universal Licensing System (ULS) and the Consolidated Database (CDBS) Available as of January 22, 2003.”

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with transmissions on Channels A8 and A9. As a result of that efficient frequency use at large events, broadcasters need all three 2.5 GHz TV BAS channels to be unencumbered and readily available. Therefore, if Big LEO MSS now needs former TV BAS Channel A10 for terrestrial operations, then it needs to replace broadcaster's equipment with hardware that continues to give three channels in the remaining Channels A8 and A9. Conversion to digital would do this, and SBE believes that broadcasters would be willing to commence negotiations with Big Leo MSS operators about such "reasonable and prudent" conversion costs, and asks that the Order in response to this SBE filing propose this.

III. Big LEO Base Stations Can't Protect What They Can't Find

7. In its comments to ET Docket 01-75 proposing to update, streamline and harmonize the Part 74 BAS Rules, SBE asked the Commission to amend FCC Form 601, and the ULS, to allow entering the coordinates of multiple ENG receive only sites, and to allow the entering of the actual heights of ENG receive only antennas, rather than the artificially low 6.1 meter (20 feet) AGL height limit that the ULS now has. Much to SBE's surprise, the ET Docket 01-75 R&O found this suggestion to be outside the scope of the rulemaking. SBE disagrees, and simultaneously with this filing is also filing a Petition for Partial Reconsideration of the ET Docket 01-75 R&O. SBE's point in this IB Docket 01-185 Reconsideration request is to simply ask how Big LEO ATC base stations will undertake the frequency coordination so as to ensure against adjacent channel interference and BFO to TV BAS operations, as required at Page 100, Paragraph 203 of the R&O, and as reaffirmed at Appendix C1 ("Technical Evaluation of 2 GHz MSS ATC Proposals"), Section 3.1 ("Analysis of Bands Adjacent to MSS Uplink Band (1,990–2,025 MHz)"), Page 168.

8. Put another way, WTB appears unable to accommodate the reality of fixed receivers (*i.e.*, fixed ENG RO sites) for a mobile service (*i.e.*, TV Pickup stations). This seems to be due mainly to the inability of the ULS and FCC Form 601 to accommodate TV Pickup applications that employ multiple fixed ENG RO sites, or even a single fixed ENG RO height but with a receiving antenna height of greater than 6.1 meters (20 feet) AGL. SBE submits this is not a good basis for spectrum management or rulemaking and that this limitation in FCC Form 601 and the ULS needs to be corrected. SBE would be happy to work with WTB staff to bring about such changes.

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List of Figures

9. The following figures or exhibits have been prepared as a part of Petition for Reconsideration:

1. Printout of ULS pages showing TV BAS licenses authorizing operation on 2,483.5–2,500 MHz (former TV BAS Channel A10).

Respectfully submitted,

Society of Broadcast Engineers, Inc.

/s/ Troy Pennington, CSRE
SBE President

/s/ Dane E. Ericksen, P.E., CSRTE
Chairman, SBE FCC Liaison Committee

/s/ Christopher D. Imlay, Esq.
General Counsel

April 4, 2003

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