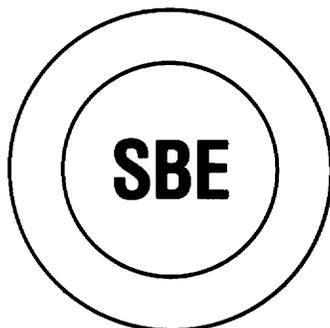


***Ex Parte* Statement of the  
Society of Broadcast Engineers, Inc.**

**CS Docket 99-250  
Private Cable Operators  
Eligibility for the 13 GHz  
CARS Band**

August 15, 2002

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**SOCIETY OF BROADCAST ENGINEERS, INC.**  
Indianapolis, Indiana

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

In the Matter of	)	
	)	
Amendment of Eligibility Requirements in	)	CS Docket No. 99-250
Part 78 Regarding 12 GHz Cable Television	)	
Relay Service	)	RM-9257
	)	
	)	

To: The Commission

**Ex Parte Statement of the Society of Broadcast Engineers, Inc.**

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 *ex parte* statement in support of the Petition for Reconsideration jointly filed by the Walt Disney Company (“Disney”) and the National Association of Broadcasters (“NAB”) concerning the May 21, 2002, Report and Order (“R&O”) to the above-captioned rulemaking.

**I. SBE Concurs With and Supports the Disney/NAB Petition for Reconsideration**

1. SBE has read the July 29, 2002, Disney/NAB Petition for Reconsideration of the CS Docket 99-250 R&O. SBE concurs with, and supports, the request that the Commission reconsider allowing private cable operators (“PCOs”) access to the 13,200–13,250 MHz portion of the TV Broadcast Auxiliary Service (“BAS”) band. This top 50 MHz of the 13 GHz TV BAS band is currently the only exclusive spectrum for 13 GHz TV Pickup (“TVPU”) stations, and cannot be realistically shared with fixed point-to-point or point-to-multipoint PCO Cable Television Relay Service (“CARS”) links. As noted by Disney/NAB, CARS transmitters typically operate unattended, so there would be no practical means of notifying such secondary stations to terminate operation because of interference to 13 GHz electronic news gathering (“ENG”) operations that might become necessary with no advance notice (because breaking news events such as terrorist acts, accidents, earthquakes, etc. do not give advance notice). Remember that many of the cameras pointed at Ground Zero on and after September 11 operated on 13 GHz. Even scheduled in advance uses such as organized sporting events and political conventions would place an entirely unreasonable burden on broadcasters to have to contact

## **SBE Ex Parte Statement: CS Docket 99-250: PCO Access to 13 GHz**

dozens or scores of PCO licensees and instruct them to suspend operation in the 13,200–13,250 MHz portion of the TV BAS band, where their operation would be secondary to TV BAS.

2. SBE notes that Disney and NAB have requested reconsideration only on 50 MHz of the 550 MHz of spectrum at issue in this rulemaking, effectively yielding 500 MHz to distribution, which could be done perfectly well (albeit at greater cost) by wire or fiber. TV Pickup is used where wire or fiber does not exist, is not available, is not available in a timely manner, or is physically impossible to install, so TV Pickup applications cannot generally be accomplished by wire or fiber. In short, the Commission has already chosen to value economics above possibility as it values distribution above production. When news, live sports, and other live programming can either not be done at all, or can only be done with degraded pictures compared to sit-coms and other in-studio programs, the FCC will have only itself to blame. And if this disrupts some types of programs looked to by Congress as drivers for the public acceptance of HDTV, then the FCC must answer to Congress for that. News engineers and producers are already working on concepts to squeeze more channels of digitally compressed and degraded pictures into existing spectrum, under the concept that sometimes “a bad picture is better than no picture.”

3. SBE therefore adds its voice in support of the Disney/NAB Petition for Reconsideration, and requests that the Commission reverse its decision allowing PCOs to operate in the exclusive portion of the 13 GHz TV BAS band.

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.  
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August 15, 2002

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