

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

In the Matter of)
)
Modification of the Universal Licensing) RM No. 11308
System to Allow TV Pickup Stations)
and Remote Pickup Stations to Document)
the Locations and Heights of Their)
Receive-Only Sites)
)

To: The Commission

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 files its *ex parte* reply comments in response to the late-filed CTIA–The Wireless Association (CTIA) comments to RM-11308.¹ RM-11308 proposes to modify the Universal Licensing System (ULS), and FCC Form 601, to allow TV Pickup licensees to document the location(s) and height(s) of their electronic news gathering (ENG) receive only (RO) sites, and also to allow Remote Pickup (RPU) licensees to similarly document the location(s) and height(s) of their RPU-RO sites.

I. The CTIA Comments Mischaracterize the SBE Proposal

1. The primary goal of this SBE Petition for Rulemaking (Petition), which has now become RM-11308, is to make it easier to prevent interference to ENG-RO sites by documenting the locations of those sites. It is difficult for anyone to protect something he or she doesn't know about, and cannot easily discover. All SBE is asking for in this Petition for Rulemaking (Petition) is a minor modification to the ULS to make it easier for other users of the RF spectrum to avoid inadvertent interference to ENG-RO sites. This includes not only FCC licensees, but also non-FCC licensees, such as the Department of Defense (DoD).

2. Seven parties filed timely comments regarding RM-11308: The National Association of Broadcasters (NAB), CBS Corporation (CBS), Cox Broadcasting, Inc. (Cox), the Walt Disney Company (Disney/ABC), Tribune Company (Tribune), Sprint Nextel, and, of course, SBE. All but one, Sprint Nextel, supported the RM, and urged the Commission to proceed to a Notice of Proposed Rulemaking. Sprint Nextel opposed the RM, but the reasons given show that Sprint

¹ The comment deadline was February 22, 2006, whereas the CTIA comments were not filed until March 15, 2006. No explanation for the late filing, or a request for the Commission to accept such non-timely comments, were included in the CTIA filing.

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Nextel fundamentally misunderstood the SBE proposal. Now CTIA has also filed in opposition, albeit in a non-timely manner. However, the CTIA filing also shows that it misunderstands the SBE Petition for Rulemaking, and incorrectly claims proposals and content in that Petition that simply do not exist.

3. The CTIA filing claims that SBE Petition for Rulemaking (Petition) is proposing a prior coordination notice (PCN) requirement for CMRS operators with respect to ENG-RO sites. The filing further goes on to claim that the SBE Petition asks that CMRS licensees be required to notify “BAS licensees” prior to constructing and operating such base stations. Finally, the CTIA Nextel comments claim that the proposal would require CMRS base stations to delay testing and operation until filters have been installed on ENG receivers.

4. These claims are all mischaracterizations of the SBE proposal. First, nowhere is the original September 6, 2005, SBE Petition, or in the SBE February 17 comments, was a PCN requirement proposed. There was no suggestion in the SBE Petition that a CMRS licensee would be *required* to first notify a TV Pickup licensee (and most certainly not all “BAS licensees,” which would be a ridiculously large universe of licensees) having an ENG-RO site that would be close to a CMRS base station. While the February 17 SBE comments did offer the possibility of equipment tests by a newcomer CMRS base station, such tests would be voluntary. But, if voluntarily conducted, in the spirit of being a good spectrum neighbor, should those tests reveal interference to an existing ENG-RO site licensed to an earlier-in-time TV Pickup station, those tests could then be put on hold until the necessary filters were added to the CMRS base station (if the interference mode was one of adjacent channel leakage, due to excessive out of band emissions (OOBE) by the CMRS base station) or until filters were added to the ENG-RO site (if the interference was due to brute force overload (BFO)). That’s all these entirely reasonable *possible* mitigation measures were: a suggestion. Nowhere in the SBE filings to RM-11308 was there any proposal that these steps would be mandatory.

5. Thus, the CTIA filing does a disservice to broadcasters, by so negatively mischaracterizing the SBE proposal. The fact that SBE filed its RM-11308 comments five days early and included a Section II “What the Petition Does *Not* Propose” portion, makes the distortions of the CTIA comments all the more inexplicable to SBE.

6. If a CMRS operator wants to do things the “hard way,” and chooses not to check to see if any of its planned base stations would be in close proximity to an ENG-RO site, that would be its prerogative. However, that decision would in no way exempt a CMRS operator from its

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obligation to not cause interference to an earlier-in-time ENG-RO site of a licensed TV Pickup station.

II. No CMRS Entity, Including CTIA, Objected to the SBE WT Docket 04-356 Proposal Calling For a Tighter OOB Limit for 2 GHz AWS Stations

7. SBE believes that CTIA has confused the RM-11308 rulemaking with the WT Docket 04-356 rulemaking (Service Rules for 2 GHz Advanced Wireless Service (AWS) stations). In the WT Docket 04-356 rulemaking, SBE did indeed propose a 0.5 km preclusion circle to ENG-RO sites (but only if coupled with a tighter emission mask, otherwise the 0.5 km preclusion distance would not be sufficient). As was noted in the February 8, 2005, SBE reply comments to that rulemaking,

1. None of the comments filed by commercial mobile radio service (CMRS) operators addressed the out of band emissions (OOBE) interference threat to highly sensitive 2,025–2,110 MHz TV Broadcast Auxiliary Service (BAS) receive sites, widely used in support of electronic news gathering (ENG) operations. While several CMRS entities (e.g., Sprint) filed comments concluding that stricter OOB limits were needed to avoid CMRS-into-CMRS adjacent channel/adjacent-band operations, these analyses did not address the impact of AWS OOB into 2 GHz TV BAS operations.

2. Accordingly, SBE finds nothing in the filed comments to refute its contention that a more stringent OOB mask of at least $67 + 10\log P$ decibels (where P is the transmitter power output (TPO) in watts) is needed for 2,020–2,025 MHz AWS base stations to ensure that interference is not caused to ENG receive only (RO) sites, and further that no AWS base station may be located within 0.5 km of an existing ENG receive only site without installing stricter OOB filters, sufficient to ensure that the noise floor of the ENG RO site is not degraded by more than 0.5 dB. To ensure that AWS base stations are not inadvertently sited close to an ENG RO site, proposed CMRS AWS base station sites within 0.5 km of a 2 GHz ENG receive only site should be another exception² to area licensing.

8. Thus, it was the SBE WT 04-356 comments, *not* the SBE RM-11308 Petition, that proposed a minimum distance separation for 2 GHz AWS base stations of at least 0.5 km to an ENG-RO site (but only if the tighter OOB specification was also adopted). If an AWS licensee nevertheless chose to install its base station within less than 0.5 km of an ENG-RO site, under the SBE WT 04-356 proposal it would then be subject to an equipment test requirement, and the installation of appropriate filters, *if necessary*, before commencing regular operation. *Again*,

² Existing exceptions to area licensing are (1) stations requiring coordination pursuant to an International agreement; (2) stations that would require an Environmental Assessment pursuant to Section 1.1307 of the FCC Rules; (3) stations that would affect a radio quiet zone; and (4) stations that would require FAA notification and approval, and an FCC Antenna Structure Registration (ASR).

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neither CTIA, or any other CMRS operator, objected to this SBE proposal in their reply comments.

9. SBE additionally notes that CTIA is simply mistaken in its claim that the Commission has adopted rules regarding interference between Advanced Wireless Service (AWS) stations and BAS stations. Such rules are proposed, in the WT Docket 04-356 rulemaking, but since a Report & Order (R&O) has not yet to been issued, no AWS-BAS coordination rules exist at this time.

III. DoD Uplinks at 2 GHz

10. Even if none of the SBE WT Docket 04-356 proposals end up being adopted, RM-11308 still is needed because of the decision to allow up to eleven Department of Defense (DoD) tracking, telemetry and commanding (TT&C) ultra high power satellite uplink stations to move into the 2 GHz TV BAS band. The October 21, 2004, ET Docket 00-258 Seventh R&O, in combination with the April 11, 2006, ET Docket 00-258 Fourth Memorandum Opinion & Order (MO&O), made it clear that when the DoD uplinks do implement the move to the 2 GHz TV BAS band, those uplinks will have to demonstrate protection not only of studio-to-transmitter (STL) and Inter City Relay (ICR) fixed link receivers, but also demonstrate protection of the highly sensitive receivers typically used at ENG-RO sites.³ Thus, RM-11308 is needed regardless of the decision reached in the WT 04-356 rulemaking.

³ See the ET Docket 00-258 Seventh R&O, at Paragraph 29, and the ET Docket 00-258 Fourth MO&O, at Paragraph 22.

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IV. Summary

11. CTIA is barking up the wrong tree. It appears that their concern is with the SBE proposals for the WT Docket 04-356 rulemaking, not RM-11308. All RM-11308 would do is allow (but not require) TV Pickup licensees, and RPU licensees, to document the location(s) and height(s) of any receive-only sites they might employ. Whether additional coordination requirements are adopted for CMRS base stations is a WT Docket 04-356 issue (for which the comment period has long since closed), and not an RM-11308 issue. Even if none of the SBE suggestions in the WT Docket 04-356 are adopted, RM-11308 still has merit and is a badly needed improvement to the ULS. Adding the ability for TV Pickup licensees, and RPU licensees, to document the location(s) and height(s) of their receive-only sites in the ULS will be a big step in making the ULS a truly "universal" system, accommodating BAS licensees as well as CMRS licensees.

Respectfully submitted,

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Certificate of Service

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