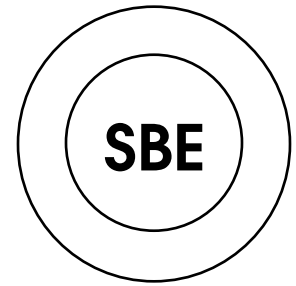


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**BY HAND**

October 18, 2000

The Honorable W. J. "Billy" Tauzin  
 Chairman, Subcommittee on Telecommunications,  
 Trade and Consumer Protection  
 House Commerce Committee  
 2183 Rayburn House Office Building  
 Washington, DC 20515

Dear Chairman Tauzin:

I am writing to express my concern about the lack of action by the Federal Communications Commission (FCC) on a technical rule making that is critical to the timely roll out of digital television (DTV): namely, RM-9418, a 1998 petition for rule making filed by the Telecommunications Industry Association (TIA). This petition proposed, among other technical "clean up" modifications, to amend the FCC rules to allow digital modulation in all of the TV broadcast auxiliary service (BAS) microwave bands. Presently, the FCC rules are being interpreted to only allow digitally-modulated microwave links in the 6.5, 18 and 31 GHz TV BAS bands. The 6.5 GHz band is limited to mobile (TV Pickup) stations and the 18 and 31 GHz bands are only suitable for very short paths (5 miles or less) due to rain attenuation at these high microwave frequencies. The two bands most used by broadcasters for their all important studio-to-transmitter link (STL) are the 7 and 13 GHz bands, where the current interpretation of the rules does not now permit digitally-modulated microwaves. The lack of authority for digital modulation for the 2 and 2.5 GHz electronic news gathering (ENG) bands is also causing problems in digital program production out of the studio.

In SBE's opinion, there is no valid technical reason not to routinely allow digital modulation in all of the TV BAS microwave bands; the interpretation limiting digitally-modulated microwave stations to the 6.5, 18 and 31 GHz TV BAS bands appears to be a regulatory artifact from the days when digitally-modulated microwaves were first used by common carrier and private operational fixed service (POFS) microwave stations, at least twenty years ago. These three TV BAS microwave bands are shared with those other services, so the Part 74 BAS rules covering them were modified at that time to state that digital modulation was permissible.

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Unfortunately, and contrary to all logic, the FCC has stubbornly refused to proceed to a notice of proposed rule making (NPRM) to implement this vitally needed rule change, even after multiple requests by SBE and others. Further, at least three manufacturers of microwave radios have hardware now available that allows combining the DTV signal into the same microwave channel width as now used by a TV station's analog STL, yet the FCC refuses to grant waivers to allow use of these spectrally-efficient digital microwave radios. This makes no sense, especially since the FCC did not assign broadcasters any additional TV STL microwave spectrum to implement DTV.

TV broadcasters wishing to avail themselves to digitally-modulated microwave STLs must either install the new equipment and risk FCC enforcement action, or must request a rule waiver or special temporary authority (STA) for digital operation. As far as SBE is aware, only a handful of digital waivers have been grudgingly granted by the FCC, and then only to noncommercial educational TV stations with pending NTIA/PTFP funding requests. Commercial TV stations are required to obtain an STA, a cumbersome undertaking since STAs must be renewed every six months.

The lack of FCC action on RM-9418 is completely baffling to SBE; when the EIA/TIA petition was finally put out for public comment, in November of 1998, and only after SBE took the initiative and filed in support of that petition, even though no RM number had been assigned and no public notice of the filing given, all of the dozen or so comments and reply comments were in favor of allowing digital modulation in all of the TV BAS microwave bands. If ever there was a "no brainer" technical proposal submitted to the FCC, RM-9418 would have to be near the top.

SBE therefore respectfully requests that the FCC be instructed to proceed with an NPRM forthwith; indeed, due to the appalling period of time that RM-9418 has lain dormant, SBE believes that the FCC could solve the problem simply by issuing an Order stating that blanket waivers for digital modulation will be issued pending completion of a rule making. Such action would be similar to that taken in 1996 for the 2.5 GHz ITFS/MMDS "wireless cable" industry, where the FCC simply issued an order permitting digital modulation.

Should you have any questions concerning this issue, please feel free to contact me at 703/739-5474, or Christopher D. Imlay, Esq., the Society's general counsel, at 202/686-9600, or Mr. Dane E. Ericksen, who chairs the Society's FCC Liaison Committee, at 707/996-5200. A possible letter to Chairman Kennard, instructing immediate action, is attached for your consideration.

Sincerely,

James ("Andy") Butler  
SBE President

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Enclosure

cc: Mr. Dane E. Ericksen (w/ encl.)  
Christopher D. Imlay, Esq. (w/ encl.)  
Robert J. Miller, Esq. (w/ encl.)