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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
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Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use	)	**IB Docket No. 98-172** **RM-9005** **RM-9118**

TO: The Commission

COMMENTS OF MSTV

The Association for Maximum Service Television, Inc. ("MSTV")[1] urges the Commission not to adopt the redesignation of the 17.7 – 19.7 GHz band ("18 GHz band") that was set forth in the above-captioned Notice of Proposed Rulemaking *("Notice")*. Such redesignation would substantially interfere with the critical use by broadcasters of this part of the spectrum to conduct newsgathering operations. Specifically, the *Notice* fails to give proper consideration to the significant impact that the proposed band plan and blanket licensing scheme would have on fixed service users such as broadcasters which rely on 18-GHz links. In addition, the *Notice* ignores the technical incompatibility associated with sharing between fixed service operators and blanket-licensed satellite earth stations, which could be deployed by the millions and almost anywhere. For these reasons, the Commission should reject blanket licensing for the 18-GHz band and the redesignation of the band in the *Notice*. Instead, the Commission should

[1] MSTV represents more than 330 local television stations on technical issues relating to the analog and digital television services.

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consider the alternative plan submitted by TIA's Fixed Point-to-Point Section which provides for a sensible accommodation of those interests which want to use this band.

I. THE COMMISSION SHOULD NOT ADOPT BLANKET LICENSING FOR THE 18-GHz BAND.

Broadcasters use the 17.7-18.8 GHz band for broadcast auxiliary services ("BAS") that rely on Fixed Service ("FS") microwave stations. Both television networks and local stations extensively use this band for the "backhaul" of remote video and audio feeds from the field. This band is used to provide local news and sports and is critical to the quality of local television programming. As the Commission is aware, broadcasters along with other fixed users have been forced to migrate BAS links from 2 GHz to 7 GHz, and many of those links are also being moved to 18 GHz. This activity, combined with a surge in local programming and newsgathering, has resulted in heavy demand for BAS links at 18 GHz.

By the nature of the broadcast auxiliary service, the location of the users of the band is hard to predict. Broadcasters use this band to get video feeds from remote news crews that travel to the location of each story. Consequently, between the key news hours (6-9 am; noon-1pm; 4-7 pm; 10-11:30 pm) this band is going to be heavily used in any number of locations throughout the market area. This aspect of the broadcast auxiliary service means that extensive coordination is needed among BAS users and between BAS links and other FS users.

The Commission's proposal to adopt blanket licensing in the 18-GHz band would make such coordination impossible. Blanket licensing would enable a satellite licensee to add earth stations with no notice, and no coordination. Moreover, the satellite interests participating in this proceeding have plans to deploy millions of earth stations in every part of the country.[2] This is

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2 See Comments of Teledesic Corporation, filed Feb. 18, 1997, in RM-9005, at page 2.

not a case where a few uplink facilities will be placed in rural areas. Instead, if the satellite interests succeed with their business plans, every rooftop in every urban area will have a satellite dish pointed at the Final Satellite Service (FSS) bird. This anytime/anywhere feature of a blanket-licensed service destroys coordination and means that FS and FSS can co-exist in the band only if workable sharing criteria have been established.

Yet the Commission has no evidence to conclude that appropriate sharing criteria are feasible, in light of the nature of the GeoSynchronous Orbit (GSO)/FSS service that is being planned for this band and the heavy use of the band by FS users. Inter-service sharing is always problematic, and it can be undertaken only when all parties agree on sharing criteria and a well-established coordination process is in place. In this instance, there are no sharing criteria, and indeed, the parties may in fact agree that inter-service sharing is not possible. Clearly, coordination is impossible if a blanket licensing scheme is adopted.

If broadcasters were not able to coordinate or share with GSO/FSS users, then they would be effectively denied use of this band. A broadcaster using an 18-GHz link for BAS cannot protect the millions of earth stations that are likely to be deployed. The effect would be similar to what happened at 3-4 GHz: FS users would be forced out of the band by widely (or ubiquitously) deployed earth stations. The result for the public would be that the American people would be denied a critical part of local news and public affairs programming.

II. IF THE COMMISSION ADOPTS A BLANKET LICENSING SCHEME, THEN IT MUST ADOPT A RELOCATION REGIME FOR DISPLACED FS USERS.

A decision to permit blanket licensing in the 18-GHz band, given the nature of the GSO/FSS service being proposed, means that BAS users would be unable to use this band for newsgathering services as soon as satellite services are deployed. The *Notice* seeks to address

part of this problem by proposing that FS users licensed before September 18, 1998 would be grandfathered on a primary basis. However, for the reasons stated above, MSTV is concerned that this grandfathered status may not offer protection if earth stations are ubiquitously deployed. Complaints to FSS licensees about interference will be difficult to resolve because BAS users on any given day are widely dispersed throughout a metropolitan area, while satellite earth stations are also widely dispersed. For the same reason that coordination will be impossible, MSTV is concerned that prompt resolution of interference complaints will be equally impossible. The result will be that broadcasters and other FS users will be forced to abandon the band and relocate.

If broadcasters or other FS users are required to relocate, then pursuant to well-established Commission policy, FSS users should pay for the relocation expenses of BAS users. This principle, which has been applied in the MSS context at 2 GHz along with a number of other proceedings, should be adopted here because an existing user will face significant relocation expenses to make room for use of the spectrum by a new technology. MSTV urges that, if the Commission is going to adopt blanket licensing of the 18-GHz band, then it must (i) adopt rules allowing for the orderly relocation of BAS users, and (ii) establish a mechanism for the payment of relocation expenses.

CONCLUSION

MSTV opposes adoption of blanket licensing for the 18-GHz band and the redesignation of the band that was set forth in the *Notice*. As an alternative, MSTV urges the Commission to consider the plan submitted by the FWCC because it does not provide for inter-service sharing and represents a fair accommodation of the various interests. If the Commission is going to

adopt rule changes that will deny broadcasters the ability to use the 18 GHz band, then the Commission must establish plans for the relocation of BAS users and a payment scheme for relocation expenses.

Respectfully submitted,

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