

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

In the Matter of)	
)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems)	ET Docket No. 00-258
)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service)	ET Docket No. 95-18
)	
The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band)	ET Docket No. 99-81
)	
Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band)	IB Docket No. 01-185
)	

To: The Commission

**REPLY COMMENTS OF THE
2 GHz BROADCAST GROUP**

The Walt Disney Company, National Broadcasting Company, Inc., Viacom Inc., Fox Television Stations, Inc., Tribune Company, Belo Corp., Hearst Argyle Television, Inc., LIN Television Corp., and Gannett Broadcasting Co. (hereinafter the "2 GHz Broadcast Group") hereby submit these reply comments in support of the joint comments submitted by the Association for Maximum Service Television, Inc. ("MSTV") and the National Association of Broadcasters ("NAB") in the above-referenced proceedings. The members of the 2 GHz Broadcast Group also support the comments of the Society of Broadcast Engineers, Inc. ("SBE")

in the above-reference proceedings. **These organizations** urge the Commission to take the steps discussed below to ensure that over-the-air broadcasters can continue their current use of seven Broadcast Auxiliary Services (“BAS”) channels in the 2 GHz band after the BAS users have been relocated to accommodate new services.

The 2 GHz Broadcast Group collectively has invested hundreds of millions of dollars to build and establish strong local news and sports departments in dozens of markets across the country. These departments generate hundreds of hours of local news programming each day. One critical component of this local programming is the ability to provide live, breaking coverage of local news stories as they develop – a service that the public expects and depends upon in times of crisis. Another critical component is live sports coverage, including nationally–broadcast events, such as the Olympics and Super Bowl, as well as local sporting events. This live coverage critically depends on the near constant use and reuse of 2 GHz BAS spectrum for wireless cameras at the sites, as well as for links from the remote sites to the stations' studios.

Nothing demonstrates the vital role of the 2 GHz BAS spectrum more than the tragic events of September 11. Live local news coverage in New York and Washington kept viewers informed about these terrible events as they developed. Now, more than ever, the Commission **must act** to ensure that the local broadcasters’ near-constant use and reuse of the seven existing BAS channels in the 120 MHz of the 2 GHz ENG band will continue on an equivalent basis after the BAS incumbents have been relocated to just 85 MHz in the 2 GHz band. While the Commission considers the appropriate use of the reclaimed BAS spectrum, the 2 GHz Broadcast Group urges the Commission to take the following steps.

1) **Mandate that 2 GHz BAS incumbents be relocated in one step in ALL markets to the reallocated BAS spectrum at 2025-2110 MHz.** While a two-step BAS relocation had a reasonable rationale when it appeared that the repurposing of today's BAS channel 2 (2008-2025 MHz) might not be needed by Mobile Satellite Service ("MSS") providers for years, it now appears that this spectrum will be needed in the very near future for either 3G services or for an expanded MSS with a terrestrial component. Given this change in timing of the reclamation of BAS channel 2, the Commission should mandate that the BAS transition occur in one step. Such an order will allow for an efficient, orderly transition of BAS incumbents from analog to digital operations, a change that will ensure that local broadcasters can continue to use seven BAS channels in the same manner they do today despite the fact that the spectrum allocated for their use has been reduced by 35 MHz.

Similarly, while the original phased-in relocation process that varied by market size (requiring relocation in markets 1-30 first, followed by markets 31-100) was designed to accommodate the expected slow roll-out of MSS, the roll-out of new services on this reclaimed BAS spectrum will no longer be delayed. Regardless of how the Commission allocates the reclaimed BAS spectrum, the terrestrial use of these frequencies is inevitable. Because the roll-out of terrestrial service requires nowhere near the investment and nowhere near the time that the launch of an MSS system requires, there no longer is any basis to believe that service will roll-out slowly on these channels. Thus, there is no need to stagger the relocation process by market size. In addition, because broadcasters often use their 2 GHz equipment in nearby markets, including adjacent markets that may be outside the top-30, there is a critical need to ensure uniform usage of the relocated BAS spectrum, including the ability to use the same equipment that will operate in the same channelization plan.

2) Continue to require that BAS incumbents are compensated for their costs of relocation. As noted above, the 2 GHz BAS channels play a vital role in the news and sports coverage that Americans rely on, especially in these days of near constant crisis following the September 11 terrorist attacks. The Commission should ensure that these vital services continue to be provided after the relocation by requiring the newcomers to compensate broadcasters for the costs of securing equipment that will enable the same usage in less spectrum. This inevitably will require newcomers to fund the conversion of BAS equipment from analog to digital because only digital operations will ensure that today's wide variety of BAS channel usage will continue in the smaller, post relocation BAS channels. In addition, should the Commission change the current allocation of the reclaimed BAS channels, for instance by re-allocating 2008-2025 MHz to 3G services, it should mandate a mechanism to ensure that all the new users of the reclaimed BAS spectrum jointly share the costs of relocating the BAS incumbents. Without such a mandated cost sharing mechanism, the prospect for endless arguments between the new users of the reclaimed spectrum over their respective responsibility for relocation costs seems almost inevitable.

3) Suspend the mandatory 2-year negotiation period between BAS incumbents and MSS licensees and restart the period after the Commission completes the allocation of the reclaimed BAS spectrum. Until the Commission resolves the allocation issues, it should recognize that meaningful negotiations between BAS incumbents and MSS licensees are virtually impossible. As noted above, the allocation changes currently under consideration for the reclaimed BAS spectrum inevitably will change the expected timing of the spectrum relocation. There is no reason to expect a delay in the provision of terrestrial services. In addition, the prospect of some form of terrestrial service on this reclaimed spectrum also dramatically changes the financial prospects of the newcomers, a result that inevitably will

change the dynamics of these negotiations. For these reasons, the Commission should suspend the mandatory negotiation period until it has resolved these crucial allocation issues. Moreover, a suspension of the mandatory negotiation period will have little practical effect today because of the financial problems faced by many 2 GHz MSS licensees have effectively stymied all negotiations.

4) Suspend the current 10-year sunset period for relocation negotiations and restart the clock after the Commission decides the allocation issues for the reclaimed BAS spectrum. As noted above, until the Commission resolves the allocation issues currently under consideration, the prospects for meaningful relocation negotiations are virtually nil. Thus, there is no basis for the current 10-year sunset period to remain in effect. At a minimum, the Commission should restart the 10-year sunset period when it finally resolves the allocation issues. Moreover, as noted by NAB/MSTV, the current sunset period should be changed because it provides too much incentive for MSS operators to string out the relocation compensation negotiations.

5) Ensure that broadcasters' ENG use in their remaining seven channels in the BAS spectrum is protected fully from harmful interference from new adjacent users. Options for terrestrial use of spectrum immediately adjacent to that designated for broadcasters' BAS uses (*i.e.*, lower adjacent to 2025 MHz and upper adjacent to 2110 MHz) require substantial protection for the BAS ENG channels because of the typically high radiated power and physical proximity of such uses to broadcast ENG operations. As set forth by SBE at pages 3-4 of their comments and as the expert FCC engineering staff must appreciate from their long experience in "policing" band boundaries, the type of operation that the FCC decides to authorize below and

above the new 2025-2110 MHz BAS ENG boundaries will have the potential to cause destructive interference to BAS operations.

Without a final decision on what service(s) will be authorized to operate adjacent to the BAS band, we agree with SBE that adjacent channel emissions should be 3 dB below the effective noise floor of a typical 2 GHz TV BAS receiver. This equates to approximately -90 dBm for both analog and digital radios. In order to protect against brute force overload ("BFO"), the Commission should require fixed terrestrial base stations to have a receive carrier level ("RCL") of no greater than -30 dBm at the first active device of any 2 GHz band BAS ENG receiver, including steerable dishes at ENG receive-only sites. Only with such protection can broadcasters be assured of being able to successfully continue their portable ENG operations on the seven remaining 2 GHz channels. We note that the requirement for such protection already has been demonstrated amply by interference experienced between terrestrial PCS stations and BAS ENG operations at the current lower band edge of 1990 MHz, and urge the Commission to set reasonable standards to avoid a whole new set of interference cases that will impair television news gathering operations during the substantial periods of time necessary to track down sources of interference and negotiating agreements to ameliorate it.

Conclusion. The September 11 tragedies have underscored how important over-the-air broadcasters are to their local communities. The ability of local stations to provide up-to-the minute coverage of breaking news events is one of the many public interest benefits the Commission has long encouraged broadcasters to provide. Broadcasters utilize the 2 GHz ENG spectrum to accomplish this mission. The 2 GHz Broadcast Group urges the Commission to preserve the ability of local stations to provide this vital local news coverage to their communities by preserving their ability to use their remaining 2 GHz BAS spectrum after the

BAS relocation and the recovery of 35 MHz of former BAS spectrum. The events of recent weeks have underscored how important the use of this spectrum is to provide information on breaking news events to the public.

Respectfully submitted,

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November 8, 2001