

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

In the Matter of )  
 )  
Amendment of Part 76 of the Commission's Rules ) MB Docket No. 03-50  
to Extend Interference Protection to the Marine and )  
Aeronautical Distress and Safety Frequency )  
406.025 MHz )

**REPLY COMMENTS OF THE NATIONAL CABLE &  
TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association ("NCTA") hereby submits its reply comments in the above-captioned proceeding.

In its Notice of Proposed Rulemaking, the Commission seeks to amend the cable signal leakage rules, Section 76.616. In particular, it proposes to restrict cable system operation near the new international digital search and rescue frequency, 406.025 MHz, by forbidding cable operators to transmit peak power levels equal to or greater than 10 microwatts ( $10^{-5}$  watts) within 100 kHz of 406.025 MHz.

In our initial comments, NCTA recognized the importance of protecting emergency beacons from harmful interference.<sup>1</sup> We demonstrated, however, that new restrictions on cable operations are not necessary at this time to accomplish this goal given the effectiveness of current signal leakage rules in preventing interference to the 406.025 MHz frequency. Moreover, such restrictions would likely have an adverse impact on cable system use of digital signals.

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<sup>1</sup> See Comments of NCTA, Amendment of Part 76 of the Commission's Rules to Extend Interference Protection to the Marine and Aeronautical Distress and Safety Frequency 406.025 MHz, filed April 30, 2003.

In particular, the proposal can impede a cable operator's ability to operate a quadrature amplitude modulation (QAM) digital signal on channel 54. It also would preclude cable operators from utilizing higher orders of modulation, such as 1024 QAM, which are being contemplated by some cable companies. As cable operators migrate from analog to digital technology, the inability to use even one channel for digital deployment affects the roll-out of new services. In light of the nascent state of deployment of new digital emergency beacons operating at 406.025 MHz, NCTA argued that it is premature to impose new restrictions on cable operators.

The only other commenting party in this proceeding is the U.S. Department of Commerce, National Oceanic and Atmospheric Administration ("NOAA"). NOAA asks the Commission to expand the scope of its proceeding to address additional frequencies, particularly 406.028 MHz and 406.037 MHz. It proposes revising section 76.616 of the Commission's rules to require cable operators "to extend protection to 100 kHz below 406.025 MHz and 100 kHz above 406.076 MHz."<sup>2</sup> NCTA believes that this proposed frequency protection plan, which is not the focus of the FCC's Notice, is unnecessary and would impose overly broad restrictions on cable system operations.

As the Commission points out in the Notice, new Emergency Position Indicated Radio Beacons (EPIRBs) and Emergency Locator Transmitters (ELTs) are increasingly using digital signals operating at 406.025 MHz.<sup>3</sup> But emergency beacons operating on 406.028 MHz have only recently been introduced and are just beginning to be used. Moreover, as NOAA

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<sup>2</sup> Comments of the Search and Rescue Satellite Aided Tracking Program Steering Group, NOAA, MB Docket No. 03-50, filed April 30, 2003 ("NOAA Comments").

<sup>3</sup> Notice of Proposed Rulemaking, MB Docket No. 03-50, 68 Fed. Reg. 15419, 15420 (March 31, 2003).

acknowledges, 406.037 MHz emergency devices are not even available yet.<sup>4</sup> To further restrict cable system operations on the theory that they will interfere with emergency search and rescue devices that are new and in some cases not even operational is premature at best. Such restrictions would unnecessarily hamper cable operators' use of channel 54 for digital signals.

For the reasons stated above and in our initial comments, we urge the Commission not to restrict cable operations by imposing new signal leakage requirements covering 406.025 MHz, unless it can demonstrate that digital search and rescue efforts are at significant risk of interference. Moreover, there is no basis to extend the scope of this proceeding to encompass signal leakage restrictions regarding 406.028 MHz and 406.037 MHz.

Respectfully submitted,

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<sup>4</sup> NOAA Comments at 1.