

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

In the Matter of)	
)	
Amendment of Parts 73 and 74 of the)	MB Docket No. 03-185
Commission's Rules to Establish Rules for)	
Digital Low Power Television, Television)	
Translator, and Television Booster Stations)	
and to Amend Rules for Digital Class A)	
Television Stations)	

COMMENTS OF MOTOROLA, INC.

Motorola Inc. (Motorola) submits these comments responding to the FCC's *Notice of Proposed Rule Making* in the above-captioned proceeding.¹ As further detailed below, Motorola recommends that the FCC protect the ability of public safety users and other primary licensees to deploy systems in the 700 MHz band during the digital television transition. Motorola therefore urges the FCC to prohibit the installation of new digital broadcast translators, boosters and low power television (LPTV) facilities on UHF-TV channels 60-69 as well as channels in the lower 700 MHz band that have already been auctioned. Proceeding in this fashion will allow the FCC to properly balance the goals associated with furthering the DTV transition and encouraging efficient spectrum use by land mobile system operators including public safety agencies.

The *Notice* proposes rules concerning the deployment and operation of digital television translators, booster stations and LPTV stations. Fundamentally, Motorola agrees with the FCC that "[t]ranslators and LPTV stations will play a significant role in furthering the transition to

¹ *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, WT Docket No. 03-185, *Notice of Proposed Rule Making*, 18 FCC Rcd 18365 (2003) (*Notice*).

digital television” and therefore urges the FCC to expedite its deliberations in this proceeding. Motorola strongly supports FCC actions that serve to accelerate the pace of the DTV transition, in part, so that the recovery of 700 MHz spectrum can be concluded and new services, especially public safety operations, can utilize that spectrum in an unencumbered manner throughout the United States.

One of the key issues in the *Notice* is determining what TV broadcast channels would be available for the deployment of digital translators and LPTV stations. In discussing the relevancy to the 700 MHz bands, the *Notice* tentatively concludes that digital translators and LPTV stations should be limited to UHF channels 14-59 but asks comments on whether the upper 700 MHz channels (*i.e.*, UHF-TV channels 60-69) should also be made available for such secondary use.² The rationale in the *Notice* for initially prohibiting the use of the upper 700 MHz channels is that, by statute, all translators and LPTV facilities are required to be cleared from channels 60-69 at the end of the DTV transition and it may not be appropriate to allow such use for a limited period of time.³

Motorola believes that the FCC’s concern over the operation of these secondary facilities on channels 60-69 is well placed and urges the FCC to adopt rules that prohibit their deployment in the upper 700 MHz band. As the Commission is well aware, the planning process for the deployment of 700 MHz public safety facilities is well under way. Technology standards for narrowband voice and data technologies have been established,⁴ state licenses have been issued,⁵

² See *Notice* at ¶¶29-30.

³ *Id.* at ¶ 30.

⁴ See, *The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, WT Docket No. 96-86, *Fourth Report and Order and Fifth Notice of Proposed Rule Making*, 16 FCC Rcd 2020 (2001).

the regional planning committees are finalizing spectrum use plans in most regions,⁶ and portable, mobile and base station equipment to operate on the 700 MHz narrowband public safety channels is available. At the present pace of progress, public safety organizations will be in a position to deploy 700 MHz facilities prior to the end of the DTV transition, where possible. Even greater progress would be achieved if the spectrum were available in all areas. As it stands now, the opportunity for public safety to deploy 700 MHz systems before the end of the DTV transition is limited due to the continued presence of the incumbent full-power broadcast facilities. The FCC should not act to further reduce these opportunities by allowing even more secondary broadcast operations in the existing white-space areas. And while the digital translators and LPTV facilities would be secondary to public safety users, the FCC should not create new coordination burdens on public safety. To the contrary, the FCC should take steps to simplify public safety's access to this allocation that is so critical to enhancing homeland security.

Motorola also notes that the FCC has already auctioned licenses for frequencies on channels 60, 62, 65, and 67 in the upper 700 MHz band as well as channels 52, 55 and 59 in the lower 700 MHz band. Indeed, the FCC has raised nearly \$700 million in auctions for the upper 700 MHz band manager licenses and the lower 700 MHz licenses.⁷ Motorola believes that the

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⁵ See, e.g., *Public Safety 700 MHz Band—State License Option To Apply Runs Through December 31, 2001*, DA 01-406, *Public Notice*, released Feb. 15, 2001. Most, if not all states have applied for and received these licenses.

⁶ The FCC's web site provides status information on the 700 MHz regional planning process for all regions at <http://wireless.fcc.gov/publicsafety/700MHz/>.

⁷ The FCC's web site details the results for Auctions 33, 38, 44 and 49. See <http://wireless.fcc.gov/auctions/>.

FCC should not allow secondary digital broadcast translators and LPTV stations to negatively affect the business plans of these licensees. In our view, to allow high-powered secondary users the right to use upper 700 MHz band manager spectrum without first negotiating a spectrum use agreement with the auction winners undermines the competitive bidding process by limiting the spectrum use rights of the band managers after the auction. Likewise, to allow secondary digital translators and LPTV stations to operate on channels in the lower 700 MHz band without negotiating an interference agreement with those auction winners is inconsistent with the Commission's decision to impose a similar requirement for analog translators and LPTV stations.⁸ The participants in the lower 700 MHz auctions had a reasonable expectation that the FCC would have adopted similar policies for secondary digital broadcast facilities.

In conclusion, Motorola urges the FCC to further the DTV transition without undermining the ability of public safety and other new licensees in the 700 MHz band to use their allocated and assigned spectrum as soon as possible and throughout the DTV transition.

Respectfully Submitted,

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⁸ Notice at ¶ 29.