

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Establishment of an Interference Temperature )  
Metric to Quantify and Manage Interference and ) ET Docket No. 03-237  
to Expand Available Unlicensed Operation in )  
Certain Fixed, Mobile and Satellite Frequency )  
Bands )

**REPLY COMMENTS TO  
NOTICE OF INQUIRY AND  
NOTICE OF PROPOSED RULEMAKING**

The following reply comments are respectfully submitted by the consulting engineering firm of Cohen, Dippell and Everist, P.C. (“CDE”) for Public Notice, ET Docket No. 03-237.

CDE or its predecessors have been providing consulting engineering services to the broadcast industry for over 60 years.

A number of submissions<sup>1</sup> have been reviewed in the comment phase of ET Docket No. 03-237. The comments were reviewed by this firm in the context of the experience gained over many years in both traditional carrier and noise measurements<sup>2</sup>.

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<sup>1</sup>Siddharta Rajor; Joint comments of the Association for Maximum Service Television, Inc., and the National Association of Broadcasters; National Radio Astronomy Observatory; National Association for Amateur Radio; Society of Broadcast Engineers, Inc.; Comsearch; National Academy of Sciences’ Committee on Radio Frequencies

<sup>2</sup>This firm participated in the measurement program that was the result of an article entitled, “Radio Influence (RI) and Television Influence (TVI) Voltage Contribution of a 345kV Transmission Line” by David Claes of Ohio Edison Company published in the IEEE Transactions on Broadcasting, Vol. BC-31, No. 3, September 1985.

The preponderance of commenters raised a number of technical concerns. This firm believes that the fundamental concerns raised by those questions are-- what is objectionable interference (i.e., what is acceptable), and its identification, (i.e., if it occurs how is it identified) and its duration. Many of these incumbent licensed systems operate with a high degree of reliability and if necessary with diversity reception. Furthermore, the systems were designed to overcome different signal levels encountered with varying propagation conditions. How will a new device envisioned in this NOI and NPRM determine that the unique propagation path to the incumbent receiver is undergoing a fading condition when the device itself may be located at a different height and not subject to the same propagation condition? Therefore, the following questions are raised:

1. How is the incumbent receiver to identify the interference condition if it occurs.
2. What type of emission or emission systems will be permitted by the new devices?
3. Will all new devices exhibit the same or different emission characteristic?
4. What duration of interference is going to be permitted without raising the issue of modification of an incumbent license?
5. Even presupposing a unique identification mechanism is embedded in each new device, how does an incumbent licensee contact the user of this new device?
6. What if the new device is mobile?
7. What if the device has been stolen or being used improperly?

Will the Commission with its limited resources be able to devote the effort necessary if interference occurs and react timely or will the Commission adopt a similar approach as

evidenced in the introduction of apparent interference<sup>3</sup> when WHRO-DT commenced its digital transmission and reception problems were noted by the regular viewers of Station WBOC-TV?

This is not only a question of a new versatile use of the spectrum nor is it a question of the “haves” versus the “have nots”, it is a fundamental question that the Commission has to resolve and be crystal clear as to what capacity and responsibility it will bring to bear when there is a legitimate interference issue. Will Congress and the Executive branches of government give the Commission the means and capacity to act promptly? Will the Commission’s response be free of entangled legalistic mechanisms with prolonged and muddled results which compound and frustrate the incumbent licensee as well as the new entrant?

The Commission is faced with a daunting task and is similarly challenged as these new potential uses emerge. Further, unless Congress and the Executive Branches of government are willing and able to appropriately and consistently fund a Commission that can maintain effective laboratory, monitoring and field offices, the successful implementation of new entrants will be difficult and may be painful for all.

Respectfully Submitted By,



Donald G. Everist

Date: May 5, 2004

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<sup>3</sup>See Joint Request for Approval of Settlement Agreement and WBOC, Inc.’s Motion to Dismiss dated January 17, 2003