Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands	)	GN Docket No. 13-185
Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band	)	WT Docket No. 07-195 (Proceeding Terminated)
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz, and 2175-2180 MHz Bands	)	WT Docket No. 04-356 (Proceeding Terminated)
Applications for License and Authority to Operate in the 2155-2175 MHz Band	)	WT Docket No. 07-16 (Proceeding Terminated)
Petitions for Forbearance Under 47 U.S.C. § 160	)	WT Docket No. 07-30 (Proceeding Terminated)

REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS

In these reply comments, the National Association of Broadcasters (NAB)[1] reiterates its opposition to CTIA - The Wireless Association's proposal to reallocate 15 MHz of spectrum from the 2025-2110 MHz band, which is currently used for Broadcast Auxiliary Services (BAS), among other uses. The Federal

[1] NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and broadcast networks before Congress, the FCC and other federal agencies, and the courts.

Communications Commission (FCC or Commission) sought comment on this proposal in the above-referenced Notice of Proposed Rulemaking (*Notice* or *NPRM*).[2] In our initial comments, we explained that CTIA's proposal ignores the value of existing operations in the BAS band and would eliminate, for the first time since completion of the National Broadband Plan, one active use in favor of another.[3] We also noted that the auction of the 1755-1780 MHz band, as proposed in the NPRM, would clearly meet the Commission's obligation under the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act or Act) to reallocate 15 MHz of spectrum for "flexible use."[4]

Our reply comments focus first on the opposition to CTIA's proposal raised in the initial comments. Moreover, we note that the few commenters supporting the proposal do not even acknowledge the impact that removing two of the seven channels assigned to BAS would have on broadcasters' ability to provide local news coverage, nor do they offer any reasonable solutions that would alleviate the resulting harm. Second, in response to CTIA's unfounded claim that broadcasters may not be using BAS efficiently, we offer an illustrative example of why continued broadcaster access to the entire 2025-2110 MHz band is critical not only for broadcasters' newsgathering operations but also for public safety.

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[2] Notice of Proposed Rulemaking and Order on Reconsideration, *Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands*, GN Docket No. 13-185 (rel. July 23, 2013) at 39; *see also*, CTIA Letter to FCC Chairman Julius Genachowski, et al., in GN Docket No. 09-51 (March 13, 2013) (CTIA Letter), at 1.

[3] *See* NAB Comments in GN Docket No. 13-185 (filed Sept. 18, 2013), at 4-5.

[4] *See* The Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, at § 6401.

I. The Record Does Not Support Reallocating Two BAS Channels for Wireless Broadband Use

The proposal to reallocate 2095-2110 MHz from the existing BAS band for wireless broadband use provoked strong opposition in the initial comments, even beyond the broadcast community. Several commenters strongly opposed this proposal because of the impact new wireless licensees would have not only on broadcast operations, but also on critical government services, including the federal Tracking and Delay Relay Satellite System (TDRSS), which, among other things, supports communication with the International Space Station and manned spaceflight operations.[5] Boeing notes that "space operations require *the entire* 2025-2110 MHz band, including the 2095-2110 MHz subband, to support critical TDRSS communications with Federal and commercial satellites and space stations, and will be an integral element of commercial manned spaceflight programs undertaken by United States companies in the near future."[6] Boeing also explains that sharing in the 2095-2110 MHz sub-band would be impossible because "in-orbit hardware cannot be modified to accommodate such a change, and the vital programs that rely on TDRSS communication cannot be disrupted, either by reallocation or by the operation of high-density terrestrial operations in the band."[7]

Most commenters supporting CTIA's proposal suggested simply that the Commission should clear the band for wireless broadband use without consideration

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[5] *See, e.g.,* Comments of the Aerospace Industries Association in GN Docket No. 13-185 (filed Sept. 18, 2013), at 2-3.

[6] Comments of The Boeing Company in GN Docket No. 13-185 (filed Sept. 18, 2013), at 4 (emphasis added).

[7] *Id.*

of the difficulties inherent in such a reallocation.[8] No commenting party offered any reasonable solution, technical or otherwise, that would ameliorate the clear negative effect this reallocation would have on broadcasters' ability to provide live news coverage to the public. Indeed, the proposed "solutions" reflect a fundamental misunderstanding of the importance of BAS spectrum to local news operations and public safety. Ericsson and CTIA suggest, for example, that in lieu of dedicated channels in the BAS band that provide clear and interference free feeds from remote newsgathering operations to the main studio, broadcasters should use either "off-the-shelf LTE equipment"[9] or "Skype."[10] While services like mobile broadband and Skype can provide minimal and last-resort video feeds for local and national newscasts, they are typically reserved for interviews or very distant reporting where more reliable and higher-quality feeds are not available. They would in no way serve as a viable alternative to existing electronic newsgathering (ENG) operations. Furthermore, when communities rely on local broadcasting the most – during emergencies and breaking news events – local mobile wireless service is often overwhelmed or offline altogether.[11] Any reallocation requiring broadcasters to use wireless broadband

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[8] *See, e.g.,* Comments of United States Cellular Corp. in GN Docket No. 13-185 (filed Sept. 18, 2013), at 16; Comments of the Competitive Carriers Association in GN Docket No. 13-185 (filed Sept. 18, 2013), at 6.

[9] Comments of Ericsson in GN Docket No. 13-185 (filed Sept. 18, 2013), at 13.

[10] Comments of CTIA – The Wireless Association in GN Docket No. 13-185 (filed Sept. 18, 2013), at 16.

[11] *See, e.g.,* Thomas Gryta, "Wireless Networks Get Hit by Outages Along East Coast," The Wall Street Journal, Oct. 31, 2012, *available at*: http://online.wsj.com/news/articles/SB10001424052970203335504578088722718998026, *see also,* Cecilia Kang and Ylan Q. Mui, "Cellphone Service Falls Short After Earthquake," August 23, 2011, *available at:* http://articles.washingtonpost.com/2011-08-23/business/35269816_1_verizon-wireless-landlines-amy-storey.

infrastructure to bring critical information to the public during emergencies would be a profound, and potentially life-threatening, mistake.

The fact is that the existing operations in the 2025-2110 MHz band provide critical, on-going services, making the removal of two channels extremely problematic, if not impossible. For this reason, among the other reasons we articulated in our initial comments, NAB urges the Commission not to reallocate 2095-2110 MHz for commercial wireless use.

II. Broadcast Coverage of the Recent Navy Yard Tragedy Provides a Good Example of Why Continued Access to the Entire BAS Band is Critical to Local and National Newsgathering Operations and Public Safety

On the morning of September 16th, with reports of an "active shooter" at the Washington Navy Yard, local television stations immediately dispatched reporting and camera crews to the scene. Within minutes, several local stations interrupted regularly scheduled programming to go live with reports on the event, a quickly unfolding and highly volatile situation. As the breadth of the tragedy started to become clear, local stations devoted all of their resources, including several more reporting and camera crews, to ensure complete coverage.

Many local news stations, including NBC-owned WRC and ABC-affiliate WJLA, stayed on the air for much of the day providing updated reports on the shooting. We now know that the shooter, a mentally disturbed former Navy reservist, acted alone. But for most of the day, as officials scrambled to assess the scope of the tragedy, much remained uncertain. For several hours, police told the press that they were searching for one, possibly two, more shooters. They shut down traffic, briefly stopped flights from leaving National Airport, and locked down nearby Congressional

buildings. As they have been in so many other instances in the District of Columbia and elsewhere, local broadcast stations were the primary source of up-to-date information on the emergency for residents throughout the region.

Broadcasters' use of the full range of BAS spectrum was essential to the coverage they provided to the American public that day. During breaking news events such as the Navy Yard tragedy, local stations dispatch multiple reporting and camera crews. Each of those crews needs access to spectrum to send their reports back to the station. Local station WJLA, for example, deployed more than ten reporter/photographer teams to ensure they got accurate information from multiple locations. Those crews allowed their news team to cover all official briefings, interview witnesses, and provide live, continuous video from the scene. Additionally, aerial coverage provided transportation information to the public allowing for safe travel away from and around the scene of the shootings. Local stations WUSA, WRC, WTTG, and Spanish-language Univision-owned WFDC also sent multiple crews to the scene. WRC deployed 12 crews during the day to support their nearly non-stop coverage of the event.

Operating so many local news crews during a major breaking news event requires careful coordination to ensure ENG operations do not interfere with each other. In a market like the District of Columbia, with multiple stations providing hours of local news, coordination is pre-planned through industry microwave committees that help determine which BAS channels are assigned to the various stations. In DC, for example, WRC operates on BAS channel 1, and shares BAS channel 6. On the day of the Navy Yard shooting, WRC relied on a combination of BAS channels, some

operations in the 7 GHz band, and even streaming technology to ensure full coverage. Several stations had to send remote feeds in standard definition instead of the preferred high definition due to bandwidth issues resulting from so many crews in the field. According to WUSA, during breaking news events, satellite time becomes a precious commodity as transponder time is quickly bought up. As a result, BAS access becomes even more critical.

During the Navy Yard shooting, remote video feeds served not only local stations, but also national broadcast and cable networks. WRC's on-the-spot video feeds, for example, served NBC Network and MSNBC. WJLA-TV's live signals provided the visual background for both ABC and CNN during much of the day. Those same live signals were accessed as live web and mobile video streams more than 600,000 times during the emergency. Those live feeds stayed on-air uninterrupted for hours. National and cable networks also coordinated with local stations for access to local BAS spectrum so that their reporters and camera crews could provide live video from the scene. Whether viewers were getting their news over-the-air, via cable, satellite, or the Internet, they were very likely relying on reports provided by local broadcasters via BAS spectrum.

III. Conclusion

The proposal to eliminate two channels from the top of the 2 GHz BAS band would severely hamper broadcasters' newsgathering operations, particularly during public emergencies and breaking news events, and is therefore against the public interest. In addition to harming broadcast services, this proposal would also harm

government services including TDRSS. The Commission should therefore reject any call to reallocate 2095-2110 MHz from existing operations.

Respectfully submitted,

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