



July 26, 2007

The Honorable John Kneuer  
Assistant Secretary of Commerce for Communications & Information  
National Telecommunications & Information Administration (NTIA),  
U.S. Department of Commerce  
14<sup>th</sup> & Constitution Ave, N.W.  
Room 4898  
Washington, D.C. 20230

Dear Mr. Secretary:

First of all, thank you for your leadership with regard to the digital transition. You have provided a steady hand for this national initiative that is so important to broadcasters and American households. From the very beginning, it has been clear that NTIA under your tenure has been ahead of the curve and on top of the situation. The television industry fully supports your efforts. Together we face the enormous task of ensuring all Americans retain access to digital broadcast signals once the transition takes place in 2009.

In this context, we wish to highlight an issue that will have a dramatic, negative impact on the digital transition in general and the NTIA converter box program in particular. As you know, the White Spaces Coalition<sup>1</sup> is advocating that the Federal Communications Commission (FCC) allow personal and portable unlicensed devices on television frequencies. The National Association of Broadcasters (NAB) and the Association for Maximum Service Television, Inc. (MSTV) are very concerned this action will jeopardize the success of the impending digital television (DTV) transition.

An analysis of recent data released by the FCC's Office of Engineering and Technology<sup>2</sup> revealed that a low powered unlicensed device operating on a so-called vacant adjacent channel that is next to an operating TV channel would result in interference in 80-87% of a television station's service area.<sup>3</sup> This interference would occur if an unlicensed device operates within 10 to 100 meters of a digital television set. Moreover, if an unlicensed device happens to turn on to a channel that is being used by a local television station, the interference could range for miles!

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<sup>1</sup> The White Spaces Coalition includes: Microsoft, Dell, HP, Intel, Philips, Earthlink and Google.

<sup>2</sup> *Interference Rejection Thresholds of Consumer Digital Television Receivers Available in 2005 and 2006*, Office of Engineering and Technology, Federal Communications Commission, March 30, 2007.

<sup>3</sup> *Reply Comments of MSTV and NAB to the OET Measurement Report on OET Receiver Interference Rejection Capabilities*, ET Docket 04-186, May 15, 2007, at 5.

Having seen the data firsthand as well as the broadcast industry analysis of the FCC numbers, I know you share our concern that the potential interference from these devices poses a significant risk to the digital transition. It is important to note that the basic technical standards adopted by NTIA for the digital to analog converter box will not protect it from interference caused by unlicensed devices operating on a first adjacent channel. The NTIA converter box specifications use the “interference rejection” standard incorporated in the ATSC A-74 guidelines. All of the digital TV sets tested by OET in its report met this element of the ATSC guideline.<sup>4</sup> Simply stated, the digital to analog converter boxes subsidized by NTIA are likely to be susceptible to interference.

Your unique position in this process provides you with a complete picture of all the potential implications of outside forces on our collective success as we move closer to February 2009. Unfortunately, unlike an analog signal where interference will cause a gradual degradation of the picture, interference to a digital signal renders the television unwatchable.

Should the FCC allow the use of unlicensed devices, consumers will have nowhere to go for help with interference to their set or converter box. As an “unlicensed device,” the FCC will have no record as to when or where such devices are operating. Should interference occur, there is no way of determining if the interference is coming from the apartment next door or a neighbor down the street. Moreover, once the unlicensed devices are in the market, there is no way to extract them. The FCC lacks the means, and most likely the authority, to find and shut down interfering devices. In fact, in its rulemaking the FCC prohibited use of unlicensed devices in the public safety spectrum.<sup>5</sup>

The DTV transition is an unprecedented nationwide migration from analog to digital television signals that will occur in only 20 months. This transition will not only allow local broadcasters to broaden their programming offerings and offer viewers crystal clear television images, but it will also free up spectrum for public safety organizations to better communicate during emergencies and allow for new and enhanced mobile broadband applications.

Ensuring that television households remain connected is no small task. There are 21 million homes – nearly one in five of all television-equipped households – that rely on free, over-the-air broadcasts. Of those households, nearly half have annual incomes of less than \$30,000, and two-thirds are headed by an individual over age 50 or a native Spanish speaker. To ensure that these groups, and others, are not disenfranchised as part of the DTV transition, it is imperative that the transition runs smoothly.

Opening up the digital broadcast spectrum to personal and portable unlicensed devices as the White Spaces Coalition is proposing, however, would turn the DTV transition on its head. Over the next few years, consumers will spend billions of dollars on new digital

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<sup>4</sup> While none of the DTV sets tested by OET met all of the ATSC guidelines, the sets did meet the critical performance guideline that relates to interference rejection on the first adjacent channel.

<sup>5</sup> *In the Matter of Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, October 12, 2006, ¶21.

television sets. As you know, NTIA is now in the midst of implementing a \$1.5 billion program to distribute \$40 coupons that can be used to alleviate the cost of converter boxes. Additionally, the broadcast industry has spent upwards of \$5 billion upgrading their facilities from analog to digital, which does not include the millions of dollars that are being spent to educate consumers about the transition. With these extraordinary public and private resources invested in the DTV transition over the past two decades, it would be a monumental mistake to allow portable unlicensed devices into the broadcast spectrum.<sup>6</sup>

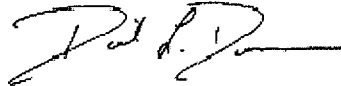
Because of significant interference concerns with consumer's new digital television sets, on behalf of the television station membership of our joint organizations, we urge you to oppose opening the broadcast spectrum to portable unlicensed devices and we ask you to protect the integrity of the DTV transition. We have only one opportunity to get it right, and it is the obligation of government and industry to ensure that happens for the American viewers. Your keen understanding of the potential harm that white space utilization could cause the transition is both a tremendous asset to our country and is also greatly appreciated.

Best Wishes.

Sincerely,



David K. Rehr  
President & CEO  
National Association of Broadcasters



David Donovan  
President  
Association for Maximum Service Television

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<sup>6</sup> NAB and MSTV are not opposed to fixed rural broadband services being offered within the broadcast spectrum after the DTV transition. We are however opposed to portable unlicensed devices at anytime.