

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

In the matter of)	
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Revisions to Broadcast Auxiliary Service Rules in Part 74 and Conforming Technical Rules for Broadcast Auxiliary Service, Cable Television Relay Service and Fixed Services in Parts 74, 78 and 101 of the Commission's Rules)	ET Docket No. 01-75
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Opposition to the Request for Extension of Temporary Stay

The National Spectrum Managers Association (NSMA) respectfully submits the following comments in opposition to the request filed by the Society of Broadcast Engineers (SBE) on October 1, 2003 in the above-captioned proceeding. The SBE has requested an additional six-month delay in implementing an FCC requirement for "Part 101 style" prior frequency coordination for fixed BAS operations.

The NSMA is a voluntary association of engineering and other professionals whose work spans microwave and satellite engineering, and the related frequency coordination and licensing. Individuals' participation in the Association is supported by companies from virtually all sectors of the industry, including licensees, antenna and equipment manufacturers, consulting and engineering firms, regulatory law firms, representatives of government agencies, and private individuals. The NSMA's mission is to address inter-system interference and frequency coordination issues of common interest, to supplement the Commission's coordination-related regulations with technical and procedural recommendations to the industry and, on occasion, to offer objective

comments to the Commission based on NSMA consensus on spectrum management and coordination-related issues. Overall, we hope to assist the Commission in furthering the use of spectrum by helping to make the overall process of interference analysis and frequency coordination as effective and efficient as practicable. In this case, as the Part 101 prior frequency coordination process has been a primary focus in the NSMA since its establishment, we feel qualified to offer information and opinion in this proceeding.

The SBE has requested an additional six-month delay in implementing an FCC requirement for prior coordination notifications (PCNs) for fixed microwave operations associated with the Broadcast Auxiliary Service (BAS). As justification for extending the deadline for implementation of the PCN process for an additional six months, SBE claims that the process would be “doomed to failure”¹ because of the incompleteness and inaccuracies in the current FCC ULS database.

While the NSMA understands that view, we must respectfully disagree with it, and believe that the requested delay will in all likelihood actually not address or satisfy the SBE’s stated concerns about database accuracy or completeness. Indeed, and based on our experience, we believe there probably is no better vehicle for satisfying the SBE’s concerns about appropriate interference analysis than the immediate institution of the notification-and-response frequency coordination process.

¹ SBE Petition at ¶1.

The following explains this opinion and conclusion:

1. When coordinators have to issue a PCN for a new (or modified) microwave system, they have an abiding interest in making sure the data on the subject path is accurate.
2. When other coordinators receiving such a PCN have independent information that suggests there may be a data error in the PCN, the “response” part of the coordination process offers that opportunity to suggest the correction.
3. When other coordinators receive a PCN and analyze the proposal for potential interference to their systems, they have an abiding interest in making sure the data on their systems is complete and accurate – and, once again, can share any data corrections or information on missing paths with the initiator of the PCN.

Conversely, when interference analysis and frequency coordination are performed using the current system there is no such "natural" opportunity for coordinators to work with other coordinators to improve data accuracy and completeness. Too often, the focus of bilateral frequency coordination is on the initial distribution of a PCN – witness the common references in this proceeding to the “PCN process”, with implied emphasis on the prior *notification*. The fact is, though, that the *response* part of the Part 101 frequency coordination process plays a role at least equal to that of the notification in terms of the overall success of the frequency coordination process. The opportunity for *responding* to a PCN is what most effectively generates interaction and data sharing between coordinators, and results in exactly the solutions to the issues raised by the SBE.

Prior frequency coordination for microwave systems can be initiated – and, for more than 30 years, has indeed been entirely conducted – without the use of a single, “guaranteed-accurate” database – and the process has been shown to work very well. In our experience, the bilateral notification-and-response frequency coordination process works effectively in two ways, first to build coordination databases, and then to keep all licensees’ information up to date. The sooner that process is a requirement, the sooner the data accuracy and completeness issue is addressed and corrected.

It may be true at the outset that inaccurate path data may prevent coordinators from performing the most accurate interference analysis before issuing a PCN for a new or modified path, but this is certainly not any worse than what currently faces local BAS frequency coordinators. If databases maintained by the local coordinators are technically inaccurate or nonexistent then, as we have described, the notification-and-response coordination process will naturally stimulate development and improvement of these databases over time, so that eventually the interference analyses may be error-free. Any given interference analysis is obviously only as good (or bad) as the database on which it relies; we feel, however, that if the interference analysis is performed using the current system there is no natural mechanism for data inaccuracies or incompleteness to be corrected. A notification-and-response coordination requirement, on the other hand, provides that natural opportunity for correction – and does so for all affected licensees.

One difficulty we can see occurring in the early implementation of notification-and-response frequency coordination in the BAS bands is that completely missing path data in either the ULS or industry databases could result in a failure to distribute a PCN

to one or more “affected parties”² because of missing path data. However, we suggest this potential problem has a fairly simple solution. Since only broadcasters are eligible to hold BAS licenses, we suggest that the Media Bureau databases of broadcast station licenses in the geographic area of interest could be searched, and PCNs sent to all (and not just known BAS licensees), to ensure that no one is overlooked in the BAS frequency coordination process. Those recipients who actually needed to act on the PCN will likely make themselves known, and their path data can be collected.

In conclusion, although there may be some difficulty and confusion associated with the broadcasters switching to a new form of coordination, there is no reason to expect that the conversion will be any easier with an additional six-month delay in implementation. The sooner licensees begin to exchange coordination data, the sooner accurate databases can be built, and the better the interference protection will be for all parties. Therefore, the NSMA wishes to encourage the Commission to reject the SBE request and implement the notification-and-response frequency coordination process in the BAS bands as soon as possible.

Respectfully submitted,


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² See 47 C.F.R. §101.103(d).