

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

In the Matter of)
)
Spectrum Bridge, Inc. and Meld Technologies, Inc.) ET Docket No. 13-81
Request for Waiver of Sections 15.711(b)(2) and)
15.711(b)(3)(ii) of the Commission's Rules)

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”)¹ respectfully submits comments on the above-captioned request that the Commission waive the restriction on adjacent channel operation for a fixed TV bands device (“TVBD”) manufactured by Meld Technologies, Inc. (“MeldTech”).² As discussed below, NAB has no objections to approval of the waiver request, subject to the conditions included in the request.

The waiver request concerns a TVBD manufactured and marketed by MeldTech as the MT-300-AV Pico Broadcaster, FCC ID: OKVMT300. This low power device is equipped with an ATSC transmitter that provides users a cost-effective method for streaming video content (*e.g.*, signage) to digital television (DTV) receivers in retail establishments, such as Best Buy, Target and other “big box” stores. The device is

¹ The National Association of Broadcasters is a nonprofit trade association that advocates on behalf of local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² Public Notice, *Office of Engineering and Technology Declares the Spectrum Bridge, Inc. and Meld Technologies, Inc. Request for Waiver of Sections 15.711(b)(2) and 15.711(b)(3)(ii) of the Rules to be a “Permit-But-Disclose” Proceeding for Ex Parte Purposes and Requests Comment*, ET Docket No. 13-81, DA 13-546 (Mar. 25, 2013) (“MeldTech Waiver Public Notice”); Spectrum Bridge, Inc., *Request for Temporary Waiver of Part 15 Rules for MeldTech Fixed TVWS Device*, ET Docket 04-186 (filed Aug. 30, 2012, amended Feb. 25, 2013) (“MeldTech Waiver Request”).

intended for use at fixed locations in commercial environments only, and is designed to operate, pursuant to the requested waiver, at a power level of 40 milliwatts (“mW”) within the TV White Spaces (“TVWS”). MeldTech Waiver Public Notice at 1.

Under the Commission’s rules, TVBDs must incorporate GPS or some other mechanism that identifies the location of the device and enables a database to determine the available channels on which it may operate. Spectrum Bridge, Inc. administers one such database. Essentially, this waiver is requested because the devices in question would be used indoors, where MeldTech asserts, GPS is not a practical or reliable method for identifying a device’s location. The request states that a waiver period of one year will allow sufficient time for MeldTech to develop more reliable geolocation solutions for the environments where the device is intended to be used. MeldTech Waiver Request at 2-3.

NAB continues to believe that unlicensed TVWS operations have great potential and has no desire to delay the roll-out of TVBDs to consumers.³ TVBDs can successfully coexist with licensed broadcast operations provided adequate safeguards are in place. Throughout the TV White Spaces proceeding, NAB has coordinated with TVBD equipment manufacturers, database providers and other TVWS proponents to provide greater flexibility for unlicensed operations while at the same time ensuring that broadcast and other licensed operations remain protected from interference. For example, NAB supported rule changes that permitted unlicensed operation at higher

³ See, e.g., Comments of the National Association of Broadcasters, ET Docket No. 04-186 (filed Nov. 28, 2011), at 5.

elevation sites to improve the provision of unlicensed services in rural areas.⁴ NAB has also worked closely with database administrators and equipment manufacturers on terms and conditions required for TVWS device approvals.

In that vein, NAB submits that granting MeldTech's waiver request would serve the public interest, provided the manufacture and marketing of MT-300-AV Pico Broadcasters comply with the conditions set forth in the waiver request. First, the devices would be professionally installed on a fixed mounted rack, and only used within the confines of a commercial or business establishment. The devices would not be offered for sale to the general public. Second, the devices would operate at the maximum power level of 40 mW required under the Commission's rules for personal or portable devices that are permitted to operate on adjacent channels. Third, the devices will be programmed to contact the Spectrum Bridge database every 30 minutes to confirm that the operating channels assigned continue to be available, in order to better protect transient licensed operations, such as wireless microphones used in electronic news gathering ("ENG"). Finally, the waiver would be for a limited one-year period to allow MeldTech to develop and incorporate into its device a reliable geo-location capability that would make the device fully compliant with the rules.

Under these specific constraints, NAB has no objection to the waiver request. In our view, it is critical that these devices have fixed locations, and that installation and maintenance require professional expertise which, for a limited period of time, may alleviate the need for geolocation capabilities that help protect licensed services from interference.

⁴ *Third Memorandum Opinion and Order, Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186 (Apr. 5, 2012), at ¶¶ 11-14.

NAB observes, however, that MeldTech is currently developing and advertising a similar device called the MT-300-AV/pro Pico Broadcaster on its website as “coming soon.”⁵ NAB would oppose a similar waiver request for this latter device because, despite its “pro” designation, the MT-300-AV/pro includes High-Definition Multimedia Interface (“HDMI”) and video component inputs that make it a consumer-oriented digital media device, similar to Apple TV, Roku and Boxee devices. NAB strongly believes that for such consumer devices intended to be ubiquitously available, professional installation is simply not practical nor a reasonable substitute for built-in geolocation capability, even on a temporary basis. Further, the technical safeguards and commercial restrictions identified in the instant waiver request would not apply. For example, in a consumer’s hands, there are few guarantees that such a device would comply with the requirement to be professionally installed or that its location be properly maintained. Under these circumstances, a waiver of the rules would not be appropriate, as such devices should be required to fully meet the requirements of personal and portable devices and include geolocation capability.

Accordingly, for the reasons stated above, NAB has no objections to the MeldTech Waiver Request, given the time limit, power levels and other conditions set forth in the request. Such an approach will continue to foster the efficient use of TV

⁵ See <<http://www.meldtech.com/staging/mt300av.htm>>.

White Spaces and the introduction of new TVWS products, while ensuring that licensed operations including ENG services and wireless microphones remain fully protected.

Respectfully submitted,

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Dated: April 25, 2013