

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

In the Matter of:)
)
2023 World Radiocommunication Conference) IB Docket No. 16-185
Advisory Committee)
)

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)¹ hereby submits comments in response to the Commission’s Public Notice concerning the draft proposals provided by the WRC-23 Advisory Committee.² NAB’s comments are limited to WRC-23 Agenda Items 1.2 (Document WAC-23/57) and 1.5 (Document WAC-23/59). With respect to Agenda Item 1.2, NAB urges the Commission and the U.S. National Committee to refrain from supporting changes to regional frequency allocations in the 3700–3800 MHz band given the lack of clear regional agreement and specific plans to implement such allocations, and supports View B of WAC-23/57 (Agenda Item 1.2). With respect to Agenda Item 1.5, NAB corrects the record regarding amendments made to the View A document at the September 12, 2022 WAC meeting, and additional participants that signed on following these changes. NAB urges the

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

² *International Bureau Seeks Comment on Recommendations Approved by the World Radiocommunication Conference Advisory Committee, Public Notice*, IB Docket No. 16-185, DA 22-954 (September 16, 2022) (Public Notice).

Commission and the U.S. National Committee to remain neutral on Agenda Item 1.5, which does not impact the Americas region (ITU Region 2) and to refrain from perpetuating footnotes that are not implemented domestically. Finally, NAB supports View A of WAC-23/59 (Agenda Item 1.5).

II. DOCUMENT WAC-23/57 (09.12.22): WRC-23 AGENDA ITEM 1.2 WITH RESPECT TO THE 3300-3400 MHZ AND 3600-3800 MHZ FREQUENCY BANDS

As noted in the document summary³ Informal Working Group 2 (IWG-2) members were unable to reach consensus on a proposal for the 3300–3400 and 3600–3800 MHz bands. As a result, three alternative views were prepared. NAB supports View B.

NAB takes no position concerning upgrading the mobile allocation and identifying for IMT the band 3300–3400 MHz. However, it is premature to identify the entire 3600–3800 MHz band for IMT across Region 2. While 5G/IMT services may soon be available in the band 3700–3800 MHz in some areas of the contiguous United States (CONUS), it is a step too far to commit all of Region 2 to IMT identification in that band. Two U.S. states and all U.S. territories in Region 2 will remain strictly allocated for critical C-Band satellite and fixed terrestrial services in the band 3700–3800 MHz. Further, most other countries in Region 2 will similarly continue to rely on this spectrum for satellite connectivity.

Many broadcasters in Region 2 rely on lower C-Band spectrum for program contribution and distribution, including direct-to-home services. NAB members carry Spanish-language programming that originates in Central and South America and is relayed via C-Band satellite to gateway stations in the U.S. using lower C-Band spectrum. Plans for transitioning these services are as-yet uncertain, and it is simply premature to assume that satellite access to

³ Public Notice at 29.

this spectrum over the entirety of Region 2 can be eliminated. Therefore, NAB proposes that an incremental approach: identifying for IMT the band 3600–3700 MHz regionally at WRC-23, while allowing individual countries to consider identification by footnote in the band 3700–3800 MHz, is appropriate. Accordingly, NAB urges adoption of View B.

III. DOCUMENT WAC-23/59 (09.12.22): WRC-23 AGENDA ITEM 1.5 WITH RESPECT TO THE SPECTRUM USE AND SPECTRUM NEEDS OF EXISTING SERVICES IN THE FREQUENCY BAND 470-960 MHZ IN REGION 1

As noted in the document summary,⁴ Informal Working Group 2 (IWG-2) members were unable to reach consensus on a proposal for the review of spectrum use and spectrum needs in the 470–960 MHz band in Region 1. As a result, two alternative views were prepared. NAB supports View A.

The document summary and the draft View A text that was included in the Public Notice include several apparent errors and omissions. First, the document summary incorrectly states that “View A proposes ‘no change’ underlined (NOC) [sic] to the Radio Regulations in Region 2....”⁵ While the draft View A document provided for discussion during the September 12, 2022 WAC meeting did propose “no change” underlined (NOC), the View A document was amended during the September 12 WAC meeting to remove the underline, making the proposal “no change” (NOC).⁶ As a result of this amendment, additional support was received from WAC members Apple, Meta, and Microsoft. The WAC-23/59 document summary should therefore read,

⁴ Public Notice at 53.

⁵ *Id.*

⁶ The symbol “NOC” is used to indicate “RR text for which no change is indicated. This symbol may be used to clarify that no proposals are made with respect to texts carrying this symbol. No proposal number will be associated to texts carrying the symbol NOC.” See Guidelines for the Preparation of Proposals for WRC-19, ITU (4 April 2019) at 5.

View A generally supports the position received from NTIA on behalf of the Executive Branch Agencies with one exception. View A proposes “no change” not underlined (NOC) to the Radio Regulations in Region 2 and does not take any position on Region 1 or Region 3. According to View A proponents, this view is consistent with the U.S. position of neutrality on this agenda item (as expressed during TG 6/1 meeting US preparatory discussions), which is limited to Region 1, but allows some flexibility for individual adjustments within Region 2.

View A is supported by Apple, Meta, Microsoft, National Association of Broadcasters, ONE Media 3.0, LLC, Sennheiser, and Shure.

NAB has monitored the various TG6/1⁷ meetings and observes that this activity has been perhaps the most controversial matter on the WRC-23 agenda. It is clear from the defined scope of Agenda Item 1.5 that it is a Region 1 issue, and so there is no need for the U.S. to involve itself. A number of administrations within that region have indicated that they intend to continue to use all or substantially all of the existing UHF spectrum allocated for broadcasting and do not wish to substantially change the present Region 1 allocations. While some administrations have indicated that they can get by with less spectrum for broadcasting and support a mobile allocation in a portion of that spectrum, the U.S. should not be taking sides in this regional debate, whether arguing that mobile use or broadcasting are more important, or asserting how much spectrum is appropriate for either service. All countries recognize the importance of both mobile and broadcast, and the proper balance in Region 1 should not be unduly influenced by the U.S.. The U.S should remain neutral on this agenda item, as it has throughout the TG 6/1 discussions, interjecting only when precedential concerns arise, such as the protection and status of unallocated services.

NAB has no objection to the U.S. providing information about the U.S. experience, particularly with regard to the rejection of inter-service sharing in UHF spectrum, as

⁷ Task Group 6/1 is the ITU-R task group formed to handle certain Agenda Item 1.5 matters and provide input text to the WRC-23 Conference Preparatory Meetings.

demonstrated by the results of the broadcast incentive auction. Indeed, NAB suggested that the U.S. contribute to the TG6/1 process information concerning the U.S. broadcast incentive auction, but was told that the U.S. would remain neutral.⁸ In contrast, the View B proposal goes well beyond trying to inform Region 1 nations of the interservice sharing problems that the U.S. avoided. In fact, it *encourages* both Region 1 and Region 2 administrations to allocate for mobile services on a co-primary basis with broadcasting and identify for IMT spectrum that is used exclusively for television broadcasting in North America. The U.S. should remain neutral on this WRC-23 agenda item.

The matter of allocation footnotes in Region 2 is clearly outside the scope of Agenda Item 1.5, which is purely a Region 1 matter. A standing WRC agenda item, Agenda Item 8, is the appropriate venue for countries wishing to remove themselves from (and sometimes add themselves to) allocation footnotes in order to keep them up to date, clear, and effective. Additionally, some of the present allocation footnotes to which the U.S. has joined are inapposite to existing or planned U.S. spectrum uses, which is contrary to the Rules and Regulations of the ITU (RR). For example, allocation Footnote 5.295 identifies for IMT the band 470–608 MHz. The U.S. is one of several countries listed in that footnote despite the fact that the U.S. (as well as Canada and Mexico) has no plans to implement mobile services (in particular, IMT) in the band 512–608 MHz.⁹ Encouraging other countries in Region 2 to join this footnote makes no sense, is contrary to U.S. domestic spectrum allocations and uses,

⁸ See, e.g., June 30, 2021 to July 9, 2021, private e-mail exchanges between Robert Weller and members of the USTG6/1 delegation and various U.S. TG6/1 position matrix documents, including October 19, 2020, and February 17 and April 12, 2022.

⁹ Certain mobile services (other than IMT) are authorized to a limited extent in the U.S. in portions of the band 470–512 MHz, but none are authorized or planned in the band 512–608 MHz.

and is contrary to bilateral agreements between the U.S. and its neighbors for operation in this band. If anything, the U.S. should withdraw from Footnote 5.295 entirely under Agenda Item 8. Withdrawal would be consistent with the RR and would provide increased certainty to the broadcast industry in North America at a time when it is investing heavily in a transition to the next generation of broadcast television.

Similarly, Footnote 5.297 allocates 512–608 MHz to the fixed and mobile services on a co-primary basis.¹⁰ The U.S. is one of the countries listed in this footnote despite the fact that it has no plans to implement mobile services in that band. The United States sought or maintained a co-primary allocation with broadcasting of the spectrum 512–608 and 614–698 MHz to the fixed and mobile services as a preliminary step in anticipation of a possible outcome of its broadcast spectrum incentive auction.¹¹ Because the United States did not know in advance how much spectrum would be repurposed from broadcasting to mobile, it allocated to the mobile service on a co-primary basis with broadcasting all possible spectrum that could be repurposed. The United States determined that it must clearly identify where broadcast television and mobile wireless services will be permitted and must modify its frequency allocations to reflect the outcome of the Incentive Auction.¹² Specifically, the United States has now determined that the spectrum 512–608 MHz will not be used for the

¹⁰ The allocation is limited to the mobile service only in three countries.

¹¹ See *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, ¶ 317ff (2014).

¹² *Ibid* at ¶ 321.

mobile or fixed services and will remain used for broadcasting exclusively.¹³ Canada¹⁴ and Mexico¹⁵ have made similar determinations. None of the other countries named in the footnote have indicated any intention to use that band for mobile services and there are no service rules nor plans to use this band for fixed services in the U.S..

Accordingly, there is no basis for the U.S. to support spectrum allocations for which there are no present or planned implementations. NAB urges adoption of View A and rejection of any position that unnecessarily involves the U.S. in a controversial Region 1 matter or further distances footnote allocations from actual uses.

IV. CONCLUSION

NAB has been an active member of the WRC Advisory Committee. We regularly seek consensus through the IWG process and appreciate the engagement of all of the participants. We believe the path forward for the U.S. on Agenda Items 1.2 and 1.5 should be clear. The U.S. should not get ahead of the greater Americas region by attempting to impose regional allocations before there is substantial uniformity in planned use. Similarly, the U.S. should not involve itself in matters purely involving another region, nor should it perpetuate the use of allocation footnotes for which there are no services in use or planned.

Respectfully submitted,

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¹³ See *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*, Order, 32 FCC Rcd 6916, ¶ 4 (2017).

¹⁴ See ISED, “Proposed Revisions to the Canadian Table of Frequency Allocations [2017] Edition,” SMSE-005-17, pp. 21-23.

¹⁵ See IFT letter to Mindel de la Torre, FCC, IFT/222/UER/168/2015, 15 July 2015.

A handwritten signature in black ink, appearing to read 'Rick Kaplan', with a long horizontal line extending to the right.

Rick Kaplan
Patrick McFadden
Alison Neplokh
Robert Weller

September 26, 2022

cc: wrc-23@fcc.gov