

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

In the Matter of: )  
2019 World Radiocommunication Conference ) IB Docket No. 16-185  
Advisory Committee )  
 )

**COMMENTS OF  
THE NATIONAL ASSOCIATION OF BROADCASTERS**

## I. INTRODUCTION

The National Association of Broadcasters (NAB)<sup>1</sup> hereby submits comments in response to the International Bureau’s Public Notice concerning recommendations approved by the World Radiocommunication Conference Advisory Committee on issues that will be considered at the 2019 World Radiocommunication Conference (WRC-19).<sup>2</sup> Our sole focus is Agenda Item 8, where we urge the Commission to support View A, recommending the United States withdraw from footnotes 5.295 and 5.297, which added mobile allocations to the UHF broadcast television band on a primary basis.

There is no good reason to oppose this withdrawal. The Commission has already determined how much of the UHF band should remain dedicated to broadcasting and adjusted the table of allocations to reflect that result. Taking a different approach

<sup>1</sup> 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.

<sup>2</sup> International Bureau Seeks Comment on Recommendations Approved by World Radiocommunication Conference Advisory Committee, Public Notice, IB Docket No. 16-185, DA 18-423 (April 26, 2018) (Public Notice).

internationally only serves to create uncertainty regarding the future of the television industry. The Commission should resolve that uncertainty by unambiguously supporting U.S. withdrawal from these footnotes.

## II. THERE IS NO REASON TO MAINTAIN A MOBILE ALLOCATION BELOW 614 MHZ

The broadcast television spectrum incentive auction was designed to test the demand of wireless carriers for spectrum in the UHF television band as well as the willingness of broadcasters to sell spectrum in that band, and to reallocate spectrum based on those factors. Because it was not possible to know in advance how much spectrum the auction would reallocate for wireless use, the Commission supported a co-primary allocation for wireless operations throughout the 512-608 MHz (UHF TV channels 21-36) and 614-698 MHz (UHF TV channels 38-51) bands. The successful close of the incentive auction last year conclusively resolved the question of wireless demand for low band spectrum, resulting in an allocation of the 614-698 MHz band for wireless service. Accordingly, the Commission modified the domestic table of allocations to reflect these results, deleting the primary fixed and mobile service allocations from the 512-608 MHz band and returning the band to its pre-auction allocation status.<sup>3</sup> Perplexingly, however, it has not yet made plain that it supports a similar modification to the ITU Table of Frequency Allocations to withdraw the United States from footnote 5.295, which identifies the 512-608 MHz band for International Mobile Telecommunications (IMT).

Similarly, footnote 5.297 to the ITU table reflects a near-forgotten 1970s proposal to share some UHF-TV spectrum with two-way land-mobile services. This footnote added an

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<sup>3</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Order, GN Docket No. 12-268, DA 17-887 (Sept. 13, 2017).

allocation to the ITU table in anticipation of sharing in the band between land-mobile and broadcasting services. However, interest in this proposal never materialized, and the Commission never added a corresponding allocation to its domestic table of frequency allocations. The ITU footnote has remained in place for decades merely due to inertia, despite its conflict with the domestic table.

The only justification opponents of withdrawal have offered in support of maintaining a conflict between the domestic and ITU tables is that these footnotes provide “flexibility” for future use.<sup>4</sup> That argument holds no water. The purpose of the recently-concluded incentive auction was precisely to determine how much spectrum in the UHF band should be allocated for mobile use. With the successful conclusion of the auction, that question has been definitely settled. Indeed, Congress has now allocated a total of \$2.5 billion to ensure that television stations are successfully repacked in the portion of the UHF band that these footnotes identify for IMT.

The fact is that wireless carriers had the opportunity to bid for significantly more spectrum than was eventually reallocated. Ultimately, only one of the four national wireless carriers elected to participate in the auction in any meaningful fashion. There simply is no justification for some hypothetical future use that is both highly unlikely and that contradicts domestic policy.

Further, U.S. withdrawal from footnotes 5.295 and 5.297 will do no harm to the other countries listed in those footnotes and have no effect on international use of the UHF band.

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<sup>4</sup> Public Notice, Attachment A at 72-73.

Canada and Mexico have already stated that 470-608 MHz band will not be used for IMT.<sup>5</sup> The remaining countries listed, including the Bahamas and Barbados in footnote 5.295 and Costa Rica, Cuba, El Salvador, Guatemala, Guyana and Jamaica in footnote 5.297, simply do not represent sufficient market scale to drive handset production in this band in the unlikely event they decided to authorize mobile operations in the UHF band that were not harmonized with the rest of North America.<sup>6</sup>

Ongoing uncertainty regarding the status of the UHF band has the potential to discourage innovation and investment in broadcast television. The 512-608 MHz band is the only globally-harmonized spectrum exclusively used for television broadcasting. Broadcast television continues to play a critical role domestically and internationally, offering a free over-the-air service that, thanks to the current Commission's leadership, is poised to get even better. The approval of the Next Generation TV standard has set the stage for the future of television, with a voluntary, market-based rollout that will not require government subsidies and will continue to protect viewers.

To make the investments necessary for a successful transition, broadcasters must have some degree of regulatory certainty regarding the stability of the UHF band. The Commission took an important step towards that certainty last year by modifying the domestic table of allocations to correspond with the results of the incentive auction. The Commission

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<sup>5</sup> See ISED, "Proposed Revisions to the Canadian Table of Frequency Allocations [2017] Edition," SMSE-005-17, page 21-23 and IFT letter to Mindel de la Torre, FCC, IFT/222/UER/168/2015, 15 July 2015.

<sup>6</sup> Additionally, the 3<sup>rd</sup> Generation Partnership Project, which unites seven telecommunication standards development organizations, has not established any band-class for this spectrum and there are no performance standards to which handsets could be manufactured.

should complete the job by supporting changes that bring the United States' international position into alignment with its domestic table of allocations.

### **III. CONCLUSION**

We urge the Commission to strongly support U.S. withdrawal from footnotes 5.295 and 5.297 to align the U.S. position domestically and internationally. Taking this step will restore consistency between the international and domestic tables of allocations and promote investment and innovation that will improve service for American television viewers.

Respectfully submitted,

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