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October 27, 2008

VIA ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington D.C. 20554

Re: **Comments of Radio-Television News Directors Association**  
Unlicensed Operation in the TV Broadcast Bands  
ET Docket No. 04-186

Dear Ms. Dortch:

On behalf of the Radio-Television News Directors Association (“RTNDA”), the only professional organization exclusively serving the electronic news profession, I am submitting these comments to encourage the Commission to more fully examine and consider the consequences of allowing unlicensed devices in the broadcast television band. The most stringent testing standards must be placed on these unlicensed devices before adopting rules permitting their use. Anything less will not safeguard *licensed* uses of this spectrum to serve the public interest. Specifically, RTNDA urges the Commission not to authorize use of these devices until it possesses hard evidence, not a mere “proof of concept,” that these unlicensed devices will not prevent the use of licensed wireless microphones, which are critical to newsgathering, particularly in situations that threaten health and safety.

Wireless microphones are one of the most important tools that electronic journalists use to cover breaking news events. Wireless microphones are low-powered devices that operate on the so-called vacant television broadcast channels in a market. The use of this spectrum by wireless microphones is *licensed* and is subject to extensive frequency coordination. Indeed, frequency coordination plays a vital role in emergency situations by ensuring that journalists’ electronic microphones will work immediately. As “first informers” in public emergencies, RTNDA’s members play a critical role in disseminating important information. Accurate and timely reporting saves lives. The Commission should not compromise electronic journalists’ ability to inform the public by subjecting licensed equipment to interference from unlicensed devices.

Under its current proposal, the Commission attempts to protect licensed users of vacant channels in the television band by requiring fixed location devices to query a geolocation database to confirm the presence of local licensees. While this approach may provide adequate protection for event venues, it leaves the reporter “on the street” out in the cold. Neither journalists nor their microphones are tethered to a fixed studio location. As such, the proposed geolocation regime provides scant interference protection to roaming electronic journalists who use wireless microphones to report live, newsworthy events that might occur near an unlicensed device.

RTNDA also urges the Commission not to implement rules that would permit the use of mobile unlicensed devices that attempt to protect licensed operations through sensing technologies. The FCC’s own tests have repeatedly shown that the unlicensed devices cannot accurately sense the presence of wireless microphones operating on a vacant television channel. Logic dictates that unlicensed devices cannot protect what they cannot sense.

The effects of the Commission's proposed rules are further exacerbated by its recent Notice of Proposed Rule Making<sup>1</sup> to eliminate the licensed use of wireless microphones on channels 52-69. By eliminating the use of wireless microphones on those channels, the Commission has only increased the spectrum demands on channels 2-51. This increased demand, especially if coupled with the presence of millions of unlicensed devices, will undermine current frequency coordination efforts and will have the practical effect of preventing RTNDA's members from using licensed wireless microphones for news coverage.

Without reliable empirical evidence that these unlicensed devices have a robust, accurate, and failsafe mechanism for protecting licensed uses of the spectrum, the Commission cannot reasonably implement rules for their use. With all due respect, RTNDA cannot understand how the Commission could reasonably adopt service rules based on an expansive and undefined "proof of concept" standard instead of on hard data. Once these unlicensed devices enter the marketplace, it will be impossible to counteract their potentially disastrous effects on electronic journalists' ability to cover breaking news events using licensed wireless microphones.

The Commission is committed to protecting the rights of licensed users of this spectrum, and is charged with furthering the public interest. Because the harm to its members would be immediate and irreparable, RTNDA strongly urges the Commission to refrain from adopting rules for new unlicensed devices until it possess reliable evidence that the new devices will be able to protect *all* licensees in the television band.

Given the stakes, mere "proof of concept" is simply not enough.

Sincerely,

A handwritten signature in black ink that reads "Barbara Cochran". The signature is written in a cursive, flowing style.

Barbara Cochran, President  
Radio-Television News Directors Association

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<sup>1</sup> See Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band, Notice of Proposed Rule Making, FCC 08-188, WT Docket Nos. 08-166, 08-167 (rel. Aug. 21, 2008).