



PUBLIC NOTICE

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Office of Engineering and Technology Seeks Comment on Requests for Waiver of Section 15.712(b) to Register Certain TV Receive Sites in the TV Bands Database

ET Docket No. 04-186

Comment Date: January 30, 2012
Reply Comment Date: February 14, 2012

By this Public Notice, we invite interested parties to file comments on seventeen parties'¹ requests for waivers of Section 15.712(b) of the Commission's rules to register low power TV and Multichannel Video Program Distributor (MVPD) receive sites that are more than 80 km outside the protected contour of the TV stations being received in the TV bands database.²

On September 23, 2010, the Commission adopted a *Second Memorandum Opinion and Order* (*Second MO&O*) in ET Docket No. 04-186 that revised the rules for unlicensed wireless devices that operate in broadcast television spectrum at locations where that spectrum is unused by licensed services.³ This unused TV spectrum is commonly referred to as television "white spaces." The rules allow for the operation of unlicensed TV bands devices in unused TV spectrum to provide broadband data and other services for consumers and businesses.

¹ A total of twenty five parties filed waiver requests. As discussed below, we have preliminarily determined that only seventeen parties would require waivers to register their sites in the TV bands databases. The following low power TV operators submitted waiver requests: MMM License II LLC; MMM License, LLC; Bonneville Holding Company; LIN of New Mexico, LLC; Mojave County Board of Supervisors; Needles Community TV Club, Inc.; SLC TV Licensee Corp.; Arizona Board of Regents for Arizona State University; Biltmore Broadcasting Santa Barbara, Inc.; Community Television License of Utah, LLC; High Plains Broadcasting License Company LLC; Idaho Independent Television, Inc.; Newport Television License LLC; The University of Utah; Western Kane County Special Service District # 1; KSAX-TV, Inc.; and Smokey Valley TV District. In addition, the following MVPD operators filed waiver requests: Ritter Communications; Suddenlink Communications; Sjoberg's Inc.; Comcast Cable Communications LLC; SCATUI Cable Vision; Fidelity Communications Co.; Allegiance Communications, LLC; and Mediacom Communications Corporation.

² The requests for waiver to register receive sites beyond 80 km of a transmit station's protected contour are available on the Commission's web site at: http://fjallfoss.fcc.gov/ecfs/comment_search/execute?proceeding=04-186&applicant=&lawfirm=&author=&disseminated.minDate=&disseminated.maxDate=&recieved.minDate=01%2F01%2F2011&recieved.maxDate=05%2F01%2F2011&address.city=&address.state.stateCd=&address.zip=&daNumber=&fileNumber=&submissionTypeId=95&_checkbox_exParte=true.

³ See *Second Memorandum Opinion and Order* in ET Docket No. 04-186, 25 FCC Rcd 18661 (2010).

To prevent interference to authorized users of the TV bands, TV bands devices must include a geo-location capability and the capability to access a database that identifies incumbent uses entitled to interference protection, including, for example, full power and low power TV stations, broadcast auxiliary point-to-point facilities, PLMRS/CMRS operations on channels 14-20, and the Offshore Radiotelephone Service.⁴ The database will provide a TV bands device with a list of TV channels that are vacant and can be used at its location.⁵

MVPDs and operators of Class A TV, low power TV, and TV translator stations (collectively “low power TV stations”) in many cases receive over-the-air TV signals for redistribution to subscribers or retransmission to viewers. Receive sites that meet certain criteria may be registered in the TV bands database to receive protection against interference from TV bands devices.⁶ TV bands devices may not operate on a co-channel or on an adjacent channel to the receive channel of a registered site within a defined protected area around the site. Because TV stations are already protected from interference by TV bands devices within their protected contours, only receive sites that are outside of the protected contour of the station being received may be registered in the TV bands database. Due to the expected maximum range at which a digital TV station could be received off the air, the Commission initially limited registration to sites that are no more than 80 km outside the protected contour of the TV station being received. In the *Second MO&O*, the Commission also recognized that it may be possible in some instances to receive a TV station more than 80 km outside of a station’s protected contour. It therefore provided a 90 day period beginning with the effective date of the rules for parties to file requests for a waiver of this distance limit.⁷ The Commission stated that following receipt of these waiver requests, it would issue a public notice requesting comment on them.

The rules became effective on January 5, 2011, so waiver requests were due by April 5, 2011.⁸ A total of seventeen low power TV station licensees and eight MVPDs filed waiver requests. The Commission staff performed an initial analysis of the receive sites listed in these requests to determine whether they are more than 80 km outside the protected contour of the received TV station. The staff determined that some of the sites are less than 80 km outside the received TV station’s protected contour and that others are receiving the received station’s signal through intermediate links of less than 80 km (e.g., the TV signal is relayed from one low power TV station to another), so no waiver is needed to register those sites in the database. In other instances the staff found, after communicating with the applicants, that certain sites listed in the waiver requests are receiving TV stations through a fiber optic or microwave link rather than an over-the-air TV signal and that they therefore may not be registered in the database.⁹ Based on our analysis, it appears that only the receive sites listed in the tables in Appendix A (Low Power TV receive sites) and B (MVPD receive sites) are receiving TV signals over the air and are more than 80 km outside the protected contour of the received TV station, so that a waiver of § 15.712(b) would be necessary to register these sites in TV bands database.

⁴ See 47 C.F.R. § 15.711. The rules also contain provisions for devices that rely on spectrum sensing to determine available channels. See 47 C.F.R. § 15.717.

⁵ See 47 C.F.R. § 15.713(a)-(b).

⁶ See 47 C.F.R. § 15.712(b).

⁷ See *Second MO&O*, 25 FCC Rcd 18661, 18680 (2010).

⁸ See 75 FR 75814 (December 6, 2010).

⁹ See 47 C.F.R. § 15.712(b).

We seek comment on whether the Commission should grant the requested waivers and permit registration of these low power TV and MVPD receive sites in the TV bands database. We also seek comment on the following issues:

- Is the data contained in the tables in the Appendices accurate? We ask that commenters provide corrections to the data as needed.
- Did we include in our tables all the sites that were listed in the waiver requests and that are more 80 km outside the protected contour of the TV stations being received? As noted above, we included only sites that our analysis indicated are more than 80 km outside a TV station's protected contour.
- Should we allow intermittent registration for back-up receive sites? The University of Utah requests that we allow temporary or permanent registration of their receive sites that generally obtain a signal by means other than over-the-air reception, *e.g.*, by fiber optic, satellite, or microwave links. (These sites are denoted with asterisks in Appendix A.) It states that in the event of an emergency or the failure of their normal means of receiving a channel, intermittent registration in the TV bands database will be necessary to ensure uninterrupted services.

Comments on the waiver requests are due by the dates listed above. We will review the waiver requests, comments, and reply comments before making a final determination on whether to grant or deny waivers for the MVPD and low power TV station sites listed in the Appendices. We also may request additional information that we deem necessary to assist us in making a decision.

The TV bands databases are the subject of a docketed proceeding, ET Docket No. 04-186, and comments may be filed using the FCC's Electronic Comment Filing System (ECFS) as described below. Interested members of the public who wish to make their views known in connection with ET Docket No. 04-186 may submit comments for inclusion in ECFS.¹⁰ A simplified interface for ECFS has been implemented to facilitate consumer comment. Documents filed on ECFS may be accessed and reviewed on that system, which contains copies of written submissions and summaries of oral submissions regarding the white spaces proceeding.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All such filings should refer to **ET Docket No. 04-186**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties that choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-

¹⁰ See FCC, Electronic Comment File Submission, http://fjallfoss.fcc.gov/prod/ecfs/upload_v2.cgi.

class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings to Aole Wilkins, Office of Engineering and Technology, Federal Communications Commission, Room 7-A232, 445 12th Street, SW, Washington, DC 20554, or by e-mail to aole.wilkins@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Office of Engineering and Technology contact: Aole Wilkins at (202) 418-2406.

By the Chief, Office of Engineering and Technology

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Appendix A
Low Power TV Receive Sites

Licensee	Receive Callsign	Receive Location	Receive State	Latitude (Deg/Min/Sec)	Longitude (Deg/Min/Sec)	Distance From Protected Contour To Receive site (km)	Transmit Channel	Transmit Callsign
Arizona Board of Regents for Arizona State University	K47GQ	Parks	AZ	35 12 01.00 N	112 12 17.00 W	84.2	8	KAET
Bonneville Holding Company	K24FE-D	Beaver, etc.	UT	38 31 05.00 N	113 17 03.00 W	112.1	47	K47BD-D
Bonneville Holding Company	K35FS-D	Santa Clara, etc.	UT	37 09 15.00 N	113 51 32.00 W	109.5	24	K24FE-D
Community Television License of Utah, LLC	K43CC-D	Santa Clara	UT	37 09 18.80 N	113 52 56.70 W	111.8	15	K15FQ-D
High Plains Broadcasting License Company LLC	K48JD	Santa Clara & Washin	UT	37 09 15.00 N	113 51 32.00 W	111.4	15	K15FQ-D
High Plains Broadcasting License Company LLC	K45IA	Rock Springs	WY	41 26 05.00 N	109 07 00.00 W	139.4	27	K27KV-D
Idaho Independent Television, Inc.	K58DZ	McDermitt	NV	42 10 43.00 N	117 44 19.00 W	90.7	13	KTRV
MMM License II, LLC (KFBB-TV)	K63AR	Chinook	MT	48 28 13.00 N	109 16 07.60 W	88.0	51	K51KO
MMM License II, LLC (KFBB-TV)	K46GS	Plentywood	MT	48 41 35.10 N	104 35 45.90 W	92.4	25	K25HO
MMM License, LLC (KTMF-TV)	K44KM-D	Salmon	ID	45 08 44.70 N	114 00 33.30 W	93.0	23	KTMF
Mojave County Board of Supervisors	WQHE250	Smith Peak	AZ	34 03 54.98 N	113 21 17.01 W	81.5	36	KAZT-CD
SLC TV Licensee Corp.	K22FS-D	Beaver, etc.	UT	38 31 14.00 N	113 17 12.00 W	129.8	34	KUTV
Smokey Valley TV District	K29IS-D	Round Mountain	NV	38 29 23.00 N	116 59 55.00 W	133.7	7	KRNV
Smokey Valley TV District	K27JZ-D	Round Mountain	NV	38 29 23.00 N	116 59 55.00 W	134.1	8	KOLO
Smokey Valley TV District	K25KR-D	Round Mountain	NV	38 29 23.00 N	116 59 55.00 W	133.8	13	KTVN
The University of Utah	K16BO-D	Beaver/Milford	UT	38 31 13.80 N	113 17 11.50 W	117.9	20	K20DW-D
The University of Utah	K20GH-D	Beaver/Milford	UT	38 31 13.80 N	113 17 11.50 W	113.2	49	K49AO-D
The University of Utah	K48KS-D	Delta/Oak City	UT	39 21 12.10 N	112 21 05.80 W	80.7	16	K16BO-D
The University of Utah	K47HM-D	Delta/Oak City	UT	39 21 12.10 N	112 21 05.80 W	80.7	20	K20GH-D
The University of Utah	K50GD-D	Long Valley Junction	UT	37 30 25.40 N	112 30 35.60 W	85.7	22	K22FT-D
The University of Utah	K46EO-D	Long Valley Junction	UT	37 30 25.40 N	112 30 35.60 W	85.7	24	K24FD-D
* The University of Utah	K40AF-D	Monticello/Blanding	UT	37 50 22.20 N	109 27 42.00 W	183.5	45	K45JN-D
* The University of Utah	K47JI-D	Monticello/Blanding	UT	37 50 22.20 N	109 27 42.00 W	187.4	46	K46JK-D
* The University of Utah	K56JG-D	Vernal	UT	40 21 03.30 N	109 09 45.10 W	88.6	23	K23FT-D
* The University of Utah	K35IQ-D	Vernal	UT	40 21 03.30 N	109 09 45.10 W	102.4	29	K29EX
* The University of Utah	K50KC-D	Washington County	UT	37 09 18.80 N	113 52 56.70 W	114.7	16	K16BO-D
* The University of Utah	K44JI-D	Washington County	UT	37 09 18.80 N	113 52 56.70 W	114.7	20	K20GH-D
Western Kane County Special Service District #1	K48EK-D	Long Valley Junction	UT	37 30 25.40 N	112 30 35.60 W	85.7	16	K16EQ-D
Western Kane County Special Service District #1	K32HR-D	Long Valley Junction	UT	37 30 25.40 N	112 30 35.60 W	85.7	18	K18FT-D
Western Kane County Special Service District #1	K51JS-D	Long Valley Junction	UT	37 30 25.40 N	112 30 35.60 W	85.7	20	K20GE-D
Western Kane County Special Service District #1	K41LC-D	Long Valley Junction	UT	37 30 25.40 N	112 30 35.60 W	85.7	26	K26GD-D
Western Kane County Special Service District #1	K44FU-D	Long Valley Junction	UT	37 30 25.40 N	112 30 35.60 W	85.7	28	K28GM-D
Western Kane County Special Service District #1	K42IW-D	Long Valley Junction	UT	37 30 25.40 N	112 30 35.60 W	85.7	30	K30GA-D

*The University of Utah receive sites that generally obtain a signal by means other than over-the-air reception.

Appendix B
MVPD Receive Sites

Operator	City of operation	State of operation	Latitude (Deg/Min/Sec)	Longitude (Deg/Min/Sec)	Distance From Protected Contour To Receive site (km)	Channel	Callsign
Allegiance Communications, LLC	Sedan	KS	35 25 44.87 N	096 19 43.62 W	138.5	7	KOAM
Allegiance Communications, LLC	Sedan	KS	35 25 44.87 N	096 19 43.62 W	158.8	46	KSNF
Allegiance Communications, LLC	Meade	KS	37 16 28.36 N	100 20 38.42 W	178.5	29	KSAS-LP
Comcast Cable Communications LLC	Arbuckle	CA	39 01 15.90 N	122 03 35.40 W	85.9	3	KCSO
Comcast Cable Communications LLC	Raton	NM	36 54 32.10 N	104 28 04.80 W	88.4	24	KRDO
Mediacom Communications Corp.	Ajo	AZ	32 22 01.80 N	112 52 45.30 W	84.3	9	KGUN
Mediacom Communications Corp.	Ajo	AZ	32 22 01.80 N	112 52 45.30 W	94.4	32	KOLD
Mediacom Communications Corp.	Dubuque	IA	42 30 48.00 N	090 44 44.70 W	129.2	11	KDIN
Mediacom Communications Corp.	Buffalo Center	IA	43 22 57.90 N	093 56 29.00 W	90.3	29	WFTC
Sjoberg's, Inc.	Warroad	MN	48 54 09.79 N	095 22 39.00 W	98.5	8	WDAZ
Sjoberg's, Inc.	Thief River Falls	MN	48 54 09.79 N	095 22 39.00 W	98.5	8	WDAZ
Sjoberg's, Inc.	Thief River Falls	MN	48 54 09.79 N	095 22 39.00 W	119.0	44	KVLY
Sjoberg's, Inc.	Thief River Falls	MN	48 54 09.79 N	095 22 39.00 W	122.1	38	KXJB
Suddenlink Communications	Muskogee	OK	35 44 54.90 N	095 21 20.00 W	84.4	51	KSBI