



**National Wireless  
Communications Council**

May 10, 2022

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street, N.E.  
Washington, D.C. 20554

**Re: RM-11915  
Ex Parte Letter**

Dear Ms. Dortch:

The Petition for Rulemaking filed by the National Wireless Communications Council ("NWCC") in this proceeding seeks rule changes that reflect the television industry's transition from analog to digital format and the resulting change in the protection required from land mobile facilities. This indisputable technical reality has been incorporated already in the Part 73 rules governing television-to-television station protection criteria.<sup>1</sup> The Petition is consistent with sound spectrum management policy. It would create the potential for a modest increase in land mobile use of 470-512 MHz ("T-Band") spectrum in eleven of the largest markets in the country without increasing the possibility of interference.

Nonetheless, as described in its recent *ex parte* notice,<sup>2</sup> the National Association of Broadcasters ("NAB") has urged the FCC not to take further action on the Petition. Its opposition is not based on potential interference to television operations, which it does not allege, and of which there is no record during the more than fifty years that T-Band spectrum has been shared by television and land mobile systems. Its objection is that the proposed change would "inevitably"<sup>3</sup> result in increased situations of interference between television stations and land mobile facilities, which interference would be experienced by land mobile licensees.

The NWCC agrees with NAB that "propagation models are probabilistic, not determinative."<sup>4</sup> It does not agree that "**many** interference issues arise from outlier

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<sup>1</sup> See 47 C.F.R. § 73.623(c)(2).

<sup>2</sup> Letter from Patrick McFadden, NAB Deputy General Counsel to Marlene H. Dortch, Secretary, FCC, RM-11915 (filed May 2, 2022) ("*Ex Parte Letter*").

<sup>3</sup> *Ex Parte Letter* at 1.

<sup>4</sup> *Id.*

cases.”<sup>5</sup> In fact, the FCC relies on these models and the related contour and mileage separation criteria to allow systems in many bands, providing a multitude of differing services, to co-exist compatibly in our increasingly congested spectrum. The alternative would be to establish rules based on spectrally wasteful worst-case scenarios, an approach the FCC – rightfully - has rejected repeatedly.

There always have been and always will be instances when the models do not work and interference results. The FCC is well-equipped to deal with those rare situations on a case-by-case basis and determine how they should be resolved in the public interest. For the reasons detailed in the Petition and in previous filings in this proceeding, the NWCC does not expect the changes proposed in the Petition to result in additional cases of interference from television stations to land mobile operations. It would not have filed the Petition if that were the expected result. However, in the unlikely event that interference should occur, the NWCC is confident that the FCC will pursue its normal course of determining how to resolve the matter to serve the public interest, without prejudging where responsibility lies as demanded by NAB.<sup>6</sup>

The NWCC looks forward to working cooperatively with the FCC and all interested parties in resolving issues related to T-Band usage.

Respectfully submitted,

**National Wireless Communications Council**



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<sup>5</sup> *Id.* (emphasis added).

<sup>6</sup> *Id.* at 2.