

# COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVENUE NW WASHINGTON  
WASHINGTON, DC 20004-2401 NEW YORK  
TEL 202.662.6000 SAN FRANCISCO  
FAX 202.662.6291 LONDON  
WWW.COV.COM BRUSSELS

April 11, 2007

## VIA ELECTRONIC FILING

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

Re: Ex Parte Communication  
MB Docket No. 87-268

Dear Ms. Dortch:

Throughout the transition to digital television, the Commission has been mindful of the need to minimize interference to the television broadcast service. Such interference would impede the digital transition and deprive the public of access to free over-the-air digital video programming. Consistent with that goal, the Association for Maximum Service Television, Inc. (“MSTV”) agrees with Florida West Coast Public Broadcasting, Inc., licensee of noncommercial station WEDU(TV), Tampa, Florida (“WEDU”), that nothing in the Commission’s rules or policy relieves Automated Maritime Telecommunications System (“AMTS”) licensees of their obligations to protect DTV stations from interference.<sup>1</sup>

Maritime Communications / Land Mobile, LLC (“MC/LM”), which holds an AMTS license, recently argued that the Commission should permit AMTS licensees to interfere with DTV allotments established in this proceeding on channels 10 and 13.<sup>2</sup> MC/LM’s request is squarely at odds with the Commission’s rules. Moreover, this request to change the Commission’s interference rules is entirely inappropriate in the context of this allotment proceeding.

---

<sup>1</sup> See Reply by Florida West Coast Public Broadcasting, Inc., MB Docket No. 87-268 (filed Feb. 26, 2007).

<sup>2</sup> Comments of Maritime Communications/Land Mobile, LLC, MB Docket No. 87-268 (filed Jan. 11, 2007).

Marlene H. Dortch, Secretary

April 11, 2007

Page 2

The Commission's rules subject MC/LM and other AMTS licensees to the unambiguous condition that, as to DTV and other television services that were authorized before the AMTS licensee filed its application, "no harmful interference will be caused to television reception." 47 C.F.R. § 80.215(h); *see also* 47 C.F.R. § 80.475(a)(1) (requiring AMTS operators proposing to operate coast stations near channel 10 or 13 TV stations to submit an engineering study showing how such interference will be prevented).

MC/LM, like the other AMTS licensees, knew when it applied for its license that the Commission had begun the transition to digital television, and it was well established that the Commission would make digital allotments on channels 10 and 13.<sup>3</sup> Having applied for its license notwithstanding the ongoing transition, MC/LM cannot now ask the Commission to divest DTV stations of their right to interference protection. The Commission has already rejected such a policy, concluding that AMTS coast stations' authorizations are secondary to all analog and digital television broadcasts.

AMTS coast stations' secondary status as to DTV broadcasts is long established. The Commission articulated the importance of this arrangement with respect to DTV in its 1996 proceeding to determine whether to permit lower-power AMTS operations adjacent to channel 13. In that decision, the Commission observed in response to MSTV's comments that, like high-power AMTS operations, "DTV stations assigned to channel 13 . . . will be entitled to the same protection from harmful interference as NTSC stations." *Amendment of the Commission's Rules Concerning Low Power & Automated Maritime Telecoms. Sys. Ops. in the 216-217 MHz Band*, 11 FCC Rcd. 18,517 ¶ 19 n.52 (1996). The Commission again emphasized the continued importance of AMTS' secondary status in 2000, explaining, "We continue to believe that it is of paramount importance to ensure that AMTS operations do not interfere with television reception on Channels 10 and 13. . . ." *Amendment of the Commission's Rules Concerning Maritime Comms.*, 15 FCC Rcd. 22,585, 22,609 (2000).<sup>4</sup>

---

<sup>3</sup> It is noteworthy that MC/LM applied for its license in 2005, while the DTV channel election process was already underway.

<sup>4</sup> Several years prior, the Commission had considered whether its engineering study requirement required adjustment to account for differences between analog and digital television technology. *Amendment of the Commission's Rules Concerning Maritime Comms.*, 12 FCC Rcd. 16,949 ¶ 115(b) (1997).

COVINGTON & BURLING LLP

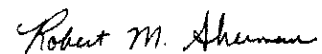
Marlene H. Dortch, Secretary

April 11, 2007

Page 3

The Commission has clearly and consistently subordinated AMTS coast stations to television broadcasts. MC/LM's request is therefore contrary to the Commission's rules and its established policy of promoting free, over-the-air broadcasting and the DTV transition. The Commission should accordingly reject MC/LM's erroneous arguments.

Sincerely,



Jennifer A. Johnson

Robert M. Sherman

*Counsel to MSTV*