

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

JAN - 6 2012

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Application by ViaSat, Inc.) SES-LIC-20111027-01267
To Operate Earth Station)
In Duluth, Georgia)
in the 2085.0 – 2086.5 MHz band)

To: Office of the Secretary
Attn: Chief, International Bureau

PETITION TO DENY

Pursuant to Section 25.154 of the Commission’s rules, Georgia Television Company, licensee of WSB-TV, Atlanta, Georgia, and Meredith Corporation (together with Georgia Television Company, “Television Broadcasters”), licensee of WGCL-TV, Atlanta, Georgia, hereby submit this Petition to Deny against the above-referenced application (the “Application”) filed by ViaSat, Inc. (“ViaSat”) on October 26, 2011, to operate a satellite earth station in Duluth, Georgia (the “Earth Station”).¹ The Earth Station would transmit on frequencies that are in the heart of the frequency band used by the Television Broadcasters for their electronic news gathering (“ENG”) operations. The International Bureau should deny the Application because the Earth Station will cause harmful interference to ENG operations of both WSB-TV and WGCL-TV, which could deprive substantial numbers of television viewers of life-saving and other important information.²

¹ 47 C.F.R. § 25.154. This Petition is timely because the Commission has not yet accepted the Application for Public Notice. *See* §25.154(a)(2). The Television Broadcasters are parties of interest because, as described herein, the Earth Station will cause interference to the Television Broadcasters’ licensed facilities.

² *See* Engineering Exhibit.

INTRODUCTION

ENG trucks are used on a daily basis by broadcasters in the performance of their core mission of serving the public interest. Broadcasters cannot predict when or where the next local emergency or breaking news event will occur. They must be prepared to cover emergencies or other news events whenever and wherever they may happen. To allow broadcasters to serve this mission and cover live news events, ENG facilities must be reliable and must transmit without interference live, breaking-news coverage from anywhere within a television station's market at any time.

The Television Broadcasters conduct their ENG operations using TV Pickup Stations. TV Pickup Station KR9903 is used by Georgia Television Company in connection with the operation of WSB-TV. TV Pickup Station KC62919 is used by Meredith Corporation in connection with the operation of WGCL-TV. These TV Pickup Stations are licensed to operate in the 2 GHz ENG band between 2025.5 MHz and 2109.5 MHz, which consists of seven separate ENG Channels – each with a bandwidth of 12 MHz. The TV Pickup Stations have primary authority in this band and are entitled to operate free of interference. To ensure that the TV Pick Stations do not interfere with each other, the Television Broadcasters (along with the other local broadcasters in the Atlanta market) carefully coordinate the use of the seven ENG Channels in the 2 GHz band with each broadcaster using a different ENG Channel. The Television Broadcasters then use their TV Pickup Stations to originate and transmit live audio and video programming from locations throughout the market to numerous receive sites. From those receive sites, the Television Broadcasters transmit audio and video programming to their respective main studios to be incorporated into a local newscast or live emergency programming. Disruptions to the transmissions by the TV Pickup Stations mean that substantial numbers of

television viewers in the Atlanta market could be deprived of critical life-saving information or could miss coverage of an important news story or local event.

ViaSat's proposed Earth Station would operate from a location just outside of downtown Atlanta in Duluth, Georgia, on a frequency range between 2085.0 and 2086.5 MHz, which is on the upper edge of ENG Channel 5 and the lower edge of ENG Channel 6. The Application does not specify any particular azimuth. Therefore, the Earth Station would be authorized to transmit signals toward, and cause interference to, any of the Television Broadcaster's ENG trucks or any of their ENG receive sites operating on Channels 5 or 6 in and around Atlanta.

I. COX AND MEREDITH NEVER RECEIVED THE REQUIRED PRIOR NOTICE OF FREQUENCY COORDINATION.

Section 25.203(c)(2) of the Commission's rules requires earth station applicants to coordinate their proposed frequency usage with other existing users within the same frequency band.³ The applicant must first conduct an analysis of any potential interference within the band and then provide notification to all potentially affected parties. Those parties are then afforded 30 days to review the analysis and respond accordingly.

Because the Television Broadcasters operate TV Pickup Stations in the Atlanta market in the same frequency band as the Earth Station, they were required to receive a prior frequency coordination notice, but neither Georgia Television Company nor Meredith Corporation received such a notice.⁴ Had the Television Broadcasters been afforded the opportunity to object to ViaSat's proposal before it filed the Application, they surely would have done so, and they would have raised their interference concerns at the pre-application stage. Since the Television

³ § 25.203(c)(2).

⁴ See Engineering Exhibit.

Broadcasters did not receive a timely frequency coordination notice, filing a Petition to Deny is their only option.

II. VIASAT'S PROPOSAL WOULD CAUSE HARMFUL INTERFERENCE TO COX AND MEREDITH'S NEWSGATHERING OPERATIONS.

The Bureau should deny the Application because the Earth Station will cause harmful interference to the Television Broadcaster's TV Pickup Stations. Under Section 2.106 of the Commission's rules, earth stations not licensed to the federal government, such as ViaSat's Earth Station, may be authorized in the 2025-2110 MHz frequency band *only* on a case-by-case basis and *only* on a non-interference basis.⁵ Therefore, before the Bureau will grant an authorization for a non-Federal earth station, the applicant must demonstrate that the proposed station would not cause harmful inference to TV Pickup Stations, which have primary rights in this band.⁶

Here, ViaSat has failed to demonstrate that the proposed station will not cause harmful inference to the Television Broadcaster's TV Pickup stations. Instead, ViaSat merely asserts that, because it received no objections to its frequency coordination notice, there are no interference concerns. As the Television Broadcasters mentioned above, they never received any frequency coordination notice. Otherwise, they would have raised their concerns at that time. More importantly, however, actual interference from the Earth Station is likely. The attached Engineering Statement demonstrates that ViaSat did not properly account for all of the receive sites of the Television Broadcasters' TV Pickup stations. When these receive sites are properly taken into account, it becomes apparent that the Earth Station likely will cause significant interference.

⁵ 47 C.F.R. § Part 2.106, note US347.

⁶ *Id.*

The Earth Station also will cause other problems for ENG operations. When the Television Broadcasters use a TV Pickup to transmit high definition programming, they must use the entire 12 MHz bandwidth of an ENG Channel. With the Earth Station operating on the upper edge of ENG Channel 5 and the lower edge of ENG Channel 6, however, it would prevent the Television Broadcasters from using either ENG channel to transmit high definition video and audio programming. In addition, the proposed Earth Station would limit the flexibility of the Television Broadcasters and other local broadcasters in the Atlanta television market to use split channel operation in the 2 GHz band. Currently, Atlanta broadcasters, including the Television Broadcasters, use the standard seven channel ENG band plan. As the ENG band becomes more congested, however, local broadcasters in Atlanta may be forced to resort to split channel operations to squeeze more channels into the ENG band. In that instance, the Earth Station would prohibit split channel operations with ENG Channels 5 and 6, rendering those channels (under the split channel plan) unusable.

CONCLUSION

The Commission's Table of Frequency Allocations reserves the 2025.5-2109.5 MHz frequency band primarily for use by local broadcasters for ENG and other compatible uses. The Bureau can grant an earth station license in this band for a non-Federal use only on a case-by-case basis and only if the applicant can successfully show that no harmful interference will occur. ViaSat has failed to meet its burden, and in fact the attached engineering statement shows that interference is likely. Therefore, the Bureau should deny ViaSat's Application.

Respectfully submitted,

**GEORGIA TELEVISION COMPANY AND
MEREDITH CORPORATION**

By: 

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Robert J. Folliard, III

Their Attorneys

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January 6, 2012

**ENGINEERING EXHIBIT
MEREDITH CORPORATION AND COX MEDIA GROUP
JOINT OPPOSITION TO A PROPOSED EARTH STATION UPLINK**

Meredith Corporation (“Meredith”), licensee of television station WGCL-TV, Atlanta, Georgia and Georgia Television Company, a wholly owned subsidiary of Cox Media Group (“Cox”), and licensee of WSB-TV, Atlanta, Georgia, jointly oppose an application, file number SES-LIC-20111027-01267, that has been submitted by ViaSat, Inc.(“ViaSat”), for a transmit earth station to be located northeast of Atlanta with one of the proposed operating frequency ranges being 2085.0 – 2086.5 MHz.

Meredith and Cox hold television pickup authorizations, KC62919 and KR9903 respectively, for operation in the Television Broadcast Auxiliary Services Spectrum. Specifically, WGCL-TV and WSB-TV use their authorizations to cover live news events that occur in the city of Atlanta and the surrounding communities. Both authorizations allow for operation on any of the 7 channels between frequencies 2025.5 and 2109.5 MHz as listed in 47 C.F.R. § Part 74.602(a)(3)(i) of the FCC Rules. WGCL-TV and WSB-TV may operate on any of the seven channels depending on the event and coordination between other broadcast stations in the Atlanta area that also share these channels.

It is specifically noted that Meredith never received a Prior Coordination Notification for the proposed uplink. Contact was made with the commercial microwave frequency coordinator, Comsearch, to find out why and was given the name of the individual to whom the notification was sent via email. Unfortunately, the Comsearch database contained the name of an individual that hasn’t been with Meredith for over seven years.

Cox also searched their files and was unable to find where a Prior Coordination Notification had been received.

Meredith and Cox have evaluated the proposed uplink operating on the frequency range of 2085.0 – 2086.5 MHz shown in the application and have serious concerns regarding potential interference into several of the shared fixed receive sites. Exhibit A is a map that shows the

locations of four Meredith fixed receive sites (Fox Tower, Richland Tower, Blackjack Tower and Westin Plaza Hotel), and the location of the proposed ViaSat uplink and the paths from the proposed uplink to the receive sites. Two of these receive sites are shared with Cox, Richland Tower and Westin Plaza hotel. Cox also has a receive site in the vicinity of Fox Tower at Flowery Branch. Three of the receive sites shown on the map were determined to be line-of-sight to the proposed uplink with the closest site being 17.6 miles and the furthest site being 23.3 miles from the uplink. The proposed uplink application does not specify an azimuth range and, therefore, could potentially be operating at any azimuth with a minimum elevation angle of five degrees. Using the operating parameters in the uplink application calculations were made of the signal strength that would present at the receiver inputs of the four receive sites. Calculations included any obstruction losses due to terrain.

While ViaSat is attempting to mitigate potential interference by operating on the upper and lower edges of ENG channels 5 and 6 respectively this is still an unsatisfactory solution. It is a regular occurrence for television stations to conduct multiple live shots simultaneously during the coverage of live news events. To accomplish this, a station will utilize “split channel” operation where one remote truck will operate on the lower half of a 12 MHz channel and the other truck will operate on the upper half of the channel. This, of course, results in utilizing the full channel to obtain acceptable picture quality and signal robustness. ViaSat’s operation on the edges of ENG channels 5 and 6 would create interference into upper channel operation on channel 5 and lower channel operation on channel 6.

Additionally, stations using high-definition (HD) for remote broadcasts need the full 12 MHz channel to provide the best quality considering the number of times a signal may undergo decoding and re-encoding. ViaSat’s operation would prohibit a station from using the full channel bandwidth and, therefore, impact its ability to deliver the best HD quality and signal robustness as compared to operating on other channels where the full channel bandwidth is available.

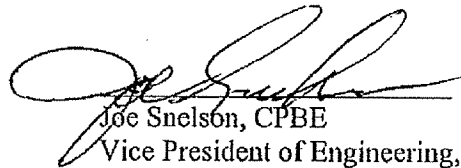
Receive levels ranging from -49 dBm to -60 dBm were calculated to be present at the receiver inputs of the four receive sites. This is well in excess of the -85 dBm receiver threshold

and would render a site unusable. Clearly the proposed uplink does not meet the criteria of TIA/EIA TSB10F regarding an undesired signal degrading a receiver's threshold by no more than 1 dB.

It is also noted that operation of the proposed uplink is pursuant to 47 C.F.R. § Part 2.106, United States footnote US347, of the FCC Rules.

US347 In the band 2025-2110 MHz, non-Federal Earth-to-space and space-to-space transmissions may be authorized in the space research and Earth exploration-satellite services subject to such conditions as may be applied on a case-by-case basis. Such transmissions shall not cause harmful interference to Federal and non-Federal stations operating in accordance with the Table of Frequency Allocations.

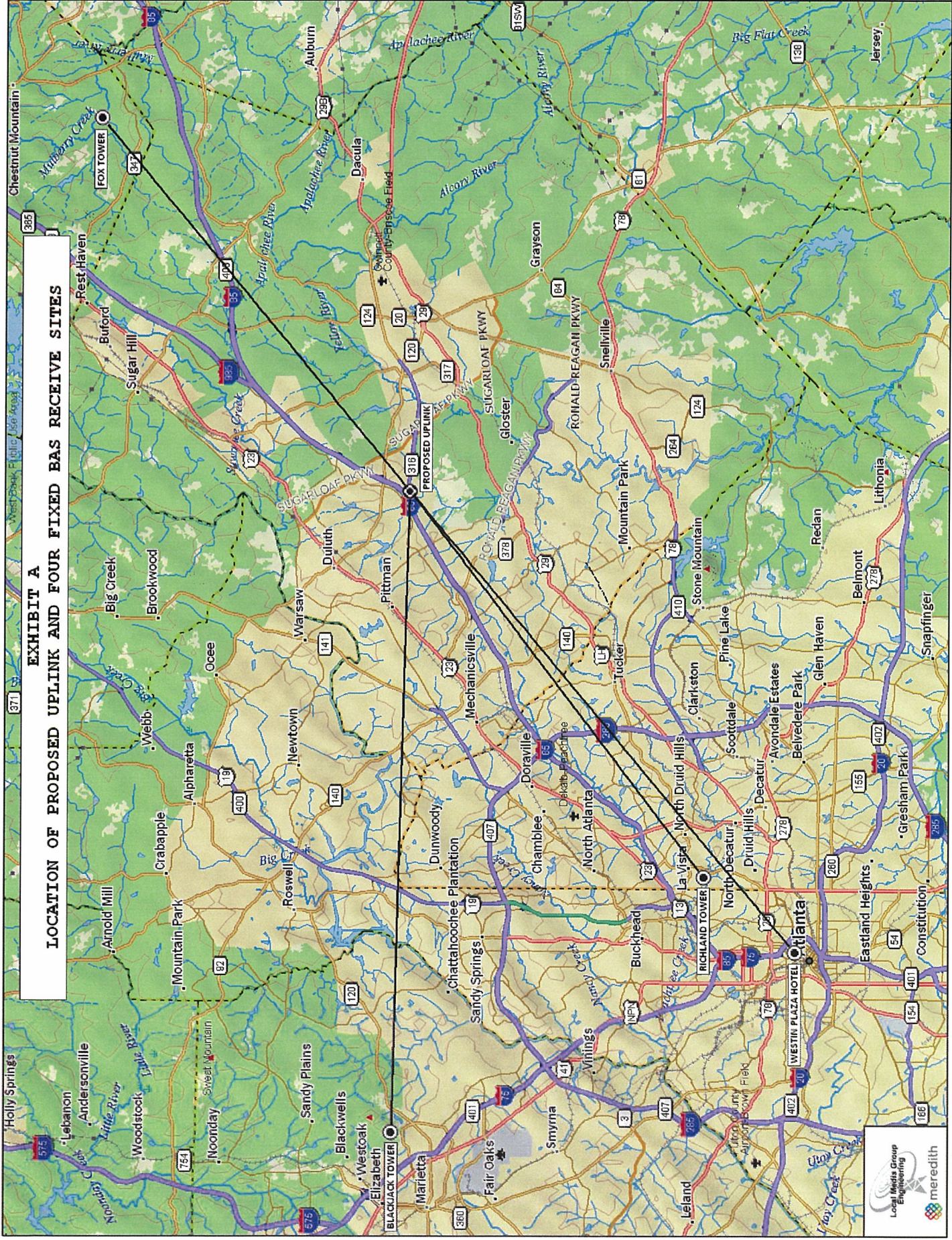
Based on the calculations above the proposed uplink would most certainly create interference into the authorized operations for KC62919 and KR9903 and does not satisfy the requirement of US347 to protect stations operating in accordance with the Table of Frequency Allocations and, therefore, the application should be dismissed.



Joe Snelson, CPBE
Vice President of Engineering, Local Media Group
Meredith Corporation
25 TV Drive
Henderson, NV 89014

January 5, 2012

EXHIBIT A
LOCATION OF PROPOSED UPLINK AND FOUR FIXED BAS RECEIVE SITES



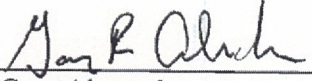
Local Media Group
 Engineering
 meredith



Declaration of Gary Alexander

My name is Gary Alexander, and I declare under penalty of perjury the following is true to the best of my knowledge information and belief:

1. I am the Director of Engineering for WSB-TV, Atlanta, Georgia.
2. I did not learn about ViaSat, Inc.'s ("ViaSat") proposal to construct a transmit earth station in the 2 GHz band until after ViaSat filed its application for the facilities. When I learned of the application, I searched my files for a frequency coordination notice from Comsearch. I did not find one.
3. All frequency coordination notices for WSB-TV are forwarded to the engineering department at WSB-TV. My practices is to keep all of them. Because I could not locate a frequency coordination notice for the 2 GHz earth station, I believe Comsearch did not send a frequency coordination notice to WSB-TV.

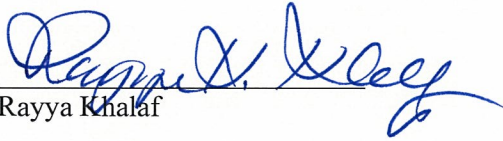


Gary Alexander
January 5, 2012

CERTIFICATE OF SERVICE

I, Rayya Khalaf, hereby certify that on this 6th day of January 2012, I caused a copy of the foregoing Petition to Deny to be served on the following by first class mail:

Mr. Daryl T. Hunter
ViaSat, Inc.
6155 El Camino Real
Carlsbad, CA 92009


Rayya Khalaf