



AVOIDING AUTOMATIC TERMINATION OF BROADCAST AUXILIARY LICENSES ON 2/1/06

*By Chris Imlay,
SBE General Counsel*

A number of issues were raised by the FCC almost a year ago in a January 21, 2005 Declaratory Ruling (“DR”) regarding automatic terminations of wireless radio service authorizations in the Universal Licensing System (ULS). SBE has since that time attempted to clarify the applicability of this DR to broadcast Auxiliary (BAS) facilities. We received the necessary clarifications orally from FCC staff long ago, but it has been exceptionally difficult to get the FCC to clarify for broadcasters generally (by a revised public notice) the means necessary to protect Broadcast Auxiliary Service (BAS) licenses from cancellation. This is a basic “primer” that will not be news to all of you, but for those of you who have limited experience with the FCC’s ULS, there are some issues you must know about, and you need this information right now, to avoid automatic cancellations starting February 1, 2006.

I. Background

On January 21, 2005, the FCC issued its DR in Docket 05-23, which stated that, as of July 1, 2005, it would automatically terminate and delete from the ULS any wireless radio service authorization for which no notification of completion of construction had been filed. Though footnotes 2 and 4 of the DR listed the radio services affected by this automatic termination provision, Part 74 facilities were not listed. Section 1.901 of the FCC rules, however, does include Part 74 BAS facilities among the “wireless radio services.” This issue alone made it necessary for FCC to clarify the applicability of the automatic termination provisions. So, SBE filed on February 21, 2005 a Request for Clarification of the DR, asking that the FCC clarify the applicability of the DR to Part 74, and other clarifications discussed below. In addition, SBE

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USDTV EXPANDS

By Tom Smith

USDTV has announced that they will be entering another market. This market will be the Norfolk/Hampton Roads, Virginia market, and will be the fifth market that they will have operations in. They plan to start operation in the spring.

USDTV previously had operations in Salt Lake City, Albuquerque, and Las Vegas, and recently started operations in Dallas/Fort Worth. This will be the first operation in the eastern half of the country.

The USDTV service is an over-the-air broadcast service which uses a DTV set-top box to receive both regular and encrypted DTV signals. The encrypted signals use the extra bandwidth that DTV stations have.

The service will cost \$19.95 a month for 11 encrypted channels with an additional \$6.95 a month charge for Starz. The signup cost is \$24.95 for delivery and use of the set-top box. With the normal free over-the-air channels also receivable with the set-top box, a viewer may access up to 30 channels.

Next Meeting:

**Wednesday,
January 18, 2006**

**Digital Photography
Techniques**

**Dutch Treat Dinner
at 5:30 PM**

**at Perkins
1410 Damon Road**

**Meeting and Program
at 7:00 PM**

**Wisconsin Public
Broadcasting Center
3119 W. Beltline Hwy**

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The service bills itself as an all-digital, low-cost alternative to the rising cost of cable TV services. The encrypted services include channel information with a major channel number of 99, and sequential minor channel numbers (i.e. channel 99-x).

USDTV was started in 2003 and received a \$25 million dollar investment from a number of TV broadcasters in 2005 and became at that time U.S. Digital Television, LLC. Their web address is www.usdtv.com.

From USDTV Release

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December Business Meeting Minutes

Chapter 24 of the Society of Broadcast Engineers met on December 13, 2005 at Fitzgerald's Restaurant in Middleton. There were 10 members present of which 7 were certified. There were also 2 guests.

As this was the annual Holiday Dinner meeting, a business meeting was not held. The members meet at 6 PM for drinks followed by dinner at 7 PM. All enjoyed good food and conversation.

Respectfully submitted by Tom Smith, Secretary

TWO FCC COMMISSIONERS SWORN IN

By Tom Smith

On January 3rd, two FCC Commissioners were sworn in. Michael J. Copps was sworn in for his second term as a FCC Commissioner and Deborah Taylor Tate was sworn in to replace Kathleen Abernathy whose term had expired. Abernathy did not seek reappointment. Michael Copps fills one of the two Democratic seats with Jonathan Adelstein, while Deborah Taylor Tate will fill one of the three Republican seats along with Chairman Kevin J. Martin. The third Republican seat is currently empty.

Copps has been a member of the Commission since 2001 and was the Assistant Secretary of Commerce for Trade Development in the Commerce Department before joining the Commission.

Tate was the Director of the Tennessee Regulatory Authority for the past six years and the Chair from 2003-2004. She also served on a number of telecommunications and utility Committees. She is an attorney and served as an advisor for past Tennessee Governors particularly in mental health and juvenile issues. She is married with three children. Her term runs until June 30, 2007.

From FCC Releases (www.fcc.gov)



**Chapter 24 On the
World Wide Web**
<http://www.sbe24.org>

**Steve Paugh is the editor for the Electronic
Version of this Newsletter, uploaded monthly onto
SBE Chapter 24's web page.**

**Download it as as an Adobe Acrobat pdf file or
view it with your favorite web browser!**

Chapter 24 Seeking Newsletter Editor

The Chapter 24 Newsletter is published monthly by SBE Chapter 24 Inc., Madison, WI.

Could you be the next newsletter editor? Chapter 24 is seeking a volunteer to become the next editor of the award winning Chapter 24 newsletter. Good PC skills are helpful and experience with PageMaker for Windows a plus.

Please contact the Chapter Chair for more information.

Chapter 24 Listserver Available

Chapter 24 members are invited to join the chapter listserver. To subscribe, send an email message to the following address: msnsbe-request@broadcast.net. In the body of email message type: *subscribe*. (The subject line can be left blank.)

The Mailman package the listserver is running on also has a web interface for subscribing to the list. Point your browser to www.broadcast.net/mailman/listinfo/msnsbe to subscribe. Instructions and a confirmation message will be emailed to you.

The SBE National also has a listserver: To subscribe, send an email message to: sbe-request@broadcast.net. Body of email message: *subscribe*. To post to the list, send email to: sbe@broadcast.net.

AMATEUR RADIO NEWS

By Tom Weeden, WJ9H

- Another "Broadband over Power Line" complaint was filed with the FCC on January 5 by the American Radio Relay League (ARRL) over the renewal of the Ambient Corporation's BPL system in Briarcliff Manor, New York. The system is operated by Ambient, on power lines owned and operated by Consolidated Edison, under an experimental FCC authorization.

The latest communication points out that the FCC, without adjudicating ARRL's repeated complaints about interference throughout the amateur 20 meter band, renewed Ambient's experimental license for an additional term, from August 1, 2005 to August 1, 2007. "The Briarcliff Manor BPL system currently (still) causes harmful interference to Amateur Radio communications and it is not compliant with applicable FCC part 15 regulations," according to the ARRL complaint. "Neither," it continues, "is it compliant with the terms of the experimental authorization granted by the Commission, most recently on August 1, 2005."

ARRL reasserted its request that the BPL facility be instructed to shut down immediately, and that it not resume operation unless the facility is shown to be in full compliance with Commission rules regarding radiated emissions and with the non-interference requirement of the Commission's Rules and the terms of the experimental authorization. The complaint also demands that information about the system must be listed in the FCC-required BPL publicly accessible database.

ARRL's Laboratory Manager Ed Hare, W1RFI, wrote in a supplemental report after conducting further tests at the site December 5, 2005, that he had conducted similar tests twice before during 2005, and three times during 2004. In this earlier testing, Hare found significant violations of FCC rules regarding Part 15 emissions limits.

The January 5 complaint, entitled "Continued Request for Immediate Cessation of Operation," was signed by ARRL Counsel Christopher D. Imlay, W3KDD. (Imlay is also counsel for SBE.)

- The only survivor of the January 3 mine explosion in Tallmansville, West Virginia is Randal McCloy Jr, KC8VKZ, of Philippi, West Virginia. At press time, he was listed in critical condition at Allegheny General Hospital in Pittsburgh, where he is undergoing specialized treatment. Fellow hams may wish to send a note of support on a QSL card to Randal McCloy Jr, KC8VKZ, PO Box 223, Philippi, WV 26435.

- Amateur Radio Emergency Service and other Texas amateur radio operators from the Abilene vicinity were called to assist with communications during the last week of 2005 when wildfires struck Cross Plains, Texas, in

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Broadcast Auxillary License Cancellation (continued from page 1)

representatives met with FCC Gettysburg staff in February of 2005 to ask the same questions. In our view, the DR was as clear as mud, and broadcast engineers deserved to know how to avoid termination of their stations' BAS licenses before the automatic termination provisions became effective.

The FCC issued a Public Notice on May 25, 2005 (DA 05-137) postponing the effective date of the automatic termination provisions in the ULS until Fall of 2005, in order to allow licensees some time to submit late-filed notifications of completion of construction of licensed facilities, together with requests for waiver of the notification deadline. These are commonly known as "NT" filings, the code used in the ULS for Notification of Completion of Construction.

SBE representatives were called to a meeting by the FCC's Wireless Bureau staff in June of 2005, to discuss the SBE Clarification Request. The Bureau did not want to readdress the issue, and felt that the Request would have to be treated as a Petition for Reconsideration. SBE explained that if the Commission would simply issue a clarification public notice, that was all that would be necessary to inform BAS licensees how to avoid losing licenses by not filing an NT when necessary, or for other reasons. FCC agreed to do this, and SBE agreed to withdraw its clarification request.

The FCC further postponed the implementation date of the automatic termination provisions due to the disruption of broadcast operations due to Hurricanes Katrina, Wilma, and Rita. Ultimately, the Commission decided to postpone the implementation of automatic terminations until February 1, 2006. In its December 20, 2005

Public Notice announcing this latest postponement, the FCC stated as follows:

The...automated feature in (the)...ULS for all Wireless Services that will identify those licenses, locations or frequencies for which a timely notice of completion of construction or a request for an extension of the construction or coverage period has not been filed by the required deadline. Where the Wireless Service includes construction or coverage requirements and the licensee fails to submit a notice of construction or request for an extension in a timely manner, ULS will both notify the licensee that its license, location or frequency has automatically terminated and will list the license, location or frequency on a weekly public notice as automatically terminated.

Clearly, this is not something a BAS licensee can afford to have happen, especially now that FCC has made it so expensive to license a new fixed BAS facility or modify an existing license. Automatic terminations are unfair if the FCC has not been specific about when NTs are required and how to avoid the pitfalls associated with BAS licenses in the ULS. FCC's public notices have not significantly clarified the obligation of BAS licensees. Here are some important points about the process.

II. Are Part 74 Facilities Included in the Automatic Termination Provisions?

Yes. The FCC finally made that clear in the December 20, 2005 Public Notice, though it was not at all clear in the DR. Part 74 is in fact one of the radio services affected by the DR and subject to the automatic termination provisions if the notification of completion of construction is not timely filed and if a Petition for Reconsideration is not timely filed if an

authorization is terminated for non-compliance with the notification obligation. The inclusion of Part 74 is mandated by the original ULS Report and Order, FCC 98-234, released October 21, 1998. Though that is far from clear in the DR, there is no doubt now about the inclusion of Part 74 as one of the wireless services that are subject to the provisions of the DR.

III. When Do I Have To File An NT For A New Or Modified BAS License?

The rule is that you must file an NT after completion of construction of a BAS license where a frequency is added, deleted, or changed. Therefore, a licensee has to file an NT for any new BAS license. As to modified facilities, if the frequencies are not changed, it is not necessary to file one. The only BAS (or other) facilities that are subject to the Notification of Completion of Construction obligation are those in which frequencies are added or modified.

Most Aural and Television BAS facilities are given an 18 month construction period, within which time an NT must be filed. However, RPU's and Low Power Auxiliary facilities are given only 12 months to construct and within which an NT must be filed. Note, by the way, that if you delete a frequency from a license, you actually have to file an NT after the modification application is granted, or else the deleted frequency comes back! Notwithstanding the FCC's informal guidance here, the best practice is to file an NT for any new or modified BAS facility before the end of the construction period, and as soon as the new or modified facility is complete. Filing an NT is extremely easy in the ULS compared to other FCC filing requirements in either the ULS or the CDBS, and the safest thing

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BAS License Cancellation (continued)

is always to file, rather than risk an automatic termination, which starts February 1, 2006.

IV. What is the status of BAS Modification Applications When an NT is not Filed for the Modified Facilities?

SBE expressed concern to the FCC about the status of a licensed BAS facility that is subject to a granted application for modification, but for which an NT is necessary but not timely filed. It would be unfair for that license to be deleted, rather than to revert to the prior licensed status. This was clarified by the WTB Gettysburg staff as follows: Because the only BAS (or other) facilities that are subject to the NT obligation are those in which frequencies are added or modified, if an application for modification of a licensed BAS facility includes a change in frequencies, an NT is required. If the NT is not timely filed, the license will revert to the prior licensed status. The license will not lapse. Rather, it will revert to the prior licensed status in the database and the modification will disappear.

V. Beware! ULS Records do not reveal old and proposed new facilities!

For Aural and TV BAS fixed links, as soon as a modification application for an existing fixed BAS facility is granted, the old record disappears from the ULS, and only the proposed new facilities show up. Since there is an 18-month construction period for new and modified BAS licenses (except that RPU's and Low-Power Auxiliary stations are given 12 months only), and since it is necessary to ensure that an existing but not yet changed path is properly protected from other incompatible applications (especially given the new

Prior Coordination Notification requirements for fixed BAS facilities), there should be protection of both old and new facilities during the modification period. This cannot be done under current FCC ULS protocols. It is unreasonable (since, for example, new studio construction and modified STL construction could take the better part of the 18 months authorized) to delete the old licensed facilities in the ULS before the end of the construction period for BAS licenses. SBE understands that this will be addressed in ULS upgrades sometime in the future. Because this matter has not been resolved, however, the FCC staff suggests that an applicant should not modify a fixed BAS facility. Rather, the applicant should file an application for a new facility instead, and, upon completion of construction of the new facility, the applicant should simultaneously file a notice of completion of construction for the new facility, and a dismissal of the old license.

VI. Check the Administrative Information for Each BAS License, and Make Sure that NT's have been filed for ALL of your BAS Licenses Before February 1, 2006 !

The FCC's December 20, 2005 Public Notice urges licensees to check their licenses and determine whether or not an NT was filed for them. If not, you should immediately do so, together with a request for waiver (electronically filed along with the NT) for the untimely filing of the NT. This will protect your license against automatic termination, and the FCC routinely grants waivers for late NT filings. At the same time, it is easy and free to do an administrative update (AU) for each license to make sure the contact information, licensee name, and all other administrative data is correct.

Amateur Radio News (continued from page 3)

the southeastern portion of neighboring Callahan County.

"There was no cell service because the connection to the cell tower was burned," said Bill Shaw, KJ5DX, the ARRL Emergency Coordinator in nearby Taylor County. "There was one landline phone working at the church where the Cross Plains Red Cross shelter was set up." Amateur radio operators established communication via UHF and VHF radios between the Cross Plains Shelter, Brownwood Red Cross Shelter, and Abilene Red Cross headquarters. A team of 14 radio amateurs was on hand during this emergency.

"We kept up 24 hour communications for Wednesday, Thursday, and Friday until noon via ham radio," Shaw explained. "The fire started as a grass fire about noontime on December 27, and quickly escalated into a raging wildfire that was fed by 45 mph winds." Unfortunately, the fire quickly spread toward town about 3 miles away, and it burned the area that is about 4 to 6 miles east-west and 2 to 3 miles north-south in size.

"About 31 fire departments fought fires until about 5:00 the next morning," Shaw said. As a result of this fire, almost 8,000 acres burned, 152 homes were damaged, and that represents 25 to 30 per cent of the homes in Cross Plains. Over one hundred of those homes were completely destroyed.

(Excerpts from the American Radio Relay League's <www.arrl.org> web site)



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SBE's Short Circuits – January 2006

By John Poray, CAE
SBE Executive Director

SBE ROUNDTABLE DEBUTS

SBE president, Chriss Scherer, CSRE CBNT has announced a new benefit for members who would like to have a forum for discussing issues related to the broadcast engineering field or SBE. The Society has created the "SBE Roundtable," an e-mail discussion group open to SBE members only.

Members may wish to discuss equipment issues, the latest technology advances or regulatory issues. Participants can also discuss issues regarding their SBE chapter or the national organization.

Scherer will serve as moderator for the list. Current members may Subscribe now.

SBE AND ATSC CO-SPONSOR DIGITAL ENG SUMMIT

SBE will cosponsor a Digital Electronic News Gathering (D-ENG) Summit with ATSC on Tuesday, February 21, 2006 in Palm Springs, Calif. The half-day seminar will be held in conjunction with the Hollywood Post Alliance Technology Retreat.

Topics will include developments and technical aspects of data return links (DRL), DRL system implementation considerations, advanced Codecs and what they mean to D-ENG, HDTV over ENG, a technical primer on COFDM, ENG spectrum issues and frequency coordination.

The Hollywood Post Alliance is a Southern California-based professional community of businesses and individuals who provide expertise,

support, tools and the infrastructure for the creation and finishing of motion pictures, television commercials, digital media and other dynamic media content.

To register for the event, visit the ATSC web site at www.atsc.org. The registration fee to attend the D-ENG Summit is \$225.

NEW AWARD TO RECOGNIZE WOMEN IN ENGINEERING

The contributions of women in the field of broadcast engineering will be recognized with a new award cosponsored by SBE and the American Woman in Radio and Television (AWRT) association. The award, called the, "Outstanding Woman in Broadcast Engineering," will be presented to the recipient during AWRT's Leadership Summit, Friday, March 10, 2006 in Washington, D.C.

Several members of SBE are helping to draft the criteria for the award and will participate with members of AWRT in the selection of the winner.

The award is open to members of SBE and AWRT. Nomination forms will be available on the two organization's web sites in late December. The deadline for nominations will be the end of January.

MEMBER DUES WILL RISE JULY 1, 2006

The SBE Board of Directors, at its meeting on October 19 in Grapevine, Texas, approved the budget for the national organization for 2006. The budget includes a \$3.00 increase in membership dues for Regular, Senior, and Associate members. The new rate will go into affect on July 1, 2006 and bring the dues level for those

membership categories to \$63 per year. Dues for Student Members will also be increased on July 1, 2006. They will rise by \$2.00 to \$20.00 per year.

The increases come AFTER the 2006 membership renewal period so most members will not experience the increase until 2007. There will be no changes to the dues rates for Youth and Sustaining Members.

CENTRAL NEW YORK WILL HOST 2006 NATIONAL MEETING

The SBE Board of Directors accepted the invitation of Chapter 22 of Central New York to hold the SBE 2006 National Meeting in conjunction with that chapter's 34th Annual Broadcast Engineering & Technology Expo. The events will be held on September 26-27 in Verona, N.Y. at the Turning Stone Resort & Casino. Turning Stone is located 30 miles east of Syracuse.

CHAPTERS, MEMBERS MAY USE THE SBE LOGO

SBE chapters and members may use the SBE logo on business cards, letterhead and chapter newsletters. When referring to a chapter, it must be used with that chapter's name or number adjacent to the logo. Members must put "Member of" or "Certified by" adjacent to the logo.

The proper logo must be used in any case. The correct logo can be obtained only through the SBE National Office. Send an e-mail with your request to Angel Bates at abates@sbe.org.

SBE CHAPTER OF THE AIR:
 HamNet meets the second Sunday of each month at 0000 GMT on 14.205 MHz. Hal Hostettler, WA7BGX is the Control Station.



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FCC Rulemakings

Compiled by Tom Smith

PROPOSED RULEMAKING

MB Docket No. 05-312; FCC 05-192 Digital Television Distributed Transmission Technologies

On November 5, 2005, the FCC issued a Notice of Proposed Rulemaking concerning rules for the use of Distributed transmission Technologies for DTV Stations. This technology would allow for the use of several smaller transmitters operating on the same frequency to be used to cover a station service area instead of one high-powered transmitter. The Report and Order was discussed in the December newsletter.

On December 7, 2005, the FCC published the Notice of Proposed Rulemaking in the FEDERAL REGISTER. With the publication of the notice, the 60-day comment period was started. Comments are due on February 6, 2006 with replies due on March 7, 2006.

In another action that was published on that same day in the FEDERAL REGISTER, the FCC issued a clarification on the use of Distributed transmitters. The clarification states that the coverage of all transmitters in a distributed system cannot exceed the predictive noise limited contours of

a station. The FCC will consider requests for transmitter facilities that exceed the limits only if the proposed transmitter power is required to serve an area currently served by the station. This would allow service beyond the predictive noise limited contour only in the replication area on a secondary basis, if no interference to another station occurs. All waivers will be done on a case-to-case basis.

From the FEDERAL REGISTER
(www.access.gpo.gov)

SBE Certification Information Available

Certification information brochures and applications are available from Jim Hermanson, the Chapter 24 Certification Chair.

If you are considering taking an SBE certification exam, would like more information, or have questions about the process, you are encouraged to contact Jim.

He can be reached by sending an email message to jhermanson@wisctv.com.

You can also find out more information about SBE Certification by visiting the National SBE website at: www.sbe.org/cert_index.php.

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Thanks to WISC-TV for maintaining the web server for the Chapter 24 Web page!



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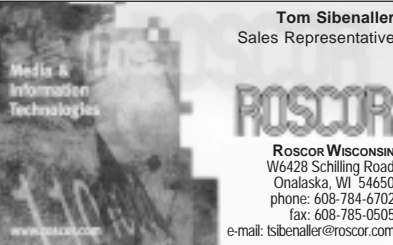
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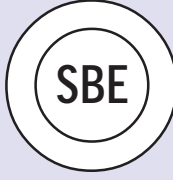


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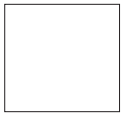
Russ Prieve
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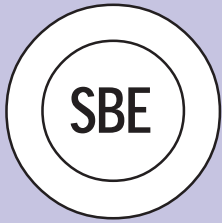


FIRST CLASS MAIL

Newsletter edited on Pagemaker 7.0 by: Mike Norton
Contributors this month: Chris Imlay, Tom Smith, and Tom Weeden.
Thanks to Leonard Charles for his work on the Chapter 24 WWW page.

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JANUARY MEETING and PROGRAM



**Society of Broadcast Engineers
CHAPTER 24 MADISON, WISCONSIN
Wednesday, January 18, 2006**

DIGITAL PHOTOGRAPHY TECHNIQUES

Jim Gill, a veteran photographer with WHA-TV, will present on digital photography. Jim will explain how shot composition details differ between traditional film and digital photography. He will recommend techniques to optimize the quality of our digital shots. Jim will cover the equipment options for digital photography, including features of a high-end digital SLR camera. Learn about media storage choices for your digital photos and the attributes of various photo file types. Compressed into one evening, you can learn the fundamentals of digital photography shot set up, editing, storage, printing, and archiving.

Dutch Treat Dinner at 5:30 PM

**Perkins
1410 Damon Road
(no reservation - just gather together)**

Meeting and Program at 7:00PM

**Wisconsin Public Broadcasting Center
3319 W. Beltline Hwy**

Visitors and guests are welcome at all of our SBE meetings!

2006 UPCOMING MEETING/PROGRAM DATES:

<u>Day</u>	<u>Date</u>	<u>Program</u>
Wednesday	February 15, 2006	Nominations/POD'casting/WISC tour
Thursday	March 16, 2006	Nominations/ T.B.D.
Tuesday	April 18, 2006	Elections/Statmon Technologies

Program Committee:

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277-5139

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264-9806

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