

**Before the
National Telecommunications and Information Administration
Washington, D.C. 20554**

In the Matter of:)
)
Implementation of the National Spectrum) NSSIMPLEMENTATIONPLAN@NTIA.GOV
Strategy)

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)¹ hereby submits comments in response to NTIA’s invitation for public input in the above captioned matter.² NAB offered comments and testimony to NTIA during its development of the National Spectrum Strategy urging, among other things, that NTIA take a holistic view of the spectrum needs of different industries, including broadcasting.³ The Presidential Memorandum directing NTIA to develop a National Spectrum Strategy emphasizes the need for agencies and private-sector users to address competition for scarce spectrum resources by working together in the best interests of the American people.⁴ As NTIA develops plans to implement the Strategy, and during

¹ The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Implementation of the National Spectrum Strategy*, 88 Fed. Reg. 85266 (December 7, 2023).

³ Comments of the National Association of Broadcasters at 13, *Development of a National Spectrum Strategy, Request for Comments*, 88 Fed. Reg. 16244, (Apr. 17, 2023).

⁴ *Memorandum on Modernizing United States Spectrum Policy and Establishing a National Spectrum Strategy*, 88 Fed. Reg. 80079 (Nov. 13, 2023 (Presidential Memorandum)).

appropriate phases of its implementation, NAB urges NTIA to ensure that all industries that rely on spectrum have significant and meaningful opportunities for input.

II. INDUSTRY INPUT IS ESSENTIAL

The Presidential Memorandum establishes an Interagency Spectrum Advisory Council composed of representatives of Federal agencies as well as a process for resolving conflicts and disputes regarding spectrum matters. NAB hopes that these new processes can better ensure that the Federal government speaks with one voice on spectrum matters. NAB notes that these actions are consistent with recommendations made by the Commerce Spectrum Management Advisory Committee (CSMAC) in 2021,⁵ a committee composed of experts from the private sector.

NTIA's delegated spectrum management jurisdiction under the Communications Act is closely tied to the FCC's jurisdiction and its actions can have significant impacts on non-Federal spectrum use.⁶ We note that, while the FCC brings a great deal of expertise, participation by the FCC alone on the new Council may not be adequate to fully inform the Council regarding current and future commercial uses of spectrum. At present there is no joint advisory committee that serves both agencies and the addition of this new Government-only Council may further isolate Federal spectrum users from the private sector. It is therefore critical that agency technical staffs solicit input from industry experts having both current and historical knowledge of spectrum needs and uses. NAB urges NTIA to regularly seek advice

⁵ Report of Working Group 1 of Commerce Spectrum Management Advisory Committee at 1 (Jan. 14, 2021) available at: https://www.ntia.gov/sites/default/files/publications/csmac_subcommittee_1_report_01_142021_0.pdf .

⁶ 47 USC §§ 305 and 301.

and input from the private sector, including the broadcast industry, as it considers policies that could impact commercial spectrum use.

III. SPECTRUM IS A MEANS TO AN END, NOT AN END TO ITSELF

Because spectrum is an inexhaustible but limited resource, a National Spectrum Strategy must ensure that users do not view spectrum as the sole or primary means of meeting future capacity requirements. Any decision to make additional spectrum available to any service must be fully informed and justified by careful analysis. Additionally, the sea of radiofrequency noise continues to rise, causing new and additional interference problems and other limitations that are often addressed by either greater power or additional spectrum. These solutions do not address the root causes of the problems and circumvent the intent of the statutory requirement to “use the minimum amount of power necessary to carry out the communication desired.”⁷ While NAB understands and supports the need for additional spectrum for wireless communications, providing additional spectrum often amounts to a short-cut that ignores more sophisticated technical solutions that avoid inefficient use of the limited spectrum resource.

In addition to the requirement to identify potential spectrum for expanded use, NAB believes that strong incentives must be provided for more intensive sharing or for relocation of existing users, both Federal and commercial. NAB hopes that plans to implement the National Spectrum Strategy will include recommendations to encourage existing users to embrace sharing.

Further, to encourage innovation and investment, the Strategy should seek to ease or eliminate roadblocks to adopting new technologies, specifically those that allow the potential

⁷ 47 USC § 324.

for increased spectrum efficiency. U.S. policy for over forty years has been to facilitate the adoption of new technologies,⁸ but this policy is often given short shrift in practice. The focus on providing additional spectrum for particular uses can create a tendency to neglect services that are innovating within their existing spectrum footprint. Broadcasting serves critical needs – providing emergency information and local content over a highly resilient infrastructure at no cost to viewers or listeners. Continuing to provide those services without additional spectrum while meeting growing consumer expectations requires constant innovation, even if it is occurring within broadcasters’ existing spectrum band.

For example, television broadcasters are currently in the process of upgrading their transmission technology to provide new and innovative services to consumers within the same spectrum footprint broadcasters have today. Providing new and better service without additional spectrum is plainly more efficient and serves the public interest. Unfortunately, legacy regulations or overly prescriptive mandates may stifle efforts to make more innovative and efficient use of their spectrum. While the responsibility for management of radio spectrum is bifurcated in the U.S., we believe that the goals of the National Spectrum Strategy should be commonly applied to both Federal and Non-Federal spectrum. NAB therefore urges NTIA to work with the FCC to encourage the deployment and adoption of more efficient broadcast technologies, spur investment and innovation in broadcast spectrum, and to ensure that improvements in spectrum efficiency are not frustrated by outdated policies and rules.

⁸ 47 U.S.C. § 157.

IV. CONCLUSION

NAB appreciates the opportunity to provide comments on the implementation of the National Spectrum Strategy. We continue to urge NTIA to take a holistic view of the spectrum needs of different industries in the communications landscape, and we would welcome the opportunity to provide further input.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right from the end of the signature.

Rick Kaplan
Patrick McFadden
Alison Martin
Robert Weller

January 2, 2024