

UNITED STATES GOVERNMENT

Memorandum

TO : Chairman, All Commissioners, All Departmental and Bureau Heads, General Counsel and Press DATE: April 5, 1978

FROM : Commissioner James H. Quello

SUBJECT: "Commission" position presented in press notice, April 4, 1978, Report No. 13918

I am concerned by the misinterpretation or misrepresentation of "Commission" position presented in press notice, April 4, 1978, Report No. 13918

The notice persistently presents the staff position as the official FCC position, and does not represent the action actually voted by the Commission.

The fact that the press release makes reference to a "draft" decision does not, in my opinion, sufficiently mitigate the numerous references to the alleged Commission position. In fact, the document referred to is purely and simply a staff recommendation and carries absolutely no official imprimatur, actual or implied.

Promoting staff positions rather than "Commission" positions is not a frequent occurrence or one unique to any administration. However, I believe even inadvertent errors that impose staff positions rather than the voted Commission decisions on the press and public should be recognized early and promptly discouraged to avoid future recurrence.


James H. Quello

See Attachment

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In the draft order, the Commission said a 14 dB maximum would require an improvement in at least a third of all TV receivers now entering the market, would improve reception in a significant number of new sets by 1979 and would provide time for the FCC to study further lowering of the noise figure.

This proceeding was begun November 30, 1976, in response to a petition by the Council for UHF Broadcasting (CUB) and others, requesting that Section 15.67 of the rules be amended to reduce the maximum noise figure to 10 dB within 30 months. CUB recommended that the level be cut to 14 dB within six months, to 12 dB within 18 months, and finally to 10 dB.

In the draft document the FCC would reject CUB's proposal because this might ultimately threaten the creation of new UHF television stations and restrict the growth of electronic tuning for home receivers.

The FCC's reasoning was that a 4 dB reduction:

- Would provide significant public benefits by setting a ceiling within the feasible state of the art with minimal costs to consumers and would involve, at the most, only minor changes by receiver manufacturers;
- Would not result in significantly greater susceptibility to other forms of interference; and
- Would be reasonably cost effective regardless of whether UHF TV stations also increased their transmitter power.

The draft order would be consistent with its overall policy on UHF development, the Commission said, adding that improvements in UHF transmission and receiver design, increases in the number of UHF stations, the growing strength of public broadcasting (which operates principally on UHF) and the greater financial viability of commercial UHF "suggest that we are now at an important point in the development of UHF."

The FCC noted that its actions in almost every area of its jurisdiction affecting broadcasting had taken UHF development into account:

- It has considered the impact on UHF in changes in the Table of Television Assignments;
- It has been more lenient with UHF in the construction of new stations and changes in facilities of existing stations;
- It has been concerned with VHF engineering changes that might have an adverse impact on UHF; and
- It has given special attention to UHF in deciding station ownership and programing issues.

It added that it continued to wrestle with the financial impact of cable television on UHF and had promoted the use of UHF through television translators, new broadcasting arrangements, subscription or pay television and satellites.

In addition, the FCC said, it had taken a number of actions under the 1962 All Channel Receiver Act adopted to advance UHF home receiver reception. (Under that Act the FCC required that all television receivers manufactured after 1964 be capable of receiving all TV frequencies allocated by the FCC.)

The Commission said that under this Act, it also had required a permanent UHF antenna on any set equipped with a permanent VHF antenna, and had ordered detent (click-stop) tuning as well as other improvements in UHF/VHF comparability. The FCC added that it began a proceeding last year to consider whether UHF channel number displays should be more readable.

Additionally, the FCC noted that in 1976 it contracted with Texas Instruments, Inc., to develop a high performance UHF receiver. today.

The Commission noted that it initially specified the 18 dB noise figure as the maximum on the UHF portion of the entire receiver, and said manufacturers had the responsibility to ensure that none of the major subassemblies in a set (not just the tuner) caused the receiver to exceed the maximum noise figure on any UHF channel.

The FCC said data from four studies submitted in this proceeding showed that the percentage of new TV sets meeting the 14 dB maximum ranged from 50 to 64 percent. It added that study of noise data of receivers submitted for certification in 1977 indicated that 70 percent of 621 models submitted already met the 14 dB maximum.

These data, the FCC said in its draft decision, provided sufficient evidence on which to base its conclusion that 14 dB was reasonably attainable.

It found there was a necessary tradeoff between lower noise figures and greater susceptibility to interference, in part, because of the current state of varactor (e.g., pushbutton) tuners, which have a high loss of signal strength and poor selectivity that increased the noise figure.

Because of this, the FCC said, lowering the level below 14 dB would run the risk of trading one impairment (noise) for others (such as cross modulation and intermodulation).

It said its second basis for proposing not to reduce the figure below 14 dB now was cost effectiveness of improved reception by reducing receiver noise alone. This decision, it said, would allow it a further opportunity to evaluate UHF stations' progress in raising their power.

The FCC said it did not contemplate granting waivers of the 14 dB limit, if adopted, but should any party offer reasons why the industry could not achieve this level by October 1, 1979, it asked that this information be submitted within 30 days of release of the final decision.

It said before it would grant any waiver request after the 30 day limit, it would require a compelling showing as to why the request could not have been presented by the deadline.