

UNITED STATES GOVERNMENT

# Memorandum

: Chairman Lee

DATE: March 5, 1981

: Commissioner James H. Quello

CT: Backlog in Processing Use of Aeronautical Frequencies by Cable Systems

It has come to my attention that a large number of cable systems throughout the country are faced with imminent shutdown of many of their channels pending completion of Cable Bureau review of their use of certain frequencies also used by aeronautical radio. The Bureau is attempting to enforce Section 76.610 of the rules in the face of what appears to be massive noncompliance with our prior notification requirement established in January of 1978.

I certainly do not intend to encourage such noncompliance in the future nor do I countenance the unauthorized use of aeronautical frequencies which could result in any threat to air safety. I do recognize, however, that service to hundreds of thousands of cable subscribers is likely to be temporarily interrupted simply because the Bureau is unable to process the large number of belated notifications which it has received in the past few weeks. These notifications, I understand, were made voluntarily with the understanding that they would be processed within forty-eight hours and would not require an interruption of service. I fully appreciate that the Bureau did not anticipate the very large number of notifications it would be required to deal with in a very limited amount of time and I understand why the forty-eight hour processing time could not be maintained. However, I believe that some means must be found to quickly satisfy our concerns about air safety without requiring a significant disruption of cable television service.

I should point out that cable systems have been using these frequencies for at least eleven years without instances of interference posing a clear threat to air safety. Systems operating on these frequencies prior to 1978 were not and are not required to give notice.

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I would like to suggest that, as an interim measure to alleviate the loss-of-service problem, the Bureau accept certification from systems that they are in technical compliance with the rules which require frequency offset in some cases and, in all cases, require regular monitoring to guard against leakage. Such certification could require that any channels which present a potential conflict with aeronautical usage be temporarily shut down. Upon such certification, the Bureau could reasonably extend the original forty-eight hour clearance period to accommodate the backlog problem.

*James H. Quello*  
James H. Quello

cc: All Commissioners  
General Counsel  
Chief, Cable Bureau  
Chief, Private Radio Bureau