

FHH Telecom Law
May 2006

**Qualcomm MediaFLO Application
for Chicago Area Approved
But jury is still out on OET-69 applicability**

*By Frank Jazzo
Jazzo@fhhlaw.com
703-812-0430*

Qualcomm recently had its application approved to provide its “MediaFLO” service on TV Channel 55 in the Chicago, Illinois area. Qualcomm’s application incorporated broadcaster consent to accept higher levels of interference than the Commission’s rules otherwise permit.

Qualcomm has acquired licenses in Block D of the lower 700 MHz band to provide its “MediaFLO” service on TV Channel 55 throughout the United States. Qualcomm intends to deploy a “mediacast” service to deliver many channels of multimedia content to third generation wireless phones, using “forward link only” or “FLO” technology developed by Qualcomm. Initially, the “Media FLO” service will provide up to 15 live streaming video program channels, numerous video “clip cast” channels from which subscribers can choose video clips for reviewing on-demand, and numerous audio channels. Qualcomm intends that its service will carry local programming, including breaking news, weather, and public affairs. Its network will also be capable of disseminating emergency alert information. Qualcomm intends that “MediaFLO” will be affordable and readily available as early as the second half of 2006.

In markets where no television stations are operating on Channels 54, 55 or 56, Qualcomm can launch its service immediately. In markets where there are adjacent and co-channel television operations, Qualcomm may negotiate agreements with the incumbent broadcasters to accept higher levels of interference, as it did with its Chicago area application.

Qualcomm previously filed a petition with the FCC seeking its approval to use the FCC’s OET Bulletin No. 69 (“OET 69”) methodology for analyzing the interference its “MediaFLO” operations would cause to incumbent television broadcasters. Qualcomm’s petition has been opposed by MSTV. MSTV has argued that OET 69 was only developed to measure interference among television stations and fails to account for transmitters within a television station’s service area or the aggregate effect of interference from multiple “MediaFLO” transmitters. MSTV has proposed that a new methodology be developed that calculates desired signals relative to each individual undesired signal. Qualcomm has expressed concern that the development of such a new methodology could delay the rollout of “MediaFLO”. The FCC has been somewhat reluctant to “bless” a standardized methodology for measuring interference in this context, but eventually some method will have to be approved as more and more 700

MHz stations seek operational status.