

Promoting Spectrum Policies that Serve the Public

Issue

Wireless companies and others claim that the current amount of spectrum, or airwaves, allocated for high-speed wireless Internet service are not sufficient to meet the expected increase in consumer demand over the next few years. These companies have urged the federal government to reallocate spectrum for future wireless use.

When the Federal Communications Commission (FCC) staff released its National Broadband Plan, it reflected these arguments, calling for the reallocation of spectrum, including airwaves currently used by local television broadcasters. The FCC is seeking authority from Congress to hold spectrum incentive auctions to accomplish this goal.

The National Association of Broadcasters (NAB) is working to ensure spectrum incentive auctions are entirely voluntary and do not harm the viewers who rely on local television by threatening their existing services and impeding new ones, such as local news, high definition programming, multicast channels or free, mobile TV.

History

On March 16, 2010, the FCC presented the National Broadband Plan to Congress. The plan recommends the reallocation of 500 MHz of spectrum for wireless broadband use, with 120 MHz, or 20 channels, coming from the spectrum currently allocated to local television broadcasting. In late 2010, the FCC released a rulemaking notice that represented the first major step in efforts to implement recommendations made in the National Broadband Plan.

The FCC has not yet released details or analysis of how a reallocation of broadcast spectrum followed by a repacking of the TV band would affect local stations and viewers.

According to a thorough analysis by NAB's chief engineers, to clear 20 TV channels as called for in the National Broadband Plan, 40 percent of full power local television stations in the U.S. would have to vacate their current TV channel assignment, and a minimum of 210 of those stations would go off the air permanently.

The NAB analysis found that 672 of the nation's 1,735 full-power TV stations must be "cleared" from channels 31-51 to accommodate the FCC's goal of reclaiming an additional 120 MHz of spectrum from broadcasters. During the analog-to-digital TV transition completed in 2009, only 174 stations had to be cleared from channels 52-69 and forced to move to a new channel.

If the FCC's National Broadband Plan is implemented without the proper viewer protections, service disruption, confusion and inconvenience for local television viewers could dwarf the consumer impact of the 2009 DTV transition.

Congress is currently considering legislation that would provide the FCC with authority to conduct incentive auctions of currently licensed spectrum, including some TV airwaves. Incentive auctions, if approved, may involve bidders, such as wireless companies, bidding for spectrum that is voluntarily relinquished by existing licensees. Those licensees then potentially would receive a portion of the auction revenue.

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Spectrum legislation in the Senate, S. 911, cleared committee deliberations last summer while the House bill was marked up on December 1, 2011. During this markup, the “Jumpstarting Opportunity with Broadband Spectrum Act of 2011” (JOBS Act), drafted by House Energy and Commerce Subcommittee Chairman Greg Walden (OR-02), produced substantial dialog on the importance of preserving stations’ service areas as well as other issues important to local stations. The legislation incorporates each of the four protections needed to maintain the public’s television service: signal contour protections; enabling future innovation by television stations; a one-time only incentive auction; and a relocation reimbursement fund of \$3 billion. In addition, an amendment was adapted from Chairman Emeritus John Dingell (MI-10) and Rep. Brian Bilbray (CA-50) requiring the FCC to coordinate with the Canadian and Mexican governments prior to repacking television stations in the United States, which will help safeguard television service in the northern and southern border regions of the U.S.

Although spectrum legislation did not pass in 2011, Congress will address this legislation again in early 2012.

NAB Position

NAB supports truly voluntary spectrum incentive auctions. Truly voluntary auctions include provisions to ensure viewers retain access to the local news, emergency information and quality programming on which they rely and safeguard their ability to take advantage of broadcast innovations on the horizon.

To protect our viewers, we believe the following items must be included in any spectrum legislation:

1. Preserve viewers’ access to broadcast signals by directing the FCC to replicate stations’ existing service areas in the event of relocating channels within the television band;
2. Enable television broadcasters to continue to innovate and offer new services to viewers by preventing the FCC from involuntarily moving stations from the UHF to the VHF band;
3. Provide certainty to viewers, broadcasters and investors for the future by permitting only one incentive auction for broadcast spectrum; and
4. Reimburse stations for costs associated with relocating to new channels.

Action Needed

In considering legislation to authorize voluntary spectrum incentive auctions, Congress should ensure the appropriate viewer protections sought by broadcasters are included so that stations choosing not to participate in an auction are still able to provide their viewers with current services and future innovations.

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