

David K. Rehr
President and CEO



January 22, 2008

The Wireless Innovation Alliance
c/o Jack Krumholtz, Director, Public Affairs, Microsoft
1401 Eye Street NW #500
Washington DC 20005

Dear Members of the Wireless Innovation Alliance:

Thank you for your letter of January 10, 2008. While I respect your interest in advocating on behalf of your respective members' interests, the January letter was long on rhetoric and bereft of facts. Although your communication may have been an attempt to reposition your advocacy efforts in the wake of last year's adverse findings by the Federal Communications Commission's (FCC) engineers, on behalf of the National Association of Broadcasters (NAB) I am responding to set the record straight.

It is inaccurate to state that NAB is engaged in what you characterize as a "public misinformation campaign." When legislative or regulatory proposals that adversely impact or directly harm broadcasters are introduced, NAB will aggressively respond and represent our members' interests. With regard to the issue that you raise, our efforts on behalf of the broadcast industry and the television viewers we serve have been fact-based, using the testing and engineering data that we have developed. These test results and data can be replicated by anyone interested in determining the extent to which the devices your members want to put into the broadcast television band will interfere with television reception in millions of homes across America.

The Wireless Innovation Alliance campaign also mischaracterizes the extent to which the so-called "white spaces" actually exist – a mischaracterization that is repeated in the January letter. In response, I would point out to those represented by the Wireless Innovation Alliance the fact that the broadcast television band is intensively used by others in addition to broadcasters. In fact, the portions of the spectrum to which you refer as "white spaces" would be more accurately characterized as "interference zones."

For this reason, the concern expressed by the broadcast industry is shared by many others. As you know, your efforts have been opposed by those utilizing wireless microphones, including the National Collegiate Athletic Association, Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the Professional Golf Association and NASCAR, as well as religious institutions, newsgathering organizations and those who produce live shows, both on and off Broadway. These groups and their members are equally concerned about the interference that your devices will cause to sporting events, church services,

1771 N Street NW
Washington DC 20036 2800
Phone 202 429 5449
Fax 202 429 5410
www.nab.org

remote telecasts, performances and productions. While every channel may not be currently occupied in areas located within the more sparsely populated portions of the country, there is nowhere near the available spectrum that your organizations continue to claim.

As an advocacy organization, the NAB represents the interests of its members before Congress, the FCC, executive branch agencies and the courts. We will continue to report to members of Congress and others in the federal government the results of the FCC's tests that were performed and concluded last year. In 2007, we ensured that Congress was aware that on July 31, 2007, the FCC's Office of Engineering and Technology (OET) released its results and conclusions based on the testing conducted on the devices that were submitted by your members for consideration.

Those test results concluded that the devices tested would in fact cause harmful interference to over-the-air television viewers. Specifically, the FCC report stated, ***"the sample prototype White Spaces Devices submitted to the Commission for initial evaluation do not consistently sense or detect TV broadcast or wireless microphone signals. Our tests also found that the transmitter in the prototype device is capable of causing interference to TV broadcasting and wireless microphones."***

Of the two devices submitted for testing, the FCC report states that the Microsoft device *"did not provide consistently accurate determinations on an overall basis or with respect to any of the subcategories in the field tests. These tests found that the scanner in the Microsoft device often reports a channel to be available or vacant, when the broadcast signal is expected to be present."* The Microsoft device was also generally unable to sense wireless microphones. According to the FCC's report, *"this device was tested with wireless microphone signals at various power levels and locations within a TV channel, and with and without the presence of a DTV signal on a different channel at different power levels. In many cases, the device incorrectly sensed wireless microphone signals as a DTV signal."*

An additional device submitted for testing by Phillips tested only slightly better than the Microsoft device. The Phillips device's spectrum-sensing capability took approximately eight seconds to scan each channel or slightly more than four minutes to scan the full range of television channels. While this lapse in time may not seem significant to the companies that hope to sell their products to the public, consumers will be outraged if their televisions are subject to this level of disruption every time someone in their vicinity turns on a personal and portable device. Consumer outrage will be even more significant if television programming is disrupted during an emergency or in the middle of a popular program or sporting event.

It is my understanding that subsequent to the OET conclusions there was a claim that the Microsoft device was damaged, and, therefore, the results are not indicative of its performance. However, this merely highlights the magnitude of the problem and substantiates the concern expressed for the allowance of personal and portable devices to operate within the television band. The devices that have been proposed represent one unforeseen malfunction or accidental drop away from wreaking havoc on television reception, wireless microphones and cable boxes. As the FCC results indicated, a

device with damaged spectrum-sensing functionality will not properly recognize which channels are available for use and will turn onto a channel that is already occupied. With potentially millions of these devices in the marketplace, the outcome could render serious harm to consumers.

Contrary to your claims, the dissemination of the 2007 FCC test results does not constitute a “public misinformation campaign.” The OET determinations may be an inconvenient truth to the members of the Wireless Innovation Alliance and the White Spaces Coalition, but it is a truth nonetheless. In the wake of the OET’s conclusions, it comes as no surprise that more than 80 members of Congress have contacted the FCC to express concerns about the impact these devices could have on the ability of television viewers to receive analog and digital television signals without interference.

Broadcasters are not opposed to efficiently utilizing portions of the unused broadcast frequencies, provided that such use will not cause harmful interference to consumers’ television sets, converter boxes or cable boxes, or to others who use the broadcast television band on a non-interfering basis. In many areas of the country, available frequencies can be utilized without interfering with television reception by using a licensed, fixed-location method of delivery that does not operate on channels adjacent to incumbent operators.

A licensed, fixed-location system of spectrum utilization that does not operate on channels adjacent to incumbent operators would go a long way toward addressing the digital divide in this country by allowing for the delivery of broadband to many areas of the country that currently do not have access to high speed Internet service providers. Carefully planned and properly administered spectrum utilization of this manner would eliminate our interference concerns. With millions of Americans relying on free over-the-air broadcasting – and the public service that broadcasters provide – neither Congress nor the FCC should rush to judgment or act in a manner that would run the risk of undermining the delivery of that information.

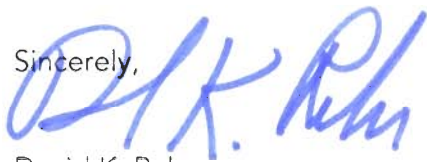
Additionally, any significant interference is an unacceptable outcome from a public safety perspective – as the backbone of the public warning it is imperative that Emergency Alert System (EAS) warnings and live news coverage are ensured robust reception. Moreover, the billions of dollars that consumers and broadcasters will invest to transition to digital television necessitate careful consideration. We have only one opportunity to get it right, and it is the obligation of the government and industry to ensure that happens for American viewers. We should not corrupt one of our nation’s most valuable assets – the broadcast spectrum – without a guarantee that consumers and their investment in the transition will be protected.

Despite the OET conclusions to date, many of your members, who have been unable to build devices that do not cause interference, are asking that the FCC conclude its proceedings in the coming months. In essence, they are asking Congress and the FCC to put the cart before the horse by adopting technical specifications for unlicensed devices before any such devices have been built and tested to ensure that they do not interfere with television reception, wireless microphones or other wireless devices. In our view, the FCC should not allow new devices into the television band without being

100 percent sure that such devices will **not** cause interference to the current users of the band, thereby disenfranchising those who watch over-the-air television broadcasts; attend churches that utilize wireless microphones; or have an interest in live sporting events. Permitting devices into the band before demonstrating that they will not cause interference will make it impossible to take corrective action if interference in fact occurs. By that time the devices will have been sold across the country, and since they would be unlicensed, there is no way to track down any interfering devices to fix the problem.

Thank you for giving me this opportunity to clarify NAB's position on this important issue. Should you have any questions, please feel free to contact me.

Sincerely,



David K. Rehr

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