

Congress of the United States
Washington, DC 20510

April 26, 2013

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

We are writing in regard to the Federal Communications Commission's forthcoming spectrum license auction and its potential impact on television viewers in New Mexico.

As you know, the Middle Class Tax Relief and Job Creation Act of 2012 directs the Federal Communications Commission to conduct incentive auctions to allow incumbent licensees to relinquish spectrum assignments for commercial use. This auction will permit interested television licensees to voluntarily free up more spectrum for wireless broadband services. If successful, the incentive auction will promote innovation and investment in mobile broadband, provide support for a nationwide public safety network, and return money to the U.S. Treasury.

In this rulemaking process, however, it is important that the Commission protect the public's ability to receive free, over-the-air television from stations that remain after such auctions, whether that signal is provided by a full power broadcast or a translator. It is estimated that nearly 54 million Americans, including almost 600,000 New Mexicans, rely exclusively on over-the-air TV. In New Mexico in particular, viewers rely on the more than 200 translators located throughout the state to receive broadcast television. This is especially the case in rural areas and on Tribal lands.

Some of those who rely on broadcast television cannot afford cable or satellite television services. Others may not have access to high speed Internet services at home. This makes broadcast television all the more useful to many New Mexicans, especially during inclement weather events, wildfires, and other emergencies. Thus, we do not underestimate the enduring value of free broadcast television, one of our first "wireless" technologies, even as new mobile broadband services become more and more essential.

We respectfully ask that the Commission give careful consideration, within its rules and regulations, to maintaining the viability of broadcast television in rural areas, especially those served by translators, as it proceeds with this incentive auction rulemaking.

Sincerely,



Tom Udall
United States Senator



Ben Ray Luján
United States Representative



Martin Heinrich
United States Senator



Stevan Pearce
United States Representative



Michelle Lujan Grisham
United States Representative