

JOHN D. DINGELL  
12TH DISTRICT, MICHIGAN  
COMMITTEE ON  
ENERGY AND COMMERCE  
CO-CHAIR  
HOUSE GREAT LAKES  
TASK FORCE  
MEMBER  
MIGRATORY BIRD  
CONSERVATION COMMISSION

Congress of the United States  
House of Representatives  
Washington, DC 20515-2215  
June 4, 2013

WASHINGTON OFFICE:  
ROOM 2328  
RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2215  
(202) 225-4071  
DISTRICT OFFICES:  
19855 WEST OUTER DRIVE  
SUITE 103-E  
DEARBORN, MI 48124  
(313) 278-2936  
301 WEST MICHIGAN AVENUE  
SUITE 400  
YPSILANTI, MI 48197  
(734) 481-1100

The Honorable Mignon Clyburn  
Acting Chairwoman  
U.S. Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Acting Chairwoman Clyburn:

Congratulations on your appointment as interim chair of the Federal Communications Commission. I wish you every success and look forward to working with you in order to move the Commission's work forward in a productive manner consistent with its statutory obligations.

As I am sure you are aware, the Commission's implementation of the Middle Class Tax Relief and Job Creation Act of 2012 ("the Act") is of particular interest to me. I believe it is in the country's best interest that the Commission successfully design and execute reverse and forward auctions of broadcast frequencies in order to facilitate the timely buildout of FirstNet, the newly-created nationwide interoperable public safety broadband network, and expand access to mobile broadband. At the same time, I believe the Commission should adhere to congressional intent and its mandate under law when doing so. I am concerned that the Commission may be acting or planning to act beyond such mandate in implementing the Act. Accordingly, I respectfully request your responses to the following questions:

1. Section 6403(b)(1) of the Act specifies that the Commission may, subject to international coordination along the border with Mexico and Canada, reassign and reallocate broadcast frequencies. At the December 1, 2011, Energy and Commerce Subcommittee on Communications and Technology markup of the Act, I asked counsel if section 6403(b)(1) requires the Commission to complete coordination with Mexico and Canada before reassigning and reallocating broadcast frequencies, to which counsel replied in the affirmative. Further, the Commission indicated in its April 22, 2013, response to a March 28, 2013, Michigan Congressional Delegation letter of inquiry that with respect to the "Commission's existing duty to coordinate with Canada and Mexico, [it] will comply with the [Act's] requirements." Does the Commission believe it must complete international coordination with Mexico and Canada prior to reallocating and reassigning broadcast frequencies? If not, which provisions in the Act grant the Commission discretion in this regard? Please explain your responses.
2. In its aforementioned April 22, 2013, response, the Commission indicates that "one of the first areas where the United States will reach initial understanding with its Canadian and

Mexican counterparts will concern the methodologies to be used for interference scenarios for television and future wireless services.” To that end, the Commission issued a Notice for Comment on February 4, 2013, to revise its Office of Engineering and Technology Bulletin No. 69 (OET-69), a model used to predict broadcast interference. Does the Commission believe the Act grants it authority to revise OET-69? If so, please indicate the specific provisions in the Act from which the Commission draws such authority and explain the Commission’s reasoning.

3. I understand that the Commission is considering a methodology for “scoring” bids by reverse auction participants based on factors “in addition to bid amount, such as population coverage or geographic contour, or other relevant measurable factors” (*see*: FCC 12-118, pp. 145-56). Does the Commission believe sections 6402 and 6403 of the Act permit it to conduct a weighted reverse auction? Does the Commission believe any other provision of the Act grants it authority to conduct a weighted reverse auction? Finally, what effect does the Commission estimate a weighted reverse auction would have on the number of participants and amount of spectrum recovered compared to an unweighted auction? Please explain your response.

I believe the Commission’s implementation of the Act should be subject to ongoing and rigorous scrutiny in order for the Act to achieve the purpose Congress intends. To that end, please submit your responses to this inquiry **no later than the close of business on Friday, June 28, 2013**. Thank you for your kind attention to this matter. Should you have any questions, please feel free to be in touch with me or have your staff contact Andrew Woelfling in my office at 202-225-4071.

With every good wish,

Sincerely,



John D. Dingell  
Member of Congress