



June 20, 2007

The Honorable John Dingell
United States House of Representatives
2328 Rayburn House Office Building
Washington, DC 20515

Dear Representative Dingell:

Over the next two years, American consumers will be asked to spend billions of dollars on new digital television sets as part of the digital television (DTV) transition that will occur on February 17, 2009. Unfortunately, the White Spaces Coalition¹ is asking Members of Congress and the Federal Communications Commission (FCC) to pursue a policy that could jeopardize the success of the impending DTV transition. **Because of significant interference concerns with consumer's new digital television sets, on behalf of the television station membership of our joint organizations, we are writing to ask that you oppose opening the broadcast spectrum to portable unlicensed devices, such as wireless laptops, PDAs and remote-controlled devices.**

The DTV transition is an unprecedented nationwide migration from analog to digital television signals that will occur in only 20 months. This transition will not only allow local broadcasters to broaden their programming offerings but will also offer viewers crystal clear television images.

In order to receive a digital signal, television sets that are not connected to cable or satellite, or do not have a built-in digital tuner, will need a digital-to-analog converter box to continue receiving broadcast television signals after the transition occurs. Ensuring that television households remain connected is no small task. There are 21 million homes – nearly one in five of all television-equipped households – that rely on free, over-the-air broadcasts. Of those households, nearly half have annual incomes of less than \$30,000, and two-thirds are headed by an individual over age 50 or a native Spanish speaker. To ensure that these groups, and others, are not disenfranchised as part of the DTV transition, it is imperative that the transition runs smoothly.

Opening up the digital broadcast spectrum to portable unlicensed devices as the White Spaces Coalition is proposing, however, would turn the DTV transition on its head. The Coalition wants to allow millions of transmitting devices to operate on television frequencies, without a license. On March 30, 2007, the FCC's Office of Engineering and

¹ The White Spaces Coalition includes: Microsoft, Dell, HP, Intel, Philips, Earthlink and Google.

Technology released a study showing that the reception interference from these unlicensed devices to digital television sets will be substantial.²

When analyzed, the FCC data indicates that digital television sets will be susceptible to interference from these devices in 80 to 87% of a typical television station's service area.³ Unfortunately, unlike an analog signal where interference will cause a gradual degradation of the picture, interference to a digital signal renders the television unwatchable. And the interference from unlicensed devices will not only affect television sets, but will also interfere with the digital-to-analog converter boxes that are necessary for the DTV transition to succeed.

Should the FCC allow the use of unlicensed devices, consumers will have nowhere to go for help with interference to their set or converter box. As an "unlicensed device," the FCC will have no record as to when or where such devices are operating. Should interference occur, there is no way of determining if the interference is coming from a next door neighbor, a passing car or even within one's own home. Moreover, once the unlicensed devices are in the market, there is no way to extract them. The FCC lacks the means, and most likely the authority, to find and shut down interfering devices. In fact, in its rulemaking the FCC prohibited use of unlicensed devices in the public safety spectrum.⁴

Over the next few years, consumers will spend billions of dollars on new digital television sets. Congress has appropriated \$1.5 billion to the National Telecommunications and Information Administration (NTIA), which is now in the midst of implementing the program to distribute \$40 coupons that can be used to alleviate the cost of converter boxes. Additionally, the broadcast industry has spent upwards of \$5 billion upgrading their facilities from analog to digital, which does not include the millions of dollars that are being spent to educate consumers about the transition. With these extraordinary public and private resources invested in the DTV transition over the past two decades, it would be a monumental mistake to allow portable unlicensed devices into the broadcast spectrum before the transition was allowed to flourish and succeed.⁵

Given these significant interference concerns, **we urge you to protect the integrity of the DTV transition.** We have only one opportunity to get it right, and it is the obligation of government and industry to ensure that happens for the American viewers. We should

² *Interference Rejection Thresholds of Consumer Digital Television Receivers Available in 2005 and 2006*, Office of Engineering and Technology, Federal Communications Commission, March 30, 2007.

³ *Reply Comments of MSTV and NAB to the OET Measurement Report on DTV Receiver Interference Capabilities*, ET Docket No. 04-186, May 15, 2007, at 5 and Appendix 1 (based on data from *OET Report* at table A-9).

⁴ *In the Matter of Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, October 12, 2006, ¶21.

⁵ NAB and MSTV are not opposed to fixed rural broadband services being offered within the broadcast spectrum after the DTV transition. With proper spectrum planning, these services can be offered without interfering with digital television sets. We are, however, opposed to portable unlicensed devices operating in the broadcast spectrum at anytime. Importantly, the deployment of portable unlicensed devices in major markets is not necessary to facilitate the deployment of rural broadband systems.

not corrupt one of our nation's most valuable assets – broadcast spectrum – without a guarantee that consumers and their investment in the transition will be protected.



David K. Rehr
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