

June 21, 2006

The Honorable Ted Stevens
Chairman

The Honorable Daniel Inouye
Co-Chairman
Senate Committee on Commerce, Science, and Transportation
522 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Stevens and Co-Chairman Inouye:

As the Committee begins consideration of S.2686, the Communications, Consumers' Choice, and Broadband Deployment Act of 2006, I am writing to share information relevant to your discussion on "white spaces" – unlicensed device operation in the television spectrum.

The NAB continues to support an approach that conforms to the 2009 digital transition date or the culmination of the IEEE 802.22 standard setting process. While the Senate legislation rightly seeks to mitigate interference through an FCC certification process, there remain many uncertainties with unlicensed device operation that could have very negative effects on consumers.

Currently, unlicensed devices in the FM radio band are interfering with the reception of FM signals. Radio listener complaints have been on the rise due to the proliferation of unlicensed devices operating under Part 15 FCC rules. As a result, NAB recently conducted an engineering study of Part 15 FM modulator devices, which transmit the audio from MP3 players, satellite receivers, and iPods to FM radios. A study of 17 such wireless transmission devices on the market found that 13 were operating beyond their permissible FCC limits – rules that specify certification requirements, permissible power levels and bandwidth. These findings are being shared with the FCC.

This study shows an existing problem with unlicensed devices in the radio spectrum and may foretell the state of things to come if we proceed too quickly on white space proposals. We appreciate the committee's work to build in safeguards and will continue to work with you toward that goal. Results from the study are attached, and a full copy of the report is available on the NAB website at: www.nab.org.

Sincerely

David K. Rehr

Cc: Senate Commerce Committee Members