



July 27, 2007

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *In the Matter of Unlicensed Operation in the TV Broadcast Bands,*
ET Docket No. 04-186

Dear Mr. Chairman:

Thank you for your continued leadership as the Commission examines the complex issue of whether unlicensed services can operate within the television broadcast bands without causing harmful interference to consumers' reception of digital television (DTV).

As an initial matter, allow us to restate that broadcasters do not oppose appropriate use of vacant spaces in the television broadcast bands. The National Association of Broadcasters (NAB) and the Association for Maximum Service Television (MSTV) have consistently expressed support for the Commission's goal of providing broadband services to rural areas. Yet the White Space Coalition, in its recent letter (July 11, 2007), has once again attempted to confuse this issue by advocating for personal/portable devices under the guise of providing broadband to rural America.

What the White Space Coalition fails to admit is that it is through *fixed* broadband access that the Commission can further that goal; personal/portable devices, such as "multi-media" in-home distribution systems and wireless game controllers, will not deliver broadband access to rural families. With proper spectrum planning and given the appropriate regulatory regime, we believe these fixed services can be offered without interfering with DTV sets and can meet the real goal of providing broadband services to rural America.

It is also very telling that in its recent letter to the Commission, the White Space Coalition made no mention of the DTV transition or the serious investment that has been made and will continue to be made by consumers, broadcasters, equipment manufacturers and the federal government in order to make this transition successful. On May 15, 2007, NAB and MSTV filed comments on the recent DTV receiver interference report from the Office of Engineering Technology (OET). We expressed concerns about unacceptable levels of interference amongst a wide variance of DTV receivers. We were alarmed because the measurement data contained in the report indicates that DTV sets will be susceptible to interference from personal and portable unlicensed devices in 80 to 87% of a typical television station's service area.

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The Commission is currently testing four prototype personal/portable unlicensed devices submitted by Microsoft Corporation and Philips Electronics. Given the closed nature of the current study, we look forward to its release to ensure that the devices in question were subject to rigorous "real world" testing. However, because this study is looking at today's broadcast service, it cannot take into account future services under development, such as mobile DTV and other exciting and emerging broadcast applications that could be adversely affected by unlicensed devices deployment.

Personal/portable devices present serious interference concerns to digital television services and the licensed microphones relied upon by news departments, major sports leagues and other providers of entertainment programming. Once these devices are released into the hands of consumers, it will be impossible to recall them or prevent their harmful effects. While the White Space Coalition ignores the scientific data filed in this proceeding, the Commission must not do the same.

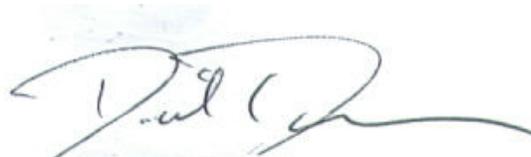
Any significant interference is an unacceptable outcome from a public safety perspective – as the backbone of the public warning it is imperative that Emergency Alert System warnings and live news coverage are ensured robust reception. Moreover, the billions of dollars consumers and broadcasters will invest to transition to DTV necessitate careful consideration. We have only one opportunity to get it right, and it is the obligation of government and industry to ensure a successful transition happens for the American viewers.

Please feel free to call us at any time to discuss this or any other issue of concern to local, free over-the-air broadcasters.

Sincerely,



David K. Rehr
President and CEO
National Association of Broadcasters



David Donovan
President
Association for Maximum Service Television

cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell