



September 10, 2007

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

RE: *Ex Parte Filing*
Unlicensed Operation in the TV Broadcast Band, OET Docket No. 04-186

Additional Spectrum for Unlicensed Devices, OET Docket No. 02-380

Dear Mr. Chairman:

As you know, the White Spaces Coalition¹ is advocating that the Federal Communications Commission (FCC) allow personal and portable unlicensed devices on television frequencies. The National Association of Broadcasters (NAB) and the Association for Maximum Service Television, Inc. (MSTV) are very concerned that allowing these devices in the television band will jeopardize the success of the impending digital television (DTV) transition, and cause permanent damage to the over-the-air digital broadcast system.

At the outset, however, we would like to emphasize a key point -- NAB and MSTV embrace the national goal of ubiquitous rural broadband deployment. We also believe that there are ways to utilize spectrum through fixed systems that can offer the advantages of broadband to rural consumers without threatening viewers who rely on over-the-air television. As we have noted throughout this proceeding, rules can be enacted to ensure that fixed systems do not cause harmful interference to all existing spectrum users.² However, sensing technology alone is not an adequate technique for avoiding harmful interference to television reception. The key is to know the location of the transmitting device, which can only be achieved effectively with satellite based geolocation systems.

As the Commission is aware, the spectrum sensing devices submitted to the FCC's Office of Engineering and Technology (OET) failed to adequately detect broadcast signals and can cause interference. According to studies submitted by the NAB and MSTV to the FCC, even if the devices operated "as advertised," the proposed sensing thresholds were

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

² Indeed, IEEE 802.22 has nearly completed standards for such a fixed system that can be used to promote rural broadband services.

inadequate to avoid interference to digital television reception. Moreover, even if the proposed sensing had worked, the FCC's data released last spring revealed that operating these devices on an adjacent channel could cause interference to digital television sets located in 80-87% of a TV station's service area.


Mr. Chairman, in order to achieve our national goals, broadcasters are committed to helping the FCC develop the necessary database to facilitate the deployment of fixed broadband systems in rural areas. We are prepared to work aggressively on the rural broadband issue towards a goal of ubiquitous broadband deployment in all 50 states and in tribal and other territories. We are also prepared to continue to work with the Commission on interference zone issues to make sure the science ensures consumers are protected from potentially permanent interference.

There can be no doubt that this is a momentous consumer issue. Over the next two years, consumers will spend billions of dollars on new digital television sets. This investment should not be jeopardized by the introduction of unlicensed personal and portable devices that are sure to interfere with television reception. We hope you will agree that our country should enact policies that facilitate the deployment of rural broadband without permanently endangering reception on millions of new digital television sets and government subsidized digital to analog converter boxes. Thank you for your leadership, Mr. Chairman.

Sincerely,



David K. Rehr
President & CEO
National Association of Broadcasters



David Donovan
President
Association for Maximum Service Television