

United States Senate

WASHINGTON, DC 20510

November 15, 2011

The Honorable Hillary Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Madam Secretary:

I write to call your attention to an international negotiation issue with Canada that is of serious concern for many New York Broadcasters. As you may be aware, Congress is currently considering several different proposals concerning the treatment of unused broadcast spectrum. For example, I have joined Senators Rockefeller, Gillibrand, and others in calling for the allocation of the D-block of spectrum to public safety in order to create a national, interoperable public safety network; as you are undoubtedly aware, the creation of such a network is one of the remaining recommendations of the 9/11 Commission that we have yet to implement. Our proposal calls for the funding of this network through voluntary auctions of spectrum currently used for broadcast television. Other proposals call for similar, voluntary auctions without the public safety component. However auctions are ultimately realized, it may be necessary for the Federal Communications Commission (FCC) to “repack” or assign television stations to new channel numbers. This is a process similar to that used for the transition to digital television in 2009.

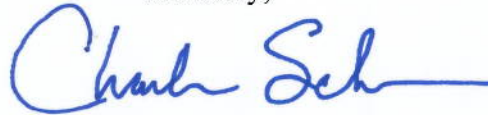
Unfortunately, many of the channels that could be used to reassign television stations in New York are subject to an existing international agreement with Canada. U.S. television stations licensed to communities within 250 miles (450 Km) of the border must protect Canadian stations from interference. This arrangement limits the ability of the United States to reassign or “repack” television stations following a voluntary incentive auction, and has particularly profound effect in New York. For example, the FCC’s current goal of reclaiming 20 TV channels (120 MHz of spectrum) could affect TV stations in New York City, Albany, Elmira, Buffalo, Rochester, Syracuse, Watertown and Plattsburgh.

To help ensure New York’s citizens continue to maintain access to free, over-the-air television, I would ask that you swiftly explore a new arrangement with the government of Canada. Specifically, we need to determine whether additional TV channels in the UHF band can be made available for use by television stations licensed to communities in the United States, particularly those states along our northern border. Importantly, we need to determine whether channels will be available for broadcasters *before* the FCC auctions the spectrum for alternate broadband uses and attempts to reassign television stations to new channels, because, once lost, the spectrum cannot be reclaimed.

Such an exploration is also necessary because when the spectrum now used for television is reallocated for other broadband related purposes, there will be inconsistent uses along the Canadian border. We must ensure that Canadian TV operations do not interfere with new broadband assignments in the United States, and that these new uses do not interfere with Canadian operations. One potentially fruitful forum for engaging in this conversation and reaching an expeditious agreement would be the current talks involving shared border management between yourself and Canadian Foreign Minister John Baird. These talks are slated to lead to imminent announcements of new areas of cross-border cooperation and, thus, there is no better time to try to reach an agreement on cross-border management of broadcast spectrum.

As you know, providing our public safety officials with the most advanced communications equipment is vitally important for our national security and the welfare of our citizens. A national public safety network must be achieved, however, with the least disruption possible to those broadcasters who choose not to participate in the FCC's voluntary incentive auctions of spectrum. Revising our agreement with the Canadian government prior to any auction will help to resolve this difficult issue. I respectfully request that the State Department give this matter the utmost attention.

Sincerely,



Charles Schumer
United States Senate

cc: Philip L. Verveer, Deputy Assistant Secretary of State and U.S. Coordinator for International Communications and Information Policy; Julius Genachowski, Chairman Federal Communication Commission