

Congress of the United States

Washington, DC 20515

December 11, 2012

The Honorable Julius Genachowski
Chairman
The Federal Communications Commission
445 12th Street SW
Washington DC 20554

Dear Mr. Chairman:

We are writing to you with respect to the television broadcast incentive auction that Congress authorized as part of the Middle Class Tax Relief and Job Creation Act of 2012. We are particularly interested in the potential impact incentive auctions will have on television viewers in California.

As you know, Congress adopted this legislation to permit those television licensees that choose to exit the broadcast business to do so voluntarily, thereby freeing up frequencies that can then be reallocated for wireless broadband services. While increasing the amount of spectrum allocated to wireless broadband fulfills an important national goal, it is equally important that the Federal Communications Commission (“Commission”) protect the public’s ability to receive free television from stations that remain on-the-air after the auction. Maintaining existing viewer access to free broadcast television should be a top goal for the Commission as it moves through this rulemaking process.

Recent statistics demonstrate that the number of Americans who rely exclusively on free over-the-air service has grown to nearly 54 million, and trends suggest that the number of over-the-air households will continue to grow. In California, our diverse populations have an even stronger reliance on over-the-air television. It is absolutely critical that these viewers—many of whom rely on foreign language broadcast programming—are not disenfranchised as a result of the upcoming auction.

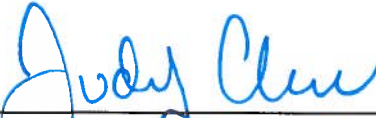
In enacting the legislation, Congress incorporated important safeguard provisions that ensure continued viewer access to free television. We note, however, that the Commission’s recently released Notice of Proposed Rulemaking (“NPRM”), while comprehensive in some areas, lacks important detail that could impact viewers of over-the-air broadcasting. First, the NPRM provides little specificity on how the Commission plans to coordinate with the Mexican and Canadian governments when repacking television stations along our countries’ borders. This is of particular concern because of the potential for harm to our constituents along California’s southern border with Mexico. Second, the NPRM lacks specific detail on potential consumer disruptions that could result from this auction. Important questions—such as will viewers lose access to programming when stations move to a new channel; how long will viewers lose access to their stations; how can that loss be minimized; and how will that loss of service be communicated to viewers—are not asked in the NPRM. Finally, the NPRM leaves open

the possibility that spectrum could be reallocated from low-power television stations and translator services even in areas where there may not be a need to free more spectrum for broadband. What is the Commission's plan as it relates to the over 400 low-power stations and translators in California? Whatever final bandplan the Commission adopts, it is imperative that the process be fully transparent, disclosing detailed plans to the public at the earliest possible opportunity.


We agree that freeing up spectrum for wireless broadband services is important. However, achieving that goal should not come at the expense of California's television viewing public. Congress's directive to the FCC is clear: Americans deserve both the best broadband service in the world and a strong, vibrant free television system. In whatever way the Commission decides to move forward, we encourage you to keep those twin goals in mind. Additionally, to help us more fully understand the Commission's notice, we ask the Commission to provide us with a briefing on the potential impact of the upcoming incentive auction. Please contact Moh Sharma (202-225-5464 or moh.sharma@mail.house.gov) in Congresswoman Judy Chu's office to coordinate this briefing.

We thank you for your attention to this request, and look forward to hearing from you.

Sincerely,



JUDY CHU
Member of Congress



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Member of Congress




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Member of Congress



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