

**Congress of the United States**  
**Washington, DC 20515**

December 21, 2012

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

Dear Mr. Chairman:

I am writing to you with respect to the broadcast incentive auction that Congress authorized as part of the Middle Class Tax Relief and Job Creation Act of 2012. In particular, I am concerned about the Notice of Proposed Rulemaking you just announced that will establish procedures to repack broadcast television bands of frequencies and effectively relocate existing TV channels in Washington State to different channels. As you develop the rules for this process, we want to ensure that residents of Washington State will continue to receive their free local over the air broadcast television signals.

Channel assignments of television stations in markets across the northern border of the United States must be carefully coordinated with Canadian stations to ensure that the public can view these signals without interference. The United States and Canada are bound by treaty obligations to coordinate with each other with respect to channel assignments to protect the television viewing public in each country. This means that when TV channels in Washington State are moved to clear a spectrum band for auction to cell phone companies, there will be fewer places to relocate them because the Canadians have rights to a number of the border channels.

There are 37 full power TV stations in Washington State. As many as 14 of these could have no place to be relocated when repacking occurs, meaning that they could be forced to cut power and lose viewers. Of the 17 full power stations in the Seattle/Tacoma market, as many as 10 could have no place to go. In Spokane, of the ten stations in that market, four of them could be forced to move and cut their power and their viewership. This could be harmful for the stations and the people who invest in them, but devastating to the hundreds of thousands of people that rely on free, over the air television.

We cannot ignore our treaty obligations; however, it would be patently unfair to force residents of Washington State – including our constituents – to lose access to the local broadcast television signals they currently receive for free.

In order to protect our constituents, it is incumbent upon the Federal Communications Commission to keep the public informed of its plans and activities as openly and transparently as possible. We therefore request that the commission commit itself to a transparent process, promptly disclosing, on an on-going basis, all the information it has available with respect to any new bandplan it may adopt. Stakeholders need the opportunity to review and comment on this bandplan before it is finalized. Further, we also request that the commission promptly disclose, also on an on-going basis, the nature of contacts it or its staff may have with Canadian authorities in regards to repacking the broadcast television band in northern border markets, including the disclosure of a summary of the matters discussed. Lastly, we ask that you work closely with the Washington State Broadcasters Association and the National Association of Broadcasters as this process unfolds.


Freeing up frequencies for wireless broadband services is an important policy objective, which we supported. But that objective cannot – and should not – be achieved by depriving residents of

television markets along the northern U.S. border of access to the television signals that they have enjoyed for years for free. Depriving these citizens of access to local television programming would do them an enormous disservice and undermine the trust that Congress placed in the commission when it passed the statute earlier this year.

Thank you for your attention to this matter. We look forward to hearing from you before the Commission votes on this NPRM.

Sincerely,

  
JIM McDERMOTT  
Member of Congress

  
ADAM SMITH  
Member of Congress

  
NORM DICKS  
Member of Congress