

MARK E. SOUDER
3RD DISTRICT, INDIANA

HOMELAND SECURITY COMMITTEE
SUBCOMMITTEE ON BORDER, MARITIME,
AND GLOBAL COUNTERTERRORISM
REPUBLICAN LEADER

OVERSIGHT AND GOVERNMENT
REFORM COMMITTEE

EDUCATION AND LABOR
COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515

September 25, 2007

WASHINGTON OFFICE:
2231 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4436

DISTRICT OFFICES:
1300 SOUTH HARRISON STREET, ROOM 3105
FORT WAYNE, IN 46526
(260) 424-3041
(800) 959-3041
FAX: (260) 424-4042

320 NORTH CHICAGO AVENUE, SUITE 9B
GOSHEN, IN 46528
(574) 533-5802

700 PARK AVENUE, SUITE D
WINONA LAKE, IN 46590
(574) 269-1940

874 NORTH LIMA ROAD, SUITE B
KENDALLVILLE, IN 46755
(260) 599-0554

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Dear Chairman Martin:

We are writing to express our deep concern about a proposal to place unlicensed, personal and portable devices on television channels. (OET Docket No. 04-186; 02-380.) The use of these devices now or in the future poses an unacceptable risk of harmful interference that would permanently undermine over-the-air television in the United States. Interference from personal and portable devices would also be particularly devastating to the millions of Americans who have recently purchased digital television sets or who will receive government subsidized digital-to-analog converter boxes to ready for the digital television transition. These consumers – already battling confusion over the digital television transition – will be left wondering why the switch left them unable to receive either an analog or a digital signal.

An analysis of the Federal Communication Commission's (FCC) own data shows that digital television sets could receive interference from these unlicensed devices in 80 to 87% of a television station's coverage area. Moreover, the FCC's most recent report, released July 31, 2007, found that a prototype device that supposedly avoided interference by "sensing" the presence of TV signals simply did not work and can cause interference. As you know, even a small amount of interference freezes a digital picture, making it unwatchable.

With millions of unlicensed devices potentially entering the market, interference may come from the apartment next door or from your neighbor down the street, but consumers will never know why their television sets do not work properly. Unlicensed device interference is impossible to police, and once the devices have flooded the market, they will be impossible to retrieve.

We fully support efforts to deliver the promise of broadband to rural America. We believe there are ways to utilize "unused" spectrum through fixed systems that can offer the advantages of broadband to rural consumers without threatening viewers who rely on over-the-air television.

Nearly 21 million homes – one in five of all television-equipped households – rely exclusively on free, over-the-air television broadcasts. A smooth digital transition is of the utmost importance to Congress, to the FCC and to the American people. Please do not jeopardize the success of that transition by permanently undermining digital television.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Souder". The signature is fluid and cursive, with the first name "Mark" and last name "Souder" clearly distinguishable.

Mark Souder
Member of Congress