

United States Senate

WASHINGTON, DC 20510-1804

October 9, 2007

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

Dear Chairman Martin:

On behalf of the television viewers in my state, I am writing to express my concern regarding a proposal pending before the FCC in OET Docket No. 04-186; 02-380. This proposal would place personal and portable unlicensed transmitting devices in the so-called "TV White Spaces." Placing these devices in the television band is believed to cause unacceptable interference to television reception for all Americans and impair coverage of news and sporting events by interfering with wireless microphones.

Proponents of unlicensed transmitting devices want to operate on "vacant" channels that are immediately adjacent to the channels being viewed by consumers. However, an analysis conducted by the FCC's Office of Engineering and Technology on digital TV performance reveals that digital television sets may suffer interference from unlicensed devices operating on these channels.

Interference-free, over-the-air television is extremely important to the successful completion of the digital transition, for which Congress has mandated a deadline of February 17, 2009. Nearly 21 million homes – nearly one in five of all television-equipped households – still rely exclusively on free, over-the-air television broadcasts. Each of these homes will require either a new television set or converter box to continue receiving over-the-air programming past the transition deadline, and all of this equipment is susceptible to interference from unlicensed devices operating in the band.

This interference is impossible to police. Consumers will not know the cause or source of the interference disrupting the programming they are watching. Users of unlicensed devices will not realize they are causing interference to their neighbors. With potentially millions of devices placed in the hands of consumers, pinpointing the offending device will be next to impossible.

Unlicensed device proponents also seek to use the frequencies in this band that are now being used by professional wireless microphones. Wireless microphones are critical for live news coverage, live music programming and sporting events. In fact, the major sports leagues – including the NFL, NBA, MLB, NHL, NASCAR, the PGA Tour

and the NCAA, many of which are represented by teams and events in my state – have filed their opposition to placing these devices in the TV band.

I am familiar with research that contradicts the FCC OET report, and also understand that some proponents assert that these devices are necessary to promote rural broadband. Representing a largely rural state, I agree that expanding such service is an important public policy objective. Nonetheless, the objective of expanded broadband must be achieved through careful spectrum planning – not by interfering with consumers' digital television viewing.

The transition to digital television is one of the most significant consumer technology shifts in a generation, and the FCC must make the transition's success a top priority. I agree that we must encourage innovative uses of wireless spectrum and new technology to better serve consumers and promote fresh competition. But this advancement cannot come at the expense of a seamless digital transition and consumers' uninterrupted digital television service.

Now is not the time to experiment with placing potentially interfering devices on frequencies for which engineering tests remain wildly inconsistent and inconclusive. I urge you against permitting these devices in the television band unless they can be conclusively determined not to cause unwanted digital television interference. To achieve this, I encourage you to work closely with industry leaders on both sides to resolve the remaining technical issues.

I am confident that through such dialog, a consensus solution or reasonable alternative can be found to meet the twin objectives of a smooth digital television transition and enhanced broadband for all Americans. Consumers will ultimately most benefit when common ground is the foundation for new innovation.

With warmest regards, I remain

Sincerely,



Mary L. Landrieu
United States Senator

CC: The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell
Mr. Julius Knapp, Chief, Office of Engineering and Technology
Ms. Monica Dasai, Chief, Media Bureau